

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**DISPUTES REVIEW BOARD (DRB) ESTABLISHMENT REPORT**  
 CP-CEM-6202 (New 02/2002)

Instructions for use - Complete this form after the initial DRB meeting has been held. Fax the completed form to the Division of Construction (headquarters) DRB coordinator.

**CURRENT DATE** 06/27/2005

**CONTRACT NUMBER** 04-0120R4

**ROUTE** 04-SF-80-12.6/13.2

**WORK DESCRIPTION** Construct Temporary Bypass Structure from YBI tunner to 0.6km east of YBI tunnel

**CONTRACTOR** C.C. Myeres, Inc.

**RESIDENT ENGINEER** Lourdes David

**PHONE** (510) 622-5660

**ENGINEER'S ESTIMATE** \$92,458,000.00

**BID AMOUNT** \$71,156,650.00

**ORIGINAL NUMBER OF PROJECT WORKING DAYS** 475 Calendar Days

**BID OPENING DATE** 12/02/2003

**CONTRACT AWARD DATE** 03/10/2004

**CONTRACT APPROVAL DATE** 03/25/2004

**FIRST WORKING DAY DATE** 07/10/2004

**DRB ESTABLISHMENT DATE** 08/25/2004

**DRB AGREEMENT DATE** 08/25/2004

**DRB CCO APPROVAL DATE** 09/02/2004

**INITIAL DRB MEETING DATE** 08/25/2004

**SUBSEQUENT STATUS MEETING SCHEDULED DATE** 11/22/2004

**PLANNED FREQUENCY OF DRB STATUS MEETINGS (4 months max.)** 3 months

**DRB MEMBERS**

NAME	NOMINATED BY	NOMINATION DATE	APPROVED BY	APPROVAL DATE
Frederick Graebe	Department	05/06/2004	Contractor	07/30/2004
Matthew B. McGowan	Contractor	04/19/2004	Department	05/06/2004
William B. Baker	DRB members	05/04/2004	Cont./Dept. - HQ*	07/30/2004

\*DRB chairman nomination requires the Division of Construction (headquarters) construction coordinator approval. Enter both the contractor's

**RETENTION TAKEN FOR DELAYED DRB ESTABLISHMENT** \_\_\_\_\_ **YES** \_\_\_\_\_ **X** \_\_\_\_\_ **NO**

**COMMENTS**

002067 JUL-6 05 RECEIVED

# DISPUTE REVIEW BOARD (DRB) UPDATE REPORT

CEM-6203 (NEW 02/2002)

Instructions for use - Complete this form yearly beginning on the anniversary of the first contract working day. Fax the completed form to the Division of Construction (headquarters) DRB coordinator.

**CURRENT DATE** 06/27/2005

**CONTRACT NUMBER** 04-0120R4

**RESIDENT ENGINEER** Lourdes David

**PHONE** (510) 622-5660

**INITIAL DRB MEETING DATE:** 08/25/2004

**DRB STATUS MEETINGS:**

STATUS MEETING DATE	DRB SITE VISIT INCLUDED (Y/N)
11/22/2004	Yes
01/22/2005	Cancelled

**DRB ISSUE MEETINGS:**

ISSUE MEETING DATE	BRIEF DESCRIPTION OF ISSUE
03/14/2005	Raw Steel Market Price Escalation (Resolved in Caltrans favor)

**TOTAL NUMBER OF POTENTIAL CLAIMS RECEIVED TO DATE** 10

**TOTAL NUMBER OF UNRESOLVED POTENTIAL CLAIMS** 9

**TOTAL NUMBER OF DISPUTE ISSUES REFERRED TO DRB** 9

**TOTAL NUMBER OF DRB RECOMMENDATIONS\*** 1

\* Typically there is one recommendation per issue referral. Occasionally one recommendation will address more than referred issue. Record the total number of issues the DRB has provided recommendations on.

**DRB EXPENDITURES TO DATE (DRB CCO COSTS)** \$3,800.00

**COMMENTS**

# DISPUTE REVIEW BOARD (DRB) ISSUE REPORT

CEM-6204 (NEW - 02/2002)

Instructions for use - Complete this form when the Department's response to the DRB recommendation is sent and the contractor's response has been received or has been accepted by default. Fax the completed form, the DRB recommendation, and the Department's response to the Division of Construction (headquarters) DRB coordinator.

**CURRENT DATE** 06/27/2005

**CONTRACT NUMBER** 04-0120R4

**RESIDENT ENGINEER** Lourdes David

**PHONE** (510) 622-5660

**ISSUE INFORMATION:**

**BRIEF DESCRIPTION OF ISSUE:** C.C. Myers, Inc. seeked compensation for price escalation of steel products during suspension. CCM was asked extend their bid proposal twice; CCM twice accepted without adjusting their contract item prices.

**DATE OF INITIAL NOTICE OF POTENTIAL CLAIM** 06/21/2004

**NOTICE OF POTENTIAL CLAIM NUMBER** 001

**DATE OF ENGINEER'S RESPONSE TO POTENTIAL CLAIM** 08/27/2004

**DATE OF REFERRAL TO DRB** 09/15/2004

**DATE OF ISSUE MEETING** 03/14/2005

**DOLLAR VALUE OF POTENTIAL CLAIM (per contractor)** \$1,576,100.00

**DELAY DAYS ON NON CONTROLLING ITEM(S) OF WORK (per contractor)** Zero (0)

**DELAY DAYS ON CONTROLLING ITEM(S) OF WORK (per contractor)** Zero (0)

**DRB RECOMMENDATION INFORMATION:**

**DRB REQUEST FOR ADDITIONAL INFORMATION (Y/N)** NO

**ADDITIONAL INFORMATION REQUESTED FROM (DEPT./CONT.)** NO

**DRB RECOMMENDATION DATE** 05/01/2005

**DRB RECOMMENDATION IN FAVOR OF WHICH PARTY** CALTRANS

**DEPARTMENT RESPONSE (ACCEPTED/REJECTED\*)** ACCEPTED

\*Rejection of any DRB decision requires approval of the Chief of Division of Construction. Acceptance of an unfavorable DRB recommendation requires approval in conformance with the CCO approval authority table.

**DATE OF DEPARTMENT RESPONSE APPROVAL** 05/28/2005

**NAME & TITLE OF APPROVAL AUTHORITY** LOURDES DAVID, RESIDENT ENGINEER

**CONTRACTOR'S RESPONSE (ACCEPTED/REJECTED)** ACCEPTED

**RESOLUTION INFORMATION:**

**HAS THE DISPUTE ISSUE BEEN RESOLVED IN ITS ENTIRETY (Y/N)** YES

(If yes, provide the details in the "comments" section below. Include quantification of the dispute resolution in time and dollars and identify the corresponding CCO.)

**COMMENTS:** DRB determined that NOPC No. 1 was without merit and has concluded that no compensation in time or dollar was warranted.