

03-Dec-2009

ABF-CAL-LTR-001304

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 015
Submission of Initial Notice of Potential Claim

REFERENCE: Request for Change Order (RFCO) No. 69 – Stiffener Plates in the Skyway Structure

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 015, 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. 69 – Stiffener Plates in the Skyway Structure, 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 (1 page)

File: 01.06.0063
01.07.13
02.01

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|--|---------------------------------|-------------------------|-----------------------|
| 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 | 12/03/2009 | 015 |

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:

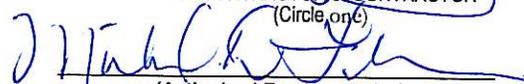
DATE: November 30, 2009

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

The Department, in RFI response ABF-RFI-0001873R01 dated September 11, 2009 provided written direction to Contractor to "Install the stiffener plates as shown in Detail A of Contract Plan Sheet 852/1204 and as directed in the response to ABF-RFI-001873R00" within the Skyway Structure. In letter ABF-CAL-LTR-001226 dated September 15, 2009, Contractor, in response to the Department's written order to "Install the stiffener plates as shown in Detail A of Contract Plan Sheet 852/1204 and as directed in the response to ABF-RFI-001873R00", requested that a Change Order be issued. The Department in Letter No. 05.03.01-005856 dated November 18, 2009 replied and provided the opinion that the issuance of a Contract Change Order was not required. After further discussions with the Department and carefully considering the Department's position provided in the referenced letter above, the Contractor believes there is a dispute between the parties.

The Contractor, in accordance with Standard Specifications, 4-1.03 Changes, is entitled the issuance of a Contract Change Order because the Department failed to give Contractor a comprehensive idea of the construction contemplated in the Contract Plans and subsequently ordered in writing, in RFI response ABF-RFI-0001873R01, that Contractor perform Extra Work order to remedy the deficient Plans.

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 Floor 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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