

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
NOTICE OF POTENTIAL CLAIM
CEM-6201A (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 15, 2005	12

This is an Initial 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 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.

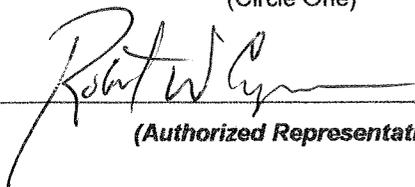
By the State's actions regarding this matter, they are classifying one of the utility lines shown as both a 'Proposed PacBell conduit route' and an existing 'Fiberoptic Line (T) to be abandoned in place by others'. Also, based on this they are denying our request for compensation for the costs being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

The 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 knowledgeable and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

ADA Notice

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