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

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program
333 Burma Rd.
Oakland, CA 94607
(510) 622-5660, (510) 286-0550 fax

Flex your power
Be energy efficient!

September 18, 2008

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-002698

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

Dear Michael Flowers,

Supplemental Notice of Potential Claim No. 8

The Department has reviewed ABF-CAL-LTR-000648, "Supplemental Notice of Potential Claim No. 8," dated August 29, 2008, which protests the accuracy of Weekly Statement of Working Days (WSWD) – Report Number 112. The Department has considered ABF's request to regard the power outage at the ZPMC fabrication facility as an "Act of God." The Department has reviewed the information provided by the Contractor, along with the requirements of the contract documents and has determined that this potential claim has no basis under the contract.

The contract does not provide for non-working day suspensions of the work for any reason, as every day is defined as a working day, with no exceptions, and the non-working day provisions of the Standard Specifications do not apply to the contract.

Furthermore, a power outage caused by human actions does not constitute an "Act of God," hence there is no basis to grant a time extension under the contract. Likewise, a plant malfunction or equipment breakdown would not be a basis for a time extension, nor would a vehicle accident or other human caused accident.

Should the Contractor desire to pursue this issue further, your attention is directed to the requirements and timelines of Standard Specification 9-1.04 as modified by the Special Provisions.

Sincerely,

GARY PURSELL
Resident Engineer

cc: Don Ross
Darryl Schram
Scott Fabel
file: 05.03.01