STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program
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Oakland, CA 94607
(510) 286-0352, (510) 622-5165 fax

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

October 09, 2008

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

Attn: Mr. Greg Allen
Project Manager

Letter No. 05.03.01-001092

Subject: Notice of Potential Claim for PS & ISD Delay
MCM-TRN-444R2

Dear Mr. Allen,

This letter is to acknowledge the receipt of MCM letter MCM-TRN-444R2.

Please be advised that as of the date of this letter, we have not received the information we requested in State Letter 1035 in regards to a Time Impact Analysis and associated costs involved in your claim.

Also, your attention is directed to Section 9-1.04, "Notice of Potential Claim" of the Standard Specifications that requires the contractor to submit, within 15 days of submitting the initial notice of potential claim, a supplemental notice of potential claim to the Engineer that provides the following information:

A. The complete nature and circumstances of the dispute, which caused the potential claim.
B. The contract provisions that provide the basis of claim.
C. The estimated cost of the potential claim, including an itemized breakdown of individual costs and how the estimate was determined.
D. A time impact analysis of the project schedule that illustrates the effect on the scheduled completion date due to schedule changes or disruptions where a request for adjustment of contract time is made."

The Supplemental Notice of Potential Claim submitted by MCM-TRN-444R1 dated September 11, 2008 does not include the required information outlined above. Until we receive this information, we will not be able to make a realistic assessment of the issues presented and the Department's position remains unchanged. Please provide the requested information no later than October 17, 2008 to help us take a meaningful step towards resolving any time and costs impacts that may be associated with your claim.

Sincerely,

Ben Ghafghazi
Resident Engineer

file: 05.03.01, 62.00