

# C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

3286 FITZGERALD ROAD  
RANCHO CORDOVA, CA 95742  
916-635-9370  
FAX 916-635-1527

## LETTER OF TRANSMITTAL

<b>Document No:</b> 215-STT.00517
<b>Dated</b> Dec 13 2005 <b>Job No.:</b> 215
<b>Attention:</b> Mr. Lourdes David
<b>Re:</b> 04-0120R4
Temporary Bypass Structure

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

**Subject:** Notice of Potential Claim No. 14

**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	Dec 13 2005	Notice of Potential Claim No. 14

**These are transmitted as checked below:**

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For Review/comment

Return For Correction

For Your Use

As Requested

For Information

**Remarks:**

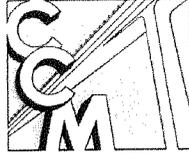
Copy To: Main Office

File: 215-101, 215-9914

**Signed:**

Andy Chan  
Project Engineer





C.C. MYERS INC.

51 Macalla Road  
(415) 399-0175

San Francisco, CA 94130  
Fax (415) 399-0587

December 13, 2005

Document No.: 215-LET.00290

Dispute Review Board  
511 Kortum Canyon Road  
Calistoga, CA 94515

Temporary Bypass Structure  
Contract No. 04-0120R4  
CCM Job # 215

Attn: Mr. William Baker

Re: Notice of Potential Claim #14

Dear Mr. Baker,

We have submitted a Notice of Potential Claim to the State regarding the State's denial of additional compensation for CIDH pile construction work. Attached please find a compilation of all the correspondence generated to date regarding this matter

We hereby refer this matter to the