

30-Oct-2008

ABF-CAL-LTR-000729

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: Supplemental Notice of Potential Claim (NOPC) No. 010
Form CEM-6201 B

REFERENCE: Department Letter No. 05.03.01-002766 Dated October 2, 2008
Department Letter No. 05.03.01-002793 Dated October 10, 2008
Submittal 830 – Painting Quality Work Plan (PQWP) – Hinge K Bearings
RFCO 41 – Painting Quality Work Plan (PQWP) – Hinge K Bearings

Gentlemen:

American Bridge / Fluor Enterprises, Inc. Joint Venture (ABFJV) hereby submits, pursuant to Section 9-1.04, Notice of Potential Claim, of the Standard Specifications and amendments stipulated in the Special Provisions, Supplemental Notice of Potential Claim Number 010, Form CEM 6201B, in regard to the Department's refusal to grant ABFJV a "Contract Change Order" for all the additional work related to the above referenced RFCO.

Should you have any questions, or wish to discuss this matter further, please contact our office.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE



Michael Flowers
Project Director

Enclosure

File: 01.07.10
02.01
01.06.0041

| | | | |
|--|------------------------------|--------------------------|------------------------------|
| 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 October 29, 2008 | IDENTIFICATION NUMBER 010 |

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 October 10, 2008

The particular nature and circumstances of this potential claim are described in detail as follows:

The Department in its Letter No. 05-03-01-002766, dated October 02, 2008, directed American Bridge / Fluor Enterprises, Inc. Joint Venture (ABFJV) to paint the Hinge K Spherical Bushing Ring Bearings providing a total dry film thickness after all applications (undercoat and final coat) of not less than 115 µm and 225 µm. As stated in our Request for Change Order (RFCO) letter ABF-CAL-LTR-000708, dated October 08, 2008, this additional Owner ordered work is contrary to Section 59-2.12 of the Standard Specifications. Section 59-2.12 requires that "final coats...be applied after erection" of the ring bearings at Hinge K. Section 10-1.48 of the Special Provisions states that erection of the Spherical Bushing Ring Bearings at Hinge K (Bearings) will not be required. Therefore, the Specifications do not require ABFJV to apply a FINAL coat because final coats are to be applied after Bearing erection, and ABFJV is not erecting the Bearings. ABFJV is only required to apply an UNDERCOAT. In accordance with Section 10-1.70 of the Special Provisions, "The total dry film thickness of all applications of the inorganic zinc undercoat, including the surfaces of outside existing members within the grip under bolt heads, nuts and washers, shall be not less than 90 µm nor more than 150 µm." The Department denied our RFCO in Letter No. 05.03.01-002793, dated October 10, 2008.

(attach additional sheets as needed)

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

- Applicable Contract provisions,
 - Section 4-1.03, Changes, Standard Specifications
 - Section 10-1.70, Clean and Paint Structural Steel (Modular Joint Seal Assembly, Spherical Bushing Bearing, and Shear Key), Special Provisions
 - Section 59-2.12, Painting Structural Steel, Standard Specifications July 1999
- Estimated Costs
 - ABFJV will be able to submit the cost once the final impact can be assessed.
- Time Impact Analysis
 - Contractor will be able to submit the TIA once the final impact can be assessed.

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.

To be determined.

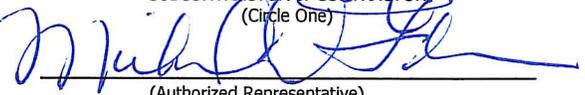
(attach sheets as required)

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

A Time Impact Analysis will be submitted as soon as practicable and will be based on the accepted schedule update and approved fabrication procedure (data date July 20, 2008.)

(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.

American Bridge/Fluor JV
 SUBCONTRACTOR or CONTRACTOR
 (Circle One)

 (Authorized Representative)

For a subcontractor potential claim

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

PRIME CONTRACTOR

(Authorized Representative)

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