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September 5, 2008

State of California
Department of Transportation
345 Burma Road
Oakland CA 94607

MCM-SUB-733

Attn: Ben Ghafghazi, R. E.

Re: Contract No. 04-0120L4
Bay Bridge Oakland Touchdown

Reference: Notice of Potential Claim for P/S & ISD Delay

Gentlemen:

The ISD & P/S drawings have been delayed due to unconstructibility within the contract plans, a change in stressing sequence and revision of pre-stress force at diaphragm C & D. As of 9/12/08 MCM believes that the delay is approximately 117 days. Please provide MCM with a contract change order to cover the costs and time extension associated with this change. If a change order is not forthcoming, then find this as MCM's notice of potential claim.

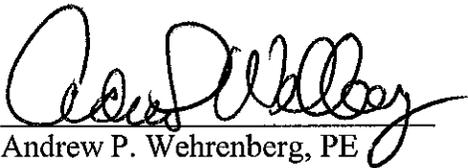
In a meeting with MCM, Caltrans, Harris/Salinas Rebar, CT design consultants & Cadre on 4/30/08, information was provided to the state showing that the stressing at diaphragm C & D could not be accomplished with the planned block out as shown on sheet 227/643. The planned block out measured a 1M opening for stressing. Due to the force required by the plans and profile of the strand, a 600T jack would be required to obtain the required force, this is physically impossible within this limited space. MCM's subcontractor Avar would need at least 2M behind the stressing head and more head room to obtain the required room to use the jack to obtain the required forces. It was determined in this meeting that increasing the block out to 2M horizontally and more head room would require couplers for the reinforcing, making an already highly congested area impossible to fit all of the required reinforcement. As per the special provisions, CT looked to MCM & its subcontractors for possible solutions. Avar suggested that stressing of these strands could be accomplished in the deck and soffit of the wings. CT design agreed and Avar began to redesign hinge C & D diaphragm stressing. The unconstructability of diaphragms C & D is a contract change order and Caltrans direction to seek an alternative plan was acknowledgement of a change. To date the redesigning of the P/S at hinge diaphragm C & D has gone from stressing in the deck and wing soffits to HS bars in these location to possibly stressing with strand with a flatter profile and a mono strand jack. Design loads from CT consultants for HS bars were given to MCM on 8/25 & 8/27/08. These loads were revised and sent to MCM on 9/2/08.

In a joint design, contractor consultant meeting on 7/2/08, CT informed MCM that the stressing sequence would be changed. Details on this new stressing sequence were forwarded to MCM in the coming weeks with issuance of new drawings and a change order on 7/20/08.

To further complicate the submittal of the ISD & P/S drawings, it was discovered during the modeling that the electrical conduits would have to move due to the highly congested cap & hinge areas. Thru several conference calls and a couple of weeks of time with CT; CT design consultants, Cadre, MCM & PB have had to relocate of many of the electrical conduits within the structure, a solution to this problem is eminent.

As depicted in the following pages, a summary of submittals, transmittals and RFI's that have been communicated back and forth between the state and MCM in relation to the above changes. As of the date of this letter, diaphragm C & D changes are still being resolved through the iterative process with the state. With new concept for resolution, new conflicts arise; however, the process is proceeding in a direction that will produce an acceptable construction plan for both parties. Please issue a contract change order to cover the costs associated with these changes, some of the costs are as follows but are not limited to these: time, design costs, loss of production, underutilization of equipment, cost to due the revised work, subcontractors claims, material escalation, falsework material rental & overhead.

Should you have any question please contact me @ 916-334-1221.



