

21-Nov-2008

ABF-CAL-LTR-000753

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 Number 011, Form CEM-6201 B

REFERENCE: ABF-RFI-001233R04 – E2 Bearing and Shear Key Anchor Rod Spherical Washers
RFCO 33 – Quality Assurance Testing of Externally Threaded Fasteners
Department Letter No. 05.03.01-002360 Dated July 14, 2008
Department Letter No. 05.03.01-002465 Dated July 31, 2008
Department Letter No. 05.03.01-002685 Dated October 15, 2008

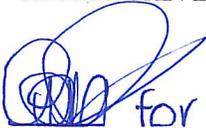
Dear Mr. Pursell:

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 011, 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

 for

Michael D. Flowers
Project Director

Encl: Form CEM 6201B

File: 01.07.11
02.01
ABF-RFI-001233R04

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 November 21, 2008	IDENTIFICATION NUMBER 011

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 November 04, 2008 by Meeting with Caltrans on RFCO No. 33

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

The Department in its Letter No. 05-03-01-002360, dated July 14, 2008, directed American Bridge / Fluor Enterprises, Inc. Joint Venture (ABFJV) to provide test samples in accordance with the attachment. As stated in our Request for Change Order (RFCO) No. 33 letter ABF-CAL-LTR-000595, dated July 17, 2008, this additional Owner ordered work is contrary to the bolts and rods provisions stipulated in Special Provisions Section 10-1.47, "Spherical Bushing Bearing (E2)", Section 10-1.50, "Shear Key (Pier E2)", Section 10-1.59, "Steel Structures", and Section 10-1.60, "Cable System". Contract Special Provisions Section 10-1.60 "Cable System", subsection "Cable Band Bolts" provides "*Cable band bolts shall conform to the requirements of ASTM Designation: A354, Grade BC... Tensile tests to failure on cable band bolts with nuts shall be performed on a minimum of 30 bolts, but not less than 6 per heat. If one bolt fails to meet the required strength two more bolts from the heat shall be tested. If both bolts meet the specified requirements, the heat will be accepted. If any two bolts from one heat fail to meet the requirements, the heat will be rejected.*" Additional samples are required for tension tests to obtain load extension curves. Contract Special Provisions Section 10-1.60 "Cable System", subsection "Anchor Rods" provides "*Anchor rods shall conform to the requirements of ASTM Designation: A 354, Grade BC or BD and as specified in these special provisions.*" Similar provisions to Anchor Rods are stated in the other Special Provision Sections referenced above.

The testing requirements in the Special Provisions conflict with Standard Specification Section 6-1.01, "Source of Supply and Quality of Materials", bullet four, which provides in pertinent part, "*Materials to be used in the work will be subject to inspection and tests by the Engineer or the Engineer's designated representative. The Contractor shall furnish without charge such samples as may be required.*" The specific testing requirements set forth in Special Provisions Section 10-1.60 "Cable System", which pertain to the cable band bolts, and the number of samples of high strength fasteners, set forth in Special Provisions Section 10-1.59, "Steel Structures", clarifies the quantity of samples the Contractor must test or provide to the Department for testing. These specific requirements take precedence over the general statement provided in the Standard Specification Section 6-1.01, "Source of Supply and Quality of Materials".

The Department's direction to ABFJV to provide additional "Finished Items" for Quality Assurance Testing in accordance with Standard Specification Section 6 1.01, is Extra Work. The Department denied our request for additional compensation for providing additional QA sampling of Externally Threaded Fasteners on November 04, 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 July 1999
 - Section 6-1.01, Source of Supply and Quality of Materials, Standard Specifications July 1999
 - Special Provision Section 10-1.47, Spherical Bushing Bearing (E2)
 - Special Provision Section 10-1.50, Shear Key (Pier E2)
 - Special Provision Section 10-1.59, Steel Structures
 - Special Provision Section 10-1.60, Cable System
- 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.

(attach additional sheets as needed),

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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.

(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 COMPANY

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)

ADA Notice *For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-64100 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.*

California Department Of Transportation • Construction Manual • July 2004

Sample Forms

A-1.103