C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-STT.00277	
Dated Jun 22 2005	**Job No.:** 215
Attention: Mr. Lourdes David	
Re: 04-0120R4	
Temporary Bypass Structure	

To: State of California
Department of Transportation
333 Burma Road
Oakland CA 94607

Subject: Notice of Potential Claim No. 10 - Part B

We are sending you: ☑ Attached ☐ Via Fax

☐ Drawing ☐ Plans ☐ Prog. Pmt
☐ Samples ☐ Certificates of compliance ☐ Calculations
☐ Payroll ☐ Specs ☐ Copy of Letter
☐ Change Order ☐ Schedule ☐ Invoice

Copies	Item	Date	Description
1	01	Jun 22 2005	Notice of Potential Claim No. 10 - Part B

These are transmitted as checked below:

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

Remarks:

Copy To: Robert Coupe, Main Office
File: 215-101, 215-9910

RECEIVED
002002 JUN 23 05

Signed:
Gayle Carrigan
Office Manger

3286 Fitzgerald Road, Rancho Cordova, CA 95742, Tel No. 916-635-9370 Fax No. 916-635-1527

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM

CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY		
Received by:	(For Resident Engineer)	Date:

To	CONTRACT NUMBER	DATE	IDENTIFICATION NUMBER
Lourdes David (resident engineer)	**04-0120R4**	**June 22, 2005**	**10** **Page 1 of 2**

This is a Supplemental 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: June 8, 2005

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

The Special Provisions specify that the Engineer will review and approve working drawings generated for the project. Through verbal communications during design meetings and a response to a Request For Information regarding this matter, the State directed that the Contractors Engineer was to review and approve certain working drawings.

Via the response to our Request For Information 215-RFI-000.00010, we were directed by the State to have our design subcontractor review and approve some of the working drawings. With our letter 215-STL.00115, we requested the issuance of a Contract Change Order so that we could be compensated for this work that was added to the scope of the contract. After exchanging a few letters regarding the matter, the State issued their letter 05.03.04-000454 with which they stated that the review and approval of the working drawings was included in the scope of work covered by Bid Item 13, Contractor Design, and they denied our request for additional compensation. We therefore submit this Notice of Potential Claim.

The basis of this potential claim including all relevant contract provisions are listed as follows:

Section 5-1.01 of the Special Provisions requires that working drawings be submitted to the Engineer. This section further describes the requirements of the drawings and provides the physical address of the Engineer to submit the drawings to. Said section also specifies that the Engineer will review a working drawing for completeness and if the submittal is determined to be complete, twenty eight working days will be allowed for the approval or return for correction of each drawing. Additionally, Section 5-1.01 describes what compensation will be provided and how the time delay will be recovered should the Engineer fail to review the working drawing submittal within the time specified. It is very clear in this section that the responsibility for reviewing and approving the working drawings required for the project lies with the Engineer.

The scope of the work described in Section 5-1.14 of the Special Provisions consists of designing and providing detailed design plans, supplemental technical special provisions and quantities of various items of work for the construction of the Temporary Bypass Structure, including all appurtenances required for bridge mounted utilities, deck drainage system, and signs, at locations shown on the plans and as specified in Section 10-1.15 Temporary Bypass Structure of the Special Provisions. Payment for said scope of work shall be by bid item 13, at lump sum, and shall include full compensation for furnishing all labor, materials, tools, equipment and incidentals and for doing all the work involved in preparing and submitting contractor design plans, geotechnical investigations and utility investigations, as shown on the plans, as specified in the Standard Specifications, the Special Provisions and as directed by the Engineer.

It is clear that the scope of work described in Section 5-1.14 is to produce the design plans and specifications for the Temporary Bypass Structure. Nowhere in said section is it mentioned that the review of any working drawings produced for the project are the responsibility of the designer or included in the scope of the Contractor Design bid item.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY		
Received by:	(For Resident Engineer)	Date:

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The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of the individual costs are attached hereto.

To date, our design subcontractor, Imbsen & Associates, Inc. has billed $393,597.50 for the review of working drawings. We estimate that this amount represents approximately 30% of the required structural steel fabrication drawings for the Viaduct and the Viaduct represents approximately 78% of the total structural steel. Therefore, the total cost of the structural steel fabrication drawing reviews is extrapolated to be $1,682,000. This does not include the other working drawings required to be reviewed, such as for prestressing, micropile, tiedowns, joint seal assemblies and bearings, to name a few.

The reallocation of resources to review working drawings has contributed to the overall delay in completing the design, which in turn, has caused other consequences and damages to be incurred with the cost of the construction and structural steel fabrication operations. Therefore, the entire cost impact cannot be determined at this time.

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

The reallocation of resources to review working drawings has contributed to the overall delay in completing the design, which in turn, has caused schedule impacts to be realized with the construction and structural steel fabrication operations. Therefore, the time impact cannot be determined at this time.

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.

CC MYERS INC

SUBCONTRACTOR or CONTRACTOR
(Circle One)

(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim in acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814