

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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July 31, 2008

Contract No. 04-0120F4
04-SF-80-13.2 / 13.9
Self-Anchored Suspension Bridge
Letter No. 05.03.01-002465

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

Dear Michael Flowers,

RFCO 33 - QA Sampling of High Strength Fasteners

We have received and evaluated ABF-CAL-LTR-595, "RFCO 33 – Quality Assurance Testing of Externally Threaded Fasteners," dated July 17, 2008, requesting a change order for extra work pursuant to supply of fastener samples as directed by State Letter 05.03.01-002360.

The Department concurs with your recollection, as stated in your letter, that you objected to the Engineer's direction that the number of samples required for all high strength fasteners, whether A325, A490, or A354, would be per the table "Bolt Sampling Size," provided in Special Provision Section 10-1.59 "Steel Structures," subsection "Bolted Connections," unless otherwise directed. However, the Department did not state that "*additional contract information in support of its position*" was necessary or would be provided, as stated in the Contractor's letter. Pursuant to the Contractor's request, the Department evaluated the number of samples necessary for small lots of large fasteners where the Contractor maintained that the required sample size was burdensome. The resulting reduction of sample sizes is as shown in the attachment to State Letter 05.03.01-002360, "QA Sampling – Cable System/E2 Bearings and Shear Keys." All of the entries on this spreadsheet provide for a reduction from the number of samples required per Section 10-1.59 "Steel Structures," subsection "Bolted Connections," of the Special Provisions.

The Department also disagrees with the Contractor's contention that the testing requirements in Special Provision Section 10-1.60 conflict with the Standard Specifications requirements for providing samples to the Engineer for testing. A conflict between contract documents only exists when it is impossible to comply with both documents. The Special Provisions provide the number of bolts to be tested by the Contractor, while Standard Specification Sections 6-1.01 and 6-3.01 concern the samples to be furnished to the Engineer. These are Quality Assurance samples for the Department's use. There is no conflict among these requirements. The Special Provisions do not delete, supplant, or take precedence over Standard Specification Section 6-1.01. Neither does it delete, supplant, or take precedence over Section 6-3.01, which states in part, "*When requested by the Engineer, the Contractor shall furnish, without charge, samples of all materials entering into the work.*"

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Providing samples of all high strength fasteners to the Department is required by Contract and by specific direction of the Engineer. It constitutes neither a change in character of the work nor extra work. Therefore, the Department is unable to issue a change order for providing the required samples.

Sincerely,

A handwritten signature in blue ink that reads "Gary Pursell". The signature is written in a cursive, flowing style.

GARY PURSELL
Resident Engineer

cc: Rick Morrow, Brian Boal
file: 05.03.01