

19-May-2008

ABF-CAL-LTR-000541

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: OREGON IRON WORKS, INC. LETTER SL-2244-0040 DATED MAY 16, 2008
NOTICE OF POTENTIAL CLAIM (NOPC) NO. 6

Gentlemen:

American Bridge / Fluor Enterprises, Inc., A Joint Venture (ABFJV) is in receipt of its Hinge K Supplier, Oregon Iron Works, Inc.'s (OIW) letter no. SL-2244-0040 dated May 16, 2008 provided in response to Caltrans' letter no. 05.03.01-001553 regarding Notice of Potential Claim No. 6. Please find enclosed a copy of this letter.

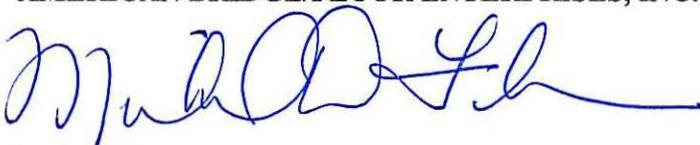
In its letter OIW strongly disagrees with the Department's decision not to further consider NOPC # 6 because NOPC # 6 has no merit based on the tardiness of OIW submitting form CEM6201B. In that it does not appear that the Department has sustained any prejudice resulting from OIW's tardiness in submitting form CEM6201B, ABFJV requests that the Department rescind its determination not to consider OIW's, NOPC # 6 further.

In the event additional information is provided by OIW regarding Notice of Potential Claim # 6, this information will be forwarded to the Department upon receipt.

If you have any questions, please contact our office.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE



Michael Flowers
Project Director
MF/SC/cc

cc: OIW – Bill Pender

File: 02.01

Enclos: OIW Letter SL-2244-040 dated 05/16/08 (2 pages)



OREGON IRON WORKS, INC.

9700 S.E. LAWNFIELD ROAD • CLACKAMAS, OREGON 97015
TELEPHONE (503) 653-6300 • FAX (503) 653-6870

May 16, 2008

AMERICAN BRIDGE/FLUOR, J.V.
375 Burma Rd
Oakland, CA 94607

Reply to: SL-2244-0040

Attention: Bob Kick

Reference: Hinge K Contract Drawings
Caltrans Contact No. 04-0120F4
Supply Agreement 660110-SA-002

Subject: Caltrans Letter No. 05.03.01-001553
Notice of Potential Claim (NOPC) 6

Dear Mr. Kick:

This letter is issued as Oregon Iron Works Inc. (OIW) response for the above referenced State Letter regarding the current status of "Potential Claim Number 006, Submission of Initial Notice of Potential Claim for Submittal ABF-SUB-000006, Alternative Fabrication Method, Material and Design for Pipe Beam at Hinge K," dated January 3, 2008.

The Department states they have no record of OIW RFI 000010R00 supporting document referenced by NOPC, # 6. This statement is true; AB/F renamed OIW's document and submitted the same to Caltrans as ABF-SUB-000006R4. All further correspondence from OIW will reference both the OIW and ABF document control numbers to ensure better communication and cooperation between all parties.

Furthermore the Department states they have not received the required supplemental notice, which was due on or before January 18, 2008. While OIW acknowledges this statement as being correctly quoted from the Special Provisions, we take exception to the prescribed submittal date requirement. The Engineering review and approval process addressed in this particular NOPC began August of 2006 and up to the date of filing the Potential Claim Notice was still unresolved. Due to this extensive delay in resolving this issue, OIW has been forced into reviewing and incorporating three separate fiscal years worth of data. This process of collecting, sorting and reviewing supporting data requires both time and resources above and beyond, what would be reasonably expected in the allotted Special Provisions time frame.

In summary OIW strongly disagrees with the Departments decision asserting NOPC, # 6 for the "Alternative Fabrication Method" has no merit based on the tardiness of submitting form CEM6201B. Caltrans states in their own response the Engineering review and approval process was finally completed and responded to as "Approved as Noted" by State Letter 05.03.01-001221, on January 29, 2008—nearly 17 months after the initial request. OIW asserts that our minimal delay in filing form CEM6201B by no means precludes the validation of this claim.

Please contact the undersigned below if you have any questions or concerns regarding information contained within this document.

Sincerely,

OREGON IRON WORKS, INC.



Bill Pender
Project Manager