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ABF-CAL-LTR-000315

Mr. Gary Pursell
Resident Engineer
California Department of Transportation
333 Burma Road,
Oakland, CA 94607, USA

PROJECT: San Francisco Oakland Bay SAS Bridge Superstructure
Caltrans Contract No. 04-0120F4
ABF Job No. 660110

SUBJECT: Hinge A Reaction
REFERENCE LETTER NO. 05-03.01-000549

Gentlemen:

American Bridge / Fluor, JV (ABF) is in receipt of the referenced Department letter dated September 10, 2007 regarding the use of the supplied Hinge A reaction. In this letter Department advises "the Hinge A reaction, which has been provided, can be used by the Contractor and are not aware of any restrictions on the Contractor's use of information."

In various discussions regarding ABF-RFI-000797R00, the Department has previously clarified that "Preliminary Reactions" meant that these reactions could only be used for box girder camber calculations and that they could not be used for PWS length calculations, cable band slope calculations or suspender length calculations. These are but a few of the restrictions imposed and implied by the Letter of Transmittal. Evolving events since that time have made this more evident; including disclosures that Hinge A could not be lowered to its final grade profile on July 1, 2007 (a restriction not mentioned in the plans and specifications).

Department Letter of Transmittal No 05.03.02-000200, dated June 29, 2007, "Preliminary Hinge A Reactions" contained the following direction, "Please note that these are Preliminary Reactions pursuant to Contract Special Provisions Section 10-1.59, Steel Structures, Sub-Section, Erection Plan." Contractor objected to the characterization of the Hinge A measurements provided by the Engineer as "preliminary" because the Contract provided the Contractor access to make the final measurements on July 1, 2007. The Contractor expressed, in RFC 30, its understanding that the Hinge A measurements are "final Hinge A reactions" for Contract performance purposes and further measurements are only "informational" The Department's response to RFC 30 speaks for itself.

ABF is currently proceeding with the "preliminary" Hinge A Reaction information provided by the Department for development of "preliminary" fabrication camber, cable geometry and suspender loads. ABF will continue to use this information to conclude the final cable engineering and erection plan unless the Department provides written direction to change the information already provided.

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ABF advised the Department, based upon the best information available at the time, that if any change occurs in the Hinge A reaction after October 31, 2007, this delay will disrupt the orderly, planned progress of ABF Engineering, Procurement and Supplier services etc. on which ABF based its bid. The Contract assures access to measure the Hinge A reaction shortly after July 1, 2007 and the Department has failed to provide ABF the necessary access to measure the Hinge A reaction on that date. Notwithstanding the Department's attempt to mitigate damage and/or delay impacts by supplying "preliminary" information, this does not eliminate the Department's responsibility for delays and resulting disruption and re-working of engineering calculations and reports. The point is that the Department was unable to provide definitive information in the June 29 Transmittal.

ABF established the October 31, 2007 date and provided it to the Department for the sole purpose of avoiding a Change or a Claim situation from arising. It was certainly not our intent to establish a precise point of reference. If the Department directs a change in the Hinge A Reactions after October 31, 2007 and ABF sustains no damages as a result of this change, additional compensation will not be sought. ABF verbally notified Caltrans in the September 25, 2007 Team Cable Meeting that November 30, 2007 is now the earliest date that ABF would sustain any damages as the result of the Department's changing the "preliminary" information contained in the June 29 Transmittal. The reasons for this deferral from October 31, 2007 until November 30, 2007 are related to NOPC 1, NOPC 2 and Contract Change Orders that have prevented timely completion of shop drawing take-off weights within the originally planned timeframe. Those issues will be dealt with on their own merits, although they are not totally disassociated from this particular issue.

ABF will continue to work with the Department to maintain the best progress of the Work possible. Please advise if you have any questions.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE



Michael Flowers
Project Director
MF/pw/rt

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RFC 30