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LETTER OF TRANSMITTAL
SAS Foundations E2/T1 Project

Run Date 31-Jan-08
Time 10:45 AM

Dated: 1-31-08

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

TRANSMITTAL No: KFM-TRN-000701 Rev: 00
Co/Job # 364-4347
Contract # 04-0120E4
Sub/Supplier:
Sub/Supplier No:

Subject: NOPC 18-011708, 21-011808 Supplemental NOPC

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

We are sending the following attached items: Attached

- Contract Plans/Specs
- Drawings/Calculations
- Change Order
- Copy of Letter
- Certs of Compl./Samples
- Schedule
- Progress Estimate Request
- Payroll Information
- Via Fax
- Working Drawings
- WQCP and/or Addenda
- Weekly Welding Reports
- CWR Procedure

Item	Date	Copies	Description	Pages
01	31-Jan-2008	1	NOPC 18-011708 Form CEM-6201B	
02	31-Jan-2008	1	NOPC 21-011808 Form CEM-6201B	

These are transmitted as checked below:

- For Approval
- For Your Use
- For Review/Comment
- As Requested
- Return For Correction
- For Information

Remarks:

CC:

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

Checked & Sent By: *[Signature]*
Contract Admin/DCS Staff

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

TO Pedro Sanchez <small>(resident engineer)</small>	CONTRACT NUMBER 04-0120E4	DATE January 31, 2008	IDENTIFICATION NUMBER 18-011708
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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

January 17, 2008

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

See attached "NOPC 18-011708 -- 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 18-011708 -- 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 18-011708 -- 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 18-011708 -- 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.

Kiewit / PCI / Manson ASV
 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)

Kiewit/FCI/Manson AJV
Contract 04-0120E4

NOPC 18-011708 – Supplemental Notice of Potential Claim

Nature and Circumstances of Potential Claim

Kiewit/FCI/Manson AJV (“KFM”) performed work at the State’s direction in accordance with issued but un-approved Contract Change Order (“CCO”) No’s. 34 and 34, Supplement 1. These change orders were not approved as of January 17, 2008 the date of Initial NOPC 18-011708.

CCO 34 and CCO 34S1 were approved unilaterally by the State on January 14, 2008 and received by KFM on January 30, 2008.

With respect to CCO 34, KFM’s rebar subcontractor, Regional Steel Corporation (“RSC”), does not agree with the proposed 2,000 KG final pay quantity increase in Bid Item 23, “Bar Reinforcing Steel (Bridge). RSC’s analysis indicates Bid Item 23 increased by 7,426 KG and that Bid Item 24, “Bar Reinforcing Steel (Epoxy Coated) (Bridge), which was not adjusted by CCO 34, increased by 2,895 KG.

KFM requests compensation in accordance with Standard Specification 4-1.03, “Changes” and Standard Specification 9-1.015, “Final Pay Items” for all work performed as a result of the State’s direction associated with CCO 34.

That portion of this Notice of Potential Claim having to do with CCO 34S1 has been rescinded with KFM’s receipt, on January 30, 2008, of an approved contract change order for this work.

Contract Basis for Potential Claim

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

The work directed by the State was not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03 “Changes”. The State has indicated, by unilaterally issuing an approved contract change order, that the directed work is extra work. KFM and its subcontractor, RSC, performed the work as directed pending approval of a CCO. The work has been completed and accepted by the State.

Following completion of the directed work, Contract Work on the project continued towards completion and Contract Acceptance without this CCO being approved and 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 34 was not effective as of January 17, 2008, and could not be reasonably anticipated to be approved and effective by KFM’s anticipated completion date of January 18, 2008, KFM 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”.

Cost Estimate for Potential Claim

<u>Bid Item</u>	<u>Qty. Change</u>	<u>UOM</u>	<u>Unit Price \$/KG</u>	<u>Extension</u>
23	7,426	KG	1.60	\$11,881.60
24	2,895	KG	2.60	\$7,527.00
Total				\$19,408.60

Time Impact Analysis

No adjustment to contract time of performance is proposed by this NOPC.

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

TO Pedro Sanchez <small>(resident engineer)</small>	CONTRACT NUMBER 04-0120E4	DATE January 31, 2008	IDENTIFICATION NUMBER 21-011808
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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

January 18, 2008

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

See attached "NOPC 21-011808 -- 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 21-011808 -- 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 21-011808 -- 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 21-011808 -- 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.

Kiewit / PCI / Mansun A JV
 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)

NOPC 21-011808 – Supplemental Notice of Potential Claim

Nature and Circumstances of Potential Claim

Kiewit/FCI/Manson, AJV (“KFM”) and its subcontractor, NorCal Structural (“NorCal”), have performed extra work in accordance with the State’s direction to produce Coordination Drawings based upon the approved Integrated Shop Drawings (“ISD’s”) and to perform other ISD resolution work as described in NOPC 04-012207.

NorCal prepared a partial set of ISD-resolution related Coordination Drawings as directed by KFM and as agreed to by the State in their letter #1810, dated September 5, 2006.

Contract Change Order #52 (“CCO”) was drafted by the State and was provided informally to KFM on August 9, 2007 for review and comment. On January 23, 2008, KFM provided comments to the State with requested text revisions. KFM’s text revisions are currently under review by the State.

A CCO for this work has not been approved by the Engineer. KFM requests a change order for this work be issued immediately in accordance with Standard Specification 4-1.03, “Changes”.

Contract Basis for Potential Claim

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

KFM and the State have agreed the work described in draft CCO 52 is compensable in accordance with Specification 4-1.03D, “Extra Work”. KFM and its subcontractor, NorCal, performed the work without an approved Contract Change Order. The work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no CCO has been issued or approved by the Engineer.

Before completion of negotiation of terms and conditions of CCO 52, 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 52 was not effective as of January 18, 2008, and could not have been reasonably anticipated to be approved and effective by KFM’s anticipated completion date, KFM 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”.

Estimated Cost of Potential Claim

The agreed lump sum compensation for the draft scope of CCO 52 is \$77,000.00.

Time Impact Analysis

Time impacts associated with ISD-resolution related to work by KFM and NorCal are the subject of NOPC #19-011808. Time impacts will not be addressed under this NOPC #21-011808.