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FAX

To: Doug Coe	From: John Hassald
Fax: 510 286-6774	Pages: 3 (Including Cover)
Phone:	Date: 8/30/02
Re: NOPC # 2	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

Original to follow - in outgoing mail to Caltrans.

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62 12:02



P.O. BOX23223 Oakland, CA 94623
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LETTER OF TRANSMITTAL
KFM Skyway Project # 04-012024

Run Date 30-Aug-02
 Time 3:47 PM

Dated: 30-Aug-2002

TRANSMITTAL No: KFM-TRN-000307

Rev: 00

To: Doug Coe
 Caltrans-Skyway Project
 280 Beale Street
 San Francisco CA 94105
 Phone: Fax:

Co/Job # 364-3726
 Contract # 04-012024
 Sub/Supplier:
 Sub/Supplier No :

Subject: Notice of Potential Claim No. 2: Hinge Pipe Beam Painting

Special Provis. (SP) REF: 10-1.53

Standard Spec, (SS) REF:

RESUBMITTAL/SUPPLEMENTAL REF:

We are sending the following attached items: Attached

Via Fax

- Drawing
- Samples
- Payroll
- Change Order

- Plans
- Certificates of compliance
- Specs
- Schedule

- Prog. Pmt
- Calculations
- Copy of Letter
- Invoice

Item	Date	Copies	Description	Pages
01	30-Aug-2002	1	NOPC #2: Hinge Pipe Beam Painting	1

These are transmitted as checked below:

- For Approval
- For Review/comment
- Return For Correction
- For Your Use
- As Requested
- For Information

Remarks;

CC:

Please review / approve by : NA

Submitted By: John Hassard
 (KFM Staff Member - Originator of Transmittal)

Checked & Sent By: Nicole Hunter
 Contract Admin/DCS Staff

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
NOTICE OF POTENTIAL CLAIM
CEM-6201 (R N3/2001)



TO Doug Coe (resident engineer) CONTRACT NUMBER 04-012024 DATE August 30, 2002

This is a Notice of Potential Claim for additional compensation under the provisions of Section 9-1.04 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 August 15, 2002

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

This potential claim is submitted in response to State Letter # 5.03.1-000370 received on August 15, 2002, "Coating of Hinge Pipe Beams." (hereafter letter) The letter received from the State directed KFM to clean and paint the Hinge Pipe Beams, inside and out, including the HPS70W weathering steel. The painting directed by the State consists of a single coat of inorganic zinc and a minimum of two finish coats of an exterior grade latex paint.

KFM's position, in conformance with the contract documents, is that only the exposed new metal surfaces in the Hinge Pipe Beam should be cleaned and painted, and the HPS70W weathering steel does not require painting. Additionally, any painting of the Hinge Pipe Beam should consist of *only* the single coat of inorganic zinc.

The reasons for which I believe additional compensation may be due are:

The State's letter directing KFM to paint the Hinge Pipe Beam is inconsistent with the applicable specifications and industry standard. The pertinent Special Provision as follows is "10-1.53 Exposed new metal surfaces, except where galvanized, shall be cleaned and painted..." The majority of the Hinge Pipe Beam is not exposed; to be "exposed" the beam would have to be directly exposed to the elements. The unexposed portions of the Hinge Pipe Beam are encased inside the bridge box not directly exposed to the elements. Secondly, industry standard dictates that weathering steels do not require painting. Weathering steel oxidizes and provides a barrier to further corrosion, eliminating the need for further painting. Since Special Provision 10-1.53 requires that finish coats are placed only on surfaces "visible in the finish work", any surfaces of the Hinge Pipe Beam that require painting will receive a single coat of inorganic zinc. KFM's bid did not provide for painting the HPS70W weathering steel or any unexposed portions of the Hinge Pipe Beam and requests compensation for the State's directive.

The nature of the costs involved and the amount of the potential claim are described as follows:
(If accurate cost figures are not available, provide an estimate, or describe the types of expenses involved.)

KFM estimates the value of this change to be approximately \$1,000,000. KFM's subcontractors have not yet submitted the cost to KFM for the additional painting required by the State.

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements are made in full cognizance of the California False Claims Act Government Code sections 12650-12855. The undersigned further understands and agrees that this potential claim to be further considered unless resolved, must be restated as a claim in response to the states proposed final estimate in accordance with Section 9-1.07B of the Standard Specifications.

KIEWIT/FCI/MANSON, A JV

SUBCONTRACTOR or CONTRACTOR
(Circle one)

[Signature]
(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim is acknowledged and forwarded by

KIEWIT/FCI/MANSON, A JV

PRIME CONTRACTOR

(Authorized Representative)

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CEM0201

