



Main Office

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Oakland Touchdown – Site Office  
450 Burma Road / Oakland CA 94607

23-Apr-2008

MCM-LTR-000360

Mr. Ben Ghafghazi  
Resident Engineer  
**California Department of Transportation**  
333 Burma Road,  
Oakland, CA 94607, USA

**PROJECT: Oakland Touchdown  
Caltrans Contract No. 04-0120L4  
MCM Job No. 307**

**SUBJECT: Response to Caltrans LTR - 665 Re: Supplemental NOPC # 5**

Gentlemen:

This letter is to inform you that MCM objects to the States finding that NOPC 5 has no merit. There is nothing in the contract documents that indicates the source of the lead contamination nor does it alert the contractor to the possibility that the lead contamination was not from a public source. Furthermore, the state regulations do not differentiate between aurally deposited lead and lead being deposited from a public activity such as bridge maintenance. The bridge maintenance work was done by a **PUBLIC** agency on a **PUBLIC** facility.

In light of the States finding of no merit, MCM is submitting the claim to the Dispute Resolution Board for further review.

Sincerely,

**MCM CONSTRUCTION, INC.**

<<< ORIGINAL SIGNED >>>

Justyn Webster  
Project Engineer

cc: JAC, HDM, EP, RM

File: Job 307 7.0, 14.5



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