



P.O. BOX 23223 Oakland, CA 94623  
 Phone (510) 419-0120 / Fax (510) 832-1456

**LETTER OF TRANSMITTAL**  
**SAS Foundations E2/T1 Project**

Run Date 17-Jan-08  
 Time 11:02 AM

Dated: 1/17/08

TRANSMITTAL No: KFM-TRN-000684

Rev: 00

To: **Pedro Sanchez**  
 Caltrans - SAS E2/T1 Foundation Project  
 333 Burma Road  
 Oakland CA 94607  
 Phone: 510-286-0538 Fax:

Co/Job # 364-4347  
 Contract # 04-0120E4  
 Sub/Supplier:  
 Sub/Supplier No:

Subject: Notice of Potential Claim 16-011708

Special Provis. (SP) REF:  
 Standard Spec. (SS) REF:  
 RESUBMITTAL/SUPPLEMENTAL REF:

We are sending the following attached items:  Attached

Via Fax

- |                                                    |                                                    |                                                 |
|----------------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Contract Plans/Specs      | <input type="checkbox"/> Certs of Compl./Samples   | <input type="checkbox"/> Working Drawings       |
| <input type="checkbox"/> Drawings/Calculations     | <input type="checkbox"/> Schedule                  | <input type="checkbox"/> WQCP and/or Addenda    |
| <input type="checkbox"/> Change Order              | <input type="checkbox"/> Progress Estimate Request | <input type="checkbox"/> Weekly Welding Reports |
| <input checked="" type="checkbox"/> Copy of Letter | <input type="checkbox"/> Payroll Information       | <input type="checkbox"/> CWR Procedure          |

Item	Date	Copies	Description	Pages
01	17-Jan-2008	1	NOPC 16-010708 Form CEM-6201A	

These are transmitted as checked below:

- |                                                  |                                             |                                                |
|--------------------------------------------------|---------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> For Approval            | <input type="checkbox"/> For Review/Comment | <input type="checkbox"/> Return For Correction |
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> As Requested       | <input type="checkbox"/> For Information       |

Remarks:

CC:

Submitted By: **George Atkinson** *Gha*  
 (KFM Staff Member - Originator of Transmittal)

Checked & Sent By: *R. Senning*  
 Contract Admin/DCS Staff

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

TO	CONTRACT NUMBER	DATE	IDENTIFICATION NUMBER
Pedro Sanchez (resident engineer)	04-0120E4	January 17, 2008	16-011708

This is an Initial 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: January 17, 2008

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

Please see attachment "NOPC 16-011708 - Nature and Circumstances of Potential Claim".

(attach additional sheets as needed)

*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.*

*Kiewit/PCI/Manson AJV*  
SUBCONTRACTOR or CONTRACTOR  
(Circle One)

*[Signature]*  
\_\_\_\_\_  
(Authorized Representative)

**For a subcontractor potential claim**

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

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

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

**Notice of Potential Claim 16-011708 – Nature and Circumstances of Potential Claim**

Kiewit/FCI/Manson AJV (KFM) proposed a nine day non-compensable break in work activity from December 24, 2007 through January 1, 2008 by its letter KFM-LET-350 dated December 6, 2007. The Department accepted this proposal by its letter SL-3735 dated December 14, 2007.

The Department has reflected the agreed nine-day break in Weekly Statement of Working Days (WSWD) 165 and 166 by indicating the break-days under “Time Adjustments – Other” and by noting them as non-compensable for Time Related Overhead (TRO). The indicated “Extended Date for Completion” remains March 31, 2008.

Weekly Statement of Working Days Reports 165 and 166 do not reflect a contract completion date or number of remaining working days consistent with the agreed nine-day break.

The use of the WSWD calculations as a means to reflect a non-compensable time extension under “Time Adjustments-Other” is inconsistent with the contract. Under Special Provision Section 4 – “Beginning of Work, Time of Completion, and Liquidated Damages” the Standard Specification provisions which relate to determination of working days and to WSWD procedures do not apply.

KFM has requested by its letter KFM-LET-359 that the Department issue a contract change order in accordance with Standard Specification 4-1.03 to adjust the time of completion consistent with the proposal made by KFM in KFM-LET-350 and accepted by the Department in SL-3735 and re-issue WSWD Reports 165 and 166.

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved Contract Change Order extending the contract time of performance gives rise to this NOPC at this time.