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

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program
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February 20, 2009

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-003514

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

Dear Michael Flowers,

Status of Notice of Potential Claim (NOPC) Nos. 8 & 9

NOPC Nos. 8 and 9, which were submitted to the Department via ABF-CAL-LTR-000700, "Protest of WSWD Report No. 112 - Notice of Potential Claim 8," and ABF-CAL-LTR-000716, "Notice of Potential Claim 9 – Protest of Approved CCO 36," were referred to the DRB on October 9, 2008 and October 22, 2008, respectively.

In November, 2008, the Department and ABF mutually agreed to temporarily suspend further action on NOPC Nos. 8 and 9, as the issues were being considered for inclusion in the proposed resolution of ZPMC fabrication issues. However, since agreement has not been reached on the ZPMC fabrication issues package, the Department would like to resume actions to resolve NOPC Nos. 8 and 9.

As indicated in previous correspondence, the Engineer has determined NOPC's 8 and 9 to be without merit under the terms of the contract. The Department requests that ABF provide an updated status of NOPC Nos. 8 and 9 and/or resume the administrative review process provided for in the contract.

Sincerely,

GARY PURSELL
Resident Engineer

cc: Don Ross,
Rick Morrow
Mark Woods
Darryl Schram
file: 05.03.01, 62.02.008, 62.02.009