

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
NOTICE OF POTENTIAL CLAIM
 CEM-6201 (REV3/2001)

FOR STATE USE ONLY	
Received by _____ (For resident engineer,	Date _____

TO Doug Coe (resident engineer)	CONTRACT NUMBER 04-012024	DATE April 6, 2004
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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 _____ **DATE April 6, 2004**

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

Edward Scott Electric ("ESE") has requested additional compensation for the roadway lighting assembly as depicted in the contract plans and specifications. The contract documents failed to provide sufficient information to allow ESE, using reasonable diligence, to obtain reliable and accurate pricing for the lighting during the bidding process. Without such pricing, ESE used a reasonable basis for valuing the lighting at bid time. Subsequent to the bid, ESE has discovered only one manufacturer that can produce the specified roadway lighting and the price provided by this manufacturer is significantly higher than the amount in ESE's bid for this work. ESE has also discovered this manufacturer had worked with the State on the design prior to the bid.

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

The State had a legal obligation to provide complete, sufficient and accurate contract documents. While using the contract plans and specifications for Skyway, neither ESE nor any other electrical bidder to our knowledge was able to obtain a manufacturer's quote for the roadway lighting assembly. Thus, there was no basis for competitive bidding on a common standard. Additionally, the State had a duty to disclose its superior knowledge regarding potential manufacturers for the roadway lighting assembly, which was vital to the performance of the contract. For these reasons, ESE is entitled to additional Compensation for the roadway lighting assembly.

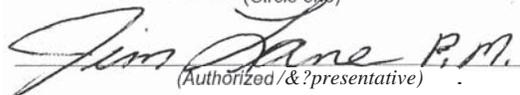
The nature of the costs involved and the amount of the potential claim are described as follows
 (If accurate cost figures are not available, provide an estimate, or describe the types of expenses involved)

The estimated amount for this potential claim is approximately \$6,000,000. This amount is based on the difference between ESE's bid amount and the manufacturer's price quote dated September 5, 2002, plus applicable sales tax and mark-ups.

Additional time required to manufacture the roadway lighting or possible impacts to the project schedule have not yet been fully evaluated at this time.

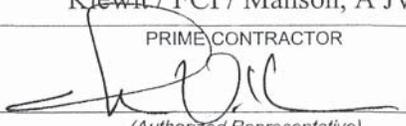
The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered 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.

Edward W. Scott Electric Co., Inc.

SUBCONTRACTOR or CONTRACTOR
 (Circle one)

 (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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CEM6201

