

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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MCM CONSTRUCTION, INC.
6413 32ND STREET
NORTH HIGHLANDS, CA 95660

September 19, 2008

Contract No. 04-0120L4
04-Ala-80-1.6/2.7
Oakland Touchdown
SFOBB-ESSSP

Attn: Mr. Greg Allen
Project Manager

Letter No. 05.03.01-001035

Subject: Response to MCM Notice of Potential Claim for P/S & ISD Delay

Dear Mr. Allen,

We are in receipt of MCM-TRN-444 dated September 5, 2008, and attached form CEM-6201B, "Supplemental Notice of Potential Claim for P/S & ISD Delay" dated September 11, 2008. While the Department understands MCM's difficulties with the ISD work, we differ with your interpretation that all delays are due to unconstructibility with contract plans, changes in stressing sequence, revisions to pre-stress force at diaphragms C and D, and electrical conduit placement in the structure.

We agree that there were changes associated with the openings provided for stressing of diaphragms C and D. However, these changes were made to accommodate your subcontractor's (AVAR) means and methods. The stressing operation is constructible and could have been performed per the contract plans by utilizing mono-strand jacks. This method was not the preferred method by AVAR; hence, an alternate stressing detail was added to accommodate AVAR's preferred stressing method (multiple strand stressing).

We would like to clarify that the prestressing force (P-jack) was not changed. We did, however, provide the Final Stressing (P-final) when requested by AVAR, a task normally performed by the contractor. The change in stressing sequence, CCO 62, did not materially change any rebar or stressing details and it should not affect the ISD submittals as stated in your letter.

In order to better understand the nature of this claim, please provide your complete cost data and time impact analysis (TIA) related to this claim for our review. We look forward to receiving this information by September 25, 2008, (within 15 days of submitting the Initial NOPC -received on September 10, 2008) as required by Section 9-1.04, Notice of Potential Claim, of the contract Special Provisions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Ghafghazi".

Ben Ghafghazi
Resident Engineer

file: 05.03.01, 62.00