

C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

| |
|----------------------------------------------|
| Document No: 215-STT.00312 |
| Dated Jul 29 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. 12 - 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 | Jul 29 2005 | Notice of Potential Claim 12 - 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: Andy Chan, Dan Hobbs, Christine Williams, Main Office, Juan Gray

File: 215-101, 215-9912

Signed: _____

Robert W. Coupe
Robert W. Coupe
Project Manager



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-8201B (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 | July 29, 2005 | 12 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: July 15, 2005

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

We encountered a buried manmade object during the excavation operations at bent 48 and notified the State and requested a change order in accordance with Section 19-1.04 of the Standard Specifications. In the State's response (State Letter 05.03.01-000468), they indicated that this manmade object is actually the PacBell line identified on the plans. In our letter 215-STL.00159, we advised the State that the PacBell line shown on the plans is called out as a 'proposed PacBell conduit route' and therefore should not be present. Therefore, if this is the PacBell line, then we requested a change order. The State then responds with their letter 05.03.01-000494, in which they indicate that the 'proposed PacBell conduit route' is actually the other utility shown on the plans marked with a 'T', that is also called out as 'Fiberoptic Line (T) to be abandoned in place by others'. We encountered this fiberoptic facility previously and it was determined to be a Caltrans owned fiber optic cable that was still active. The State compensated us under Contract Change Order No. 11 to relocate this line clear of the proposed work.

By the State's actions regarding this matter, they are classifying one of the utility lines shown as both a 'Proposed PacBell conduit route' and an existing 'Fiberoptic Line (T) to be abandoned in place by others'. Also, based on this they are denying our request for compensation for the costs being incurred, via their letter 05.03.01-000494, which we received on July 15, 2005. We therefore file this Notice of Potential Claim.

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

The contract plans show two utilities in the subject area that are called out as telephone lines. One is shown as a fiberoptic line to be abandoned in place by others. We discovered during the work that this line was in fact still active, containing a fiberoptic line owned by Caltrans. In accordance with Section 8-1.10 of the Standard Specifications, the cost to relocate this facility was paid by Caltrans as extra work. The second telephone line shown on the plans is called out as a PacBell line. Additionally, there is a note on the plans near both telephone lines that reads 'proposed PacBell conduit route'. As there is only one line shown on the plans that is labeled PacBell, we conclude that it is the proposed PacBell line. The word 'proposed' would indicate that the line is not yet installed. We therefore did not expect that this line would exist. We confirmed that the other telephone line was not the proposed PacBell line as Caltrans claimed ownership of the facility and paid for its relocation.

The utility line that we encountered was on the same alignment and in the same location as the telephone line shown on the plans labeled PacBell. It also contained several conduits arranged in a square pattern, encased in concrete, similar to many other telephone duct banks that we have seen in the past on other projects. There was also an underground vault made of reinforced concrete that measured approximately 10 feet long by 8 feet wide by 8 feet deep. This vault was not visible from the surface of the ground nor was it shown on the plans. The vault and conduit duct bank had to be completely removed within the limits of the work area. Payment for the removal and disposal of the conduit duct bank and vault should be paid for in accordance with either Section 8-1.10 or 19-1.04 of the Standard Specifications.

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.

The costs incurred are a result of having to remove and dispose of the utility line and vault, and then restore the area. The utility facility was encountered after the piledriving subcontractor had mobilized to the site. They incurred a couple of days of standby prior to starting their work. Once the vault was discovered, the removal work continued such that the piledriving subcontractor's schedule for another project was being impacted. They had to leave the site with their equipment and return upon completion of the other project.

The total cost is estimated to be approximately \$45,000.

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:

Due to the project temporary suspension of work, it does not appear that this additional work will impact the completion date of the project. However, as of this writing, the work is not yet complete.

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: |

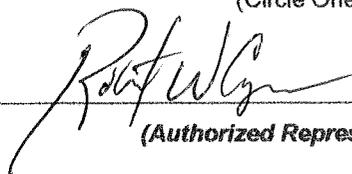
| To | CONTRACT NUMBER | DATE | IDENTIFICATION NUMBER |
|--------------------------------------|-----------------|---------------|-----------------------|
| Lourdes David (resident engineer) | 04-0120R4 | July 29, 2005 | 12 Page 2 of 2 |

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.

C. C. Myers, Inc.

SUBCONTRACTOR or CONTRACTOR

(Circle One)



(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim is 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