Andrew P. Wehrenberg, PE

/apw
Attach/CT Timeline

Cc: HGM
G. Allen
R. McCall
307 File 7.0

CT Timeline

- 4/30/08 PM meeting with CT, Avar, MCM & Cadre- told CT that stressing plans in drawings would not work, diaphragm openings too small to stress in at caps, ram too big, need more depth to blockout, need minimum of 2M. CT design consultants said could not make diaphragm blockout that big. Avar suggested that we stress in the deck and/or soffit, CT agreed, Avar to proceed to produce drawings.
- 5/09/08 Bootleg copy of Avar drawings to Cadre & HSR for ISD's, B1 thru B14. Conversations through out the month with HSR, Cadre & Avar on layouts and path of travel.
- 5/19/08 **MCM-RFI-345**, ISD E19L Bent Cap ISD1 thru 4 questions.
- 5/28/08 **MCM-RFI-349**, BE19L-ISD5 thru 22 questions.
- 5/29/08 CT answers **MCM-RFI-345**, BE19L-ISD1-4 questions.
- 5/30/08 **MCM-RFI-251**, Girder Stirrup clearance.
MCM-RFI-252, HSR-41 @ cap bundle #19 interfere with PT, no clear avenues for passing bars.
- 6/03/08 **MCM-SUB-596**, HSR 43 & 44, girder flares center on C & J girders? Hinge stirrups not constructible, interfere with PT & stressing.
- 6/04/08 ISD meeting with CT, Avar, HSR & MCM
- 6/06/08 Submitted partial F1, B1-B11 plus 3 pages, **MCM-SUB-602R0**. This submittal first look at new P/S path, stressing in deck and wing soffit instead of inside diaphragm open within the bridge.
- 6/10/08 CT answers **MCM-RFI-252**, HSR- 41, form savers & alt const jt @ BO.
CT answers **MCM-RFI-251**, 65mm min, 90mm max.
CT answers **MCM-RFI-349**, BE19L-ISD1 thru 22 questions.
- 6/11/08 CT answers **MCM-SUB-596**, flare to inside of bridge, alternate stirrup detail or suggested @ NCCO.
MCM-RFI-359, ISD questions E19L cap BE19L-ISD23 thru 34.
- 6/20/08 CT answers **MCM-RFI-359**, BE19L-ISD23 thru 34.
- 6/25/08 CT rejects Avar's partial submittal **MCM-SUB-602R0**, CT-LTR-840
MCM-RFI-371, Longitudinal bar note.
- 6/27/08 Bootleg copy of Avar drawings B1-B22 to CT for review.
- 6/28/08 **MCM-SUB-688**, submit HSR E18L bent cap drawings.
- 6/29/08 **MCM-SUB-693**, submit HSR E17L bent cap drawings.
MCM-TRN-394, ISD submittal summary & status.
- 6/30/08 CT answers **MCM-RFI-371**, lap 25' beyond pier CL & #16 bars, pg 204.
MCM-SUB-609R0, Avar dwgs B1-B22, P/S stressing in deck & wing.
- 7/02/08 Meeting with CT, Avar (Rene present), Cadre, HSR & MCM. CT changed stressing sequence, request cost from MCM & subcontractors.
- 7/05/08 **CT-LTR-948**, approved E19L cap rebar drawings, drains to be coordinated with drainage subcontractor.
- 7/07/08 Revised B1R1 submitted to CT **MCM-SUB-609R1**.
MCM-RFI-380, HSR-52; 2 methods for block @ seismic joint, which one used? Construction Jts.?

