

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM**  
 CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez <small>(resident engineer)</small>	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 13-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: \_\_\_\_\_ DATE \_\_\_\_\_

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

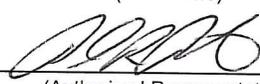
See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

*The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.*

  
 \_\_\_\_\_  
 SUBCONTRACTOR or CONTRACTOR  
 (Circle One)  
  
 \_\_\_\_\_  
 (Authorized Representative)

**For a subcontractor potential claim**

This notice of potential claim is acknowledged, certified and forwarded by

\_\_\_\_\_  
 PRIME CONTRACTOR

\_\_\_\_\_  
 (Authorized Representative)

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**NOPC 13-011408 -- Supplemental Notice of Potential Claim**

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**A. Nature and Circumstances of Dispute**

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to repair cracked concrete in the Pier E2 footing. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

Cracks in the Pier E2 footing fender walls and bottom slab were repaired pursuant to State Letter 3326 and KFM Letter 339. Contract Change Order No. 68 ("CCO 68") has been identified for this work. KFM performed this work in the field as directed or as subsequently accepted by the State. KFM has furnished a price proposal to the State for this work. A contract change order for this work has not been issued or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

**B. Contract Basis of Claim**

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letter 3326 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the work directed by the Engineer pending issue of a Contract Change Order. Additional work was performed as disputed work per KFM Letter 339. All Pier E2 footing crack repair work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Following completion of the crack repair work, Contract Work on the project continued towards completion and Contract Acceptance without this change order being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 68 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has furnished to the State a cost proposal in the amount of \$249,136.00 for this work. KFM's proposal takes into account concerns raised by the State in their letter #3713 regarding potential sources of cracking due to KFM's construction staging and methods.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

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