

13-Dec-2007

ABF-CAL-LTR-000384

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: POTENTIAL CLAIM NO. 005 - SUBMISSION OF SUPPLEMENTAL NOTICE OF
POTENTIAL CLAIM FOR REQUEST FOR CHANGE ORDER (RFCO) NO. 019
AND SUPPLEMENT – DESIGN DEFICIENCIES ON PWS CABLE GEOMETRY
NEAR PIER E2 AND FROM PP 111 TO PP 118, RFI 876R0 AND RFI 944R0**

Gentlemen:

By its letter dated November 30, 2007 American Bridge / Fluor Enterprises Inc., A Joint Venture (ABFJV) provided its Initial Notice of Potential Claim for the above referenced Potential Claim. Pursuant to the Agreement, including Standard Specifications, Article 9-1.04, Notice of Potential Claim, ABFJV hereby submits the enclosed certified Form CEM 6201B, Supplemental Notice of Potential Claim.

This Supplemental Notice of Potential Claim will be followed-up with a Full and Final Documentation of Potential Claim when all the information is available.

Upon presentation of the Full and Final Documentation by ABFJV, we will look forward to receiving your prompt approval of the above identified Potential Claim and the issuance of an appropriate Change Order.

If you have any questions, please contact our office.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE



Michael D. Flowers
Project Director

File: 02.01

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION		FOR STATE USE ONLY	
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM		Received by	Date
CEM-6201B (NEW 9/2002)		(For resident engineer)	
TO Gary Pursell (resident engineer)	CONTRACT NUMBER 04-0120F4	DATE 12/12/07	IDENTIFICATION NUMBER 005

This is a Supplemental 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 in detail as follows:

The Project Plans (Contract Drawings) including but not limited to Sheet 967 – Note 3b and Sheet 978 – Cable System Movement all indicated a “Free Cable Position” for the PWS Main Cable of the Bridge. “Free Cable Position” means that when the Main Cable is hanging from its supports in its proper bare-cable sag subject to only its own dead load (i.e. hanging in a catenary) it does not touch anything except the saddles at the ends of each span. However, the Contractor has discovered that at the time when it erects the Main Cable into its Free Cable Position, the Cable will foul the deck of the Bridge. The Engineer failed to identify a conflict between the Free Cable Position and the Bridge deck in the Contract Documents.

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

The Contract Drawings provided by the Department failed to correctly show such details as are necessary to give a comprehensive idea of the construction contemplated (Standard Specification 5-1.02) or prescribe the details for the construction and completion of the work to be undertaken by the Contractor (Standard Specification 4-1.01).

Contractor was misled by the incorrect plans and specifications provided by the Department and as a result will be required to perform new and unforeseen work to correct the conflict between the PWS Main Cable and the Bridge Deck. The cost to perform this new and unforeseen work is not covered by any of the various items for which there is a bid price or by combinations of those items and was not included in the Contractor’s bid (Standard Specification 4-1.03D).

Both statutes (California Code Sections 1104 and 10120) and court decisions require the Department to provide Contractor full, complete and accurate plans and specifications as well as the necessary direction to carry them out. Any extra work required to correct deficiencies arising from inadequate plans or specifications must be paid for by the Department as;

- either a breach of the implied warranty that the Contract Documents are complete and accurate, or
- as a breach of a statutory duty to provide such Contract Documents

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

Cost Impact cannot be determined at this time as the NOPC is ongoing.

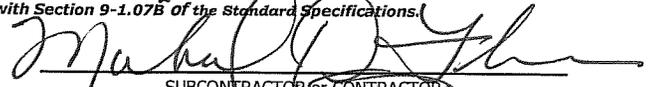
(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

TIA will be submitted at a future date

(attach time impact analysis as required)

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims 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 Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.


SUBCONTRACTOR OF CONTRACTOR
(Circle One)

Michael D. Flowers
(Authorized Representative)
Project Director

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)