

07-Nov-2008

ABF-CAL-LTR-000738

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: Notice of Potential Claim Number 011
Submission of Initial Notice of Potential Claim

Gentlemen:

Pursuant to the Agreement, including Standard Specifications, Article 9-1.04, Notice of Potential Claim, American Bridge / Fluor, JV (ABFJV) hereby submits the enclosed certified Form CEM 6201A, Initial Notice of Potential Claim, identified by the above number.

This Initial Notice of Potential Claim will be followed-up with a Supplemental Notice of Potential Claim.

We look forward to receiving your prompt approval of the above identified Initial Potential Claim and the requested adjustment to the Contract Compensation and issuance of an appropriate Change Order.

If you have any questions, please contact our office.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE


Michael Flowers
Project Director

Encl: Form CEM 6201A, Initial Notice of Potential Claim

File: 01.07.11
02.01

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION		FOR STATE USE ONLY	
INITIAL NOTICE OF POTENTIAL CLAIM		Received by	Date
CEM-6201A (NEW 9/2002)		(For resident engineer)	
TO	CONTRACT NUMBER	DATE	IDENTIFICATION NUMBER
Gary Pursell (resident engineer)	04-0120F4 04-SF-80-13.2/13.9	11/07/08	011

This is an Initial 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: November 04, 2008 by Meeting with Caltrans on RFCO No. 33

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

The Engineer's responses in ABF-RFI-001233R04, dated June 25, 2008 and Letter No. 05.03.01-002360 dated July 14, 2008, directed American Bridge / Fluor Enterprises, Inc. Joint Venture (ABFJV) to provide additional QA sampling quantities for the E2 Bearing and Shear Key Anchor Rods. As stated in our Request for Change Order (RFCO) letter ABF-CAL-LTR-000595, dated July 17, 2008, this additional Owner ordered work is contrary to Section 10-1.47, 10-1.50, 10-1.59 and 10-1.60 of the Special Provisions. Subsequent communications from the Engineer through Letter No. 05.03.01-002465 and 05.03.01-002685 dated July 31, 2008 and October 15, 2008 respectively, and ABFJV's responses through letters no. ABF-CAL-LTR 000616 and ABF-CAL-LTR 000718 dated August 07, 2008 and October 20, 2008 respectively, both parties are continued to try to resolve the additional QA sampling of Externally Threaded Fasteners. Finally a meeting between the Department and ABFJV was held on November 04, 2008 to attempt to resolve this issue and ultimately the disputes remain. The Department denied our request for additional compensation for providing additional QA sampling of Externally Threaded Fasteners on November 04, 2008.

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 Budget Elevator
SUBCONTRACTOR or CONTRACTOR
(Circle one)

Shane V. Blum
(Authorized Representative)

For a subcontractor Potential claim

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

PRIME CONTRACTOR

(Authorized Representative)