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

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program
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September 26, 2007

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-000627

Michael Flowers
Project Executive
American Bridge/Fluor Enterprises, a JV
375 Burma Road
Oakland, CA 94607

Dear Michael Flowers,

PWS Cable Geometry near Pier E2

This letter is sent in response to ABF-CAL-LTR-000274, "Response to RFI 876R0, PWS Cable Geometry near Pier E-2," dated August 31, 2007. The Department does not agree with your contention that conflict between the Main Cable and Box Girder constitutes a change in character of the work. Nor do we agree that a Contract Change order is required.

The Contract requires that the Bridge, in its final position, be as depicted in the plans. The contract plans in general, and Sheet 978/1204 specifically, do not require any specific temporary positions or relative locations of bridge components during construction. Nor do they warrant that there is no possibility of interference among bridge components during construction. Such temporary conditions are part of the means and methods by which the contractor achieves the end product of the bridge in its final position. It is further noted that the referenced Sheet 978/1204 is clearly indicated by note 1 on sheet 987/1204, to be schematic and informational only and thus subject to verification and further development by the Contractor and submittal to the Engineer for review and approval. There are several notes in the plans alerting the Contractor to the need to address potential contact, conflict, or interference between the cable and the box girder during construction. These include notes 3e and 6 on Sheet 967/1204 and notes 3 and 4 on Sheet 978/1204. While The Department accepts the Contractor's statement that these notes alerted him to conflicts during the movement of the cable, we cannot accept the mistaken contention that the notes therefore warrant no possibility of conflict at any other time during construction. There is nothing in the notes restricting the application of the notes in that manner. The notes do not specify whether the conflict occurs in a static condition prior to or after cable movement or during movement. Whether conflict occurs at all, the extent of the conflict, and at what stage of construction it occurs, all depend on the Contractor's erection plan. There are no changes to the Contract required to address this situation.

While the Department disagrees with the Contractor's position, we appreciate and fully support the Contractor's willingness to work together to achieve the most beneficial solution for the Project.

Sincerely,

for

GARY PURSELL
Resident Engineer

cc: Rick Morrow, Brian Boal
file: 05.03.01