CAT 62 NOPC #7
Bob- please handle

1/31 Pend.

Cattrans Contract 04-012024
Pacific **Cement** Notice ***of* Potential Claim #7**
Specification for **35, 600MPa Modulus of Elasticity Concrete**

Summery Pacific Cement's Attempt to Obtain Required Documentation

On August 8 2002, Kiewit FCI, Manson, a Joint Venture ("KFM") awarded Pacific Cement ('Pacific")),a certified Disadvantaged Business Enterprise, the Material Contract for approximately 100,000 cubic meters of concrete for the Prs-Cast Concrete Segments of the Caltrans **Skyway** Bridge Project. Pacific **has** requested the following information required to support their claim for additional costs Incurred due to defective contract specifications

1) **All test** data and results for concrete testing *of* the 55 MPa concrete shown on Contract Plan Sheet 437 performed **by** of **on** behalf of Caltrans
2) All documents (e.g , correspondence, memos, e-mails, etc) related to the testing described in Item 1 above
3) **All** design information performed by or on behalf of Caltrans including calculations and documents *(e* g , correspondence, memos, e-mails, etc) related to the development *of* the concrete design parameters and referenced Contract Special Provisions

The requested documents **are** imperative to supporting Pacific's claim against Caltrans, yet despite numerous **attempts,** Caltrans has been unresponsive to Pacific's requests Below is a summary of Pacific's attempts to obtain the requested documentation'

- June 21, 2004 – Pacific issues letter to KFM requesting the aforementioned documents
- June 25, 2004 – KFM forwards Pacific's request to Caltrans via RFI #1186
- July 15, 2004 – Pacific letter to KFM reiterates their request for documentation
- July 20, 2004 – KFM informs Pacific that there has been no response to RFI #1186.
- October 1, 2004 – Caltrans responds to RFI #1186, requesting further explanation of the information requested. They add that "The results *of* this [concrete] testing can **be** made available to the contractor provided that the contractor makes available to the Engineer the results of their quality control testing." Caltrans already had Pacific's quality control test results --they **were** submitted in 2002 to fulfill a contract requirement.
- November **18,2004** – Dispute Review Board Hearlny postponed due to lack of documentation from Caltrans
- December 1, **2004** – KFM directs Pacific to issue **a** Freedom *of* Information Act Request (i.e , Public Records Request) to obtain requested documents
- December 6, 2004 – Pacific submits Public Records Request to Caltrans
- December 7, 2004 – Pacific contacts Caltrans regarding Public Records Request and is notified that request may take longer than the stipulated ten **business days** because the **request** has to be routed through their legal department
- December 16, 2004 – After not hearing a status update from Caltrans, Pacific leaves another message for the Caltrans Public Records liaison (Alexander Park)
- December 17, 2004 – Pacific **is** informed that their records request **has** been **forwarded to a** project engineer,
- December 21, 2004 – January 5, 2005 – Pacific leaves more messages for the Public Records liaison (Alexander Park)
- **January** 20, 2006 Pacific is **told** that the status of their records request cannot **be** obtained due to **a** computer **database** problem
- January 24, 2005 – Pacific leaves a message for the Public Records liaison (Alexander Park)
- January 27, 2005 – Pacific **is** informed **by** the Public Records liaison that their requested documents are being compiled by Bill Casey. a project engineer). Mr. Park **is** unable to give an estimated date when !he documents will **be** available, **as** the legal department has to review them.

Contract - Beverly Johnson @ DC
04 - Alexander Park -
Bill Casey - what is being requested / what

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