



C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-STT.00483
Dated Nov 16 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. 14B

We are sending you:

Attached Via Fax

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> Drawing | <input type="checkbox"/> Plans | <input type="checkbox"/> Prog. Pmt |
| <input type="checkbox"/> Samples | <input type="checkbox"/> Certificates of compliance | <input type="checkbox"/> Calculations |
| <input type="checkbox"/> Payroll | <input type="checkbox"/> Specs | <input type="checkbox"/> Copy of Letter |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Schedule | <input type="checkbox"/> Invoice |

Copies	Item	Date	Description
1	01	Nov 16 2005	Notice of Potential Claim No. 14B

These are transmitted as checked below:

- | | | |
|--|---|--|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> For Review/comment | <input type="checkbox"/> Return For Correction |
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> As Requested | <input type="checkbox"/> For Information |

Remarks:

Copy To: Robert Coupe, Main Office
File: 215-101, 215-9914B

Signed:  
Robert W. Coupe
Project Manager



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 Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE November 16, 2005	IDENTIFICATION NUMBER 14 Page 1 of 2
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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:

November 2, 2005

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

In accordance with our many meetings and conversations regarding the CIDH pile construction work and as directed by the State, we have proceeded to provide a representative from our design subcontractor on site to inspect the work. Additionally, as directed, our design subcontractor has been involved in the acceptance testing and mitigation process.

State letter 05.03.01-000611, which we received on November 2, 2005, denies our request for additional compensation for this work. We therefore file this notice of potential claim.

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

There is no discussion in the Special Provisions which would require that the Contractor provide inspection for the CIDH pile construction work. Further, the Standard Special Provision used to create the Supplemental Technical Special Provisions states that the Engineer will perform all of the testing and analysis involved in the acceptance of the piles. We therefore believe that both of these tasks are outside the scope of the contract. As such, we have requested that a Contract Change Order be issued to compensate us for all of the costs associated with performing the above mentioned tasks. This request has been denied.

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 calculated on a force account basis for the actual time spent by our design subcontractor and their geotechnical subcontractor for completing the above described tasks. To date, we have been invoiced from our design subcontractor through July 28, 2005, for this work. The amount of their invoice equals \$20,191.22 and only covers the field work performed by their geotechnical subcontractor through this date. We estimate that the work performed up to this date represents approximately 9% of the field work. Therefore, we can estimate that the field work would cost approximately \$225,000. We are not able to provide factual cost information for the analysis work performed at this time. However, we estimate that it would be in the range of \$200,000. This results in a total cost equal to approximately \$425,000.

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:

A time impact has not yet occurred as the effected work to date has not been on the critical path. However, much of the remaining work to be performed will be on the critical path of the schedule resulting in potential future delays to the completion date of the project. A time impact analysis can be performed at that time to demonstrate any delays that actually occur.

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:

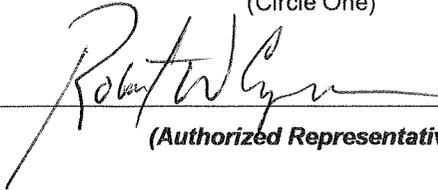
To Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE November 16, 2005	IDENTIFICATION NUMBER 14 Page 2 of 2
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The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents 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 in acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

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