

20-Nov-2009

ABF-CAL-LTR-001296

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 014 Submission of Initial Notice of Potential Claim

**REFERENCE: Request for Change Order (RFCO) No. 67 – Department Redline Changes to Submittal
ABF-SUB-000234R08, Dimension Control Plan: OBG & Crossbeams,
Department Letter No. 05.03.01-005848, Dated November 17, 2009**

Gentlemen:

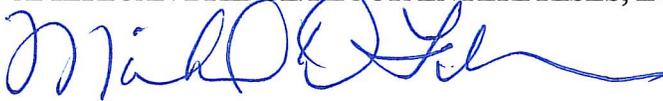
American Bridge / Fluor Enterprises, Inc. Joint Venture (ABFJV) hereby submits, pursuant to Section 9-1.04, Notice of Potential Claim, of the Standard Specifications and amendments stipulated in the Special Provisions, Initial Notice of Potential Claim Number 014, Form CEM 6201A, in regard to the Department's refusal to grant ABFJV a "Contract Change Order" for all the additional costs, disruptions and delays related to the above referenced RFCO.

We look forward to receiving the requested Contract Change Order in regard to RFCO No. 67, Critical Weld Report (CWR) Process from the Department. In the alternative, this Initial Notice of Potential Claim will be followed-up with a Supplemental Notice of Potential Claim.

If you have any questions, please contact our office.

Sincerely,

AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE



Michael D. Flowers
Project Director

Encl: Form CEM 6201A

File: 01.06.0067
01.07.14
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	11/18/2009	014

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 17, 2009 By Caltrans response Letter No. 05.03.01-005848

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

On January 28, 2009, the Department in Letter No. 05.03.01-003387 advised Contractor that the Department's review of Submittal ABF-SUB-000234R08, Dimension Control Plan: OBG & Crossbeams, dated December 4, 2008 was completed and that the submittal is "Approved as Noted" as shown on the attached drawings and as outlined by the comments provided.

Some of the Department's comments and reline modifications identified in Letter No. 05.03.01-003387 alter and/or deviate from the Contract Plans and Specifications.

Despite the fact that the Department was informed by Contractor that certain reline revisions ordered by the Department on the "Approved as Noted" Plan Sheets in the Dimension Control Plan: OBG & Crossbeams (Submittal ABF-SUB-000234R08) and certain Department comments included within Department Letter No. 05.03.01-003387 are not complementary to the Standard Specifications, the Standard Plans, Project Plans, Special Provisions and Contract Change Orders, the Department refuses to resolve the ambiguities by issuing an approved Contract Change Order for the ordered work in accordance with Standard Specifications, 4-1.03, Changes.

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 Contractor's written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.


 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)