- 7/09/08 **MCM-RFI-385**, HSR-55, hinge FW bar endo, #32 cont. longitudinal bars interfere with access opening. Embedment of soffit open grate bars clarification.
MCM-RFI-386, HSR-56 & 57, per previous ISD, horizontal bars follow ducts, #16 do not cross over ducts-clearance problems, this will cause a horizontal gap of 300mm. Can place ducts in diagonal position my resolve the conflict. Use 3 piece bar for access openings, conflict PT ducts and trim reinforcing.
MCM-RFI-387, HSR-58 asked follow up to HSR-40 stirrup spacing between girders C & K near the pipe key assembly. Can not fit extra bars requested by design, will 8 bundled sets work?
MCM-RFI-388, FW-ISD-01 thru 08 questions.
CT approves E19L cap ISD drawing, **MCM-SUB-01 & 02**.
- 7/10/08 Revised B13R1 & B14R1 submitted to CT **MCM-SUB-609R2**. Change from P/S to HS bar due to conflicts with rebar, new added bursting steel, utilities excetera.
- 7/14/08 CT rejects Avar's submittals **MCM-SUB-609R0 thru R2**, CT-LTR-.
CT answers **MCM-RFI-380**, service splice OK, MCM dictate constr. jt.
MCM-RFI-391R0, submit ISD questions FW-ISD9 thru 28.
- 7/16/08 **MCM-RFI-392**, HSR-60 Rebar @ light poles black/epoxy? #16 bar spacing? Move light pole bases 2M up/down station, avoid PT block outs. Use 2 piece bar for the inside verticals.
MCM-RFI-392, HSR-61 NC change double headed #19 in lieu of cross ties, pour back reinforcing interfere with PT stressing, mechanical couplers to alleviate .
- 7/17/08 ISD meeting in Oakland, CT, Avar, Cadre & MCM (Harris not present, meet with CT on 7/16/08 to go over issues).
CT answers **MCM-RFI-385**, HSR 55, add #32 hook bars thru the joint, move soffit access 150mm away from girder F, hook bars @ grate plan.
CT answers **MCM-RFI-386**, HSR 56 & 57, add horizontal, do not place ducts diagonally, 3 piece bar OK, bend bars below PT.
- 7/20/08 ***CT issues CCO for changing stressing sequence.***
- 7/21/08 **MCM-RFI-396**, HSR 48, 50, 51 & 62 asked for change trim bars @ PT in caps for openings, pipe penetration locations, headed bars in diaphragm & closure, clearance 65mm? 800mm girder flares- Avar dwgs-bursting steel, #19's into joint block out? Headed bars interfere with PT-move? Spacing stirrups @ utility opening, clearance to #36 & 22 vertical headed bars? Use OS splice clip for mechanical splice #19's.
- 7/22/08 **MCM-SUB-672**, MCM ISD delay letter to state.
- 7/24/08 CT answers **MCM-SUB-672** delay letter.
CT answers **MCM-RFI-391R0** FW-ISD-09 thru 28.
CT answers **MCM-RFI-388** FW-ISD-01 thru 08.
- 7/28/08 **MCM-RFI-399**, HSR-64 asked for hairpins wrapping around upper & lower ducts with required horizontal & vertical gaps is un-constructible.
MCM-RFI-391R1, FW-ISD-9 & 12 still need attention.
- 7/29/08 Submitted B13R2, B14R2, B15R2 & B17R2 **MCM-SUB-609R3**, HS bar.

7/30/08 CT answers **MCM-RFI-392**, epoxy coated bars, use 4 #16 bars, move light pole bases 2 meters down station, 2 piece bar not acceptable.

7/31/08 **MCM-RFI-402**, HSR-66 RFI asked what is the intent of note reference to B8-5 standard plans for additional reinforcement at girder/interior diaphragm intersections.
CT answers **MCM-RFI-391R1**, new spacing for bars.

8/01/08 Submitted B5R1 thru B10R1 **MCM-SUB-609R4**, HS rods.
CT-LTR-941, puts hold on E18L & E17L cap drawings till ISD's apprvd.

8/05/08 **MCM-RFI-391R2**, FW-ISD09-28, spacing and bars still need to be moved, electrical conduit need to be split.
MCM-TRN-401, ISD summary & status.

8/06/08 CT answers **MCM-RFI-399**, HSR-64, modify sect. A-A & B-B duct ties.
CT answers **MCM-RFI-402**, HSR-66. Add 2-#25 U bars, add duct ties, diaphragm D- 2 #25 U bars added @ CL.

8/07/08 **MCM-SUB-391R3**, proposed new electrical conduit layout.

8/08/08 **MCM-RFI-405**, HSR-67 RFI asked to verify termination of top transverse bars in the center bays.
MCM-RFI-411, HSR clarification, width of exterior girder changed from 500mm to 650mm for full length span? Is the 650mm stem thickness for flares at E19L-E17L?

8/11/08 **MCM-RFI-412**, HSR-68 RFI continuation of HSR-64, can't fit hairpins & ties around ducts, can #16 cross ties substitute #13 headed bars?
MCM-RFI-413, HSR-69 RFI asked for permission to use HRC400 series couplers for service splice at hinge FW for the #43 headed bars as they will interfere with stressing with the 800T ram.

8/12/08 CT answers **MCM-RFI-411**, RFI, 650mm girder thickness flare only, 5000mm @ piers E17L-E19L only.

8/13/08 **MCM-RFI-419**, HSR-60 follow up, couplers epoxy coated? How #22 or #16 hairpins interface with the bent cap PT blackout?

8/14/08 CT answers **MCM-RFI-405**, HSR-67, terminate at soffit flare and edge of bent cap.
CT answers **MCM-RFI-419**, HSR-60 follow up, bars from rail epoxy, bars from deck back, couplers at deck black. Remainder of light bases outside PT block out, can be placed later.
CT answers **MCM-RFI-412**, HSR-68, change to #16 tie bars.

8/15/08 CT answers **MCM-RFI-413**, HSR-69, Ok to use service splice.
CT answers **MCM-RFI-391R3**, CT revised some conduit locations, break 1 row of 7 to 3 rows, 2-3-2, new min. spacing to miss access openings.

8/20/08 Conference call with CT & Avar (Rene). Avar to fix drawings starting on 8/25/08 and submit.

8/25/08 CT consultant designers supply design loads for diaphragm C on WB structure (Lt bridge).

8/26/08 **MCM-RFI-425**, ISD questions FW-ISD29 thru FW-ISD32.
Electrical conduit ISD conference call with CT, design consultants, PB electrical consultants, Cadre & MCM try to resolve electrical conduits thru bents, hinges and diaphragms. Cadre to forward preliminary layout of

electrical pipe layout for review. Email sent with preliminary design to CT for distribution to parties involved.

8/27/08

Follow up ISD conference call for electrical pipe layout, most problems taken care of, Cadre to confirm. Pipe diameters to be checked with NO sleeves.

CT consultant designers supply design loads for diaphragm D on WB structure (Lt bridge).

8/28/08

CT wants sleeves for conduits thru bent caps, hinges and diaphragm, OD dimensions given, Cadre to confirm.

9/02/08

Conduits with sleeves seem to fit pending final ISD submittal, electrical pipes have been relocated from original plan dims. into different bays.

CT consultant designers supply revised design loads for diaphragm C & D on WB structure (Lt bridge).

INITIAL NOTICE OF POTENTIAL CLAIM

CEM-6201A (NEW 9/2002)

FOR STATE USE ONLY	
Received By	Date
(For Resident Engineer)	

TO Ben Ghafghazi <i>(Resident Engineer)</i>	CONTRACT NUMBER 04-0120L4	DATE September 8, 2009	IDENTIFICATION # NPC #6
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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

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

Please see attached letter dated September 5, 2008 in support of the Notice of Potential Claim.

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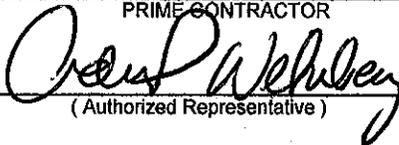
The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents made in full cognizance of the California False Claim Act, Government Code sections 12650 - 12655. The undersigned further understands and agrees that this potential claim 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 Contractor's written statement in conformance with Section 9-1.07B of the Standard Specifications.

 (Circle One) Subcontractor or Contractor

 (Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim is acknowledged and forwarded by

MCM CONSTRUCTION, INC.
 PRIME CONTRACTOR

 (Authorized Representative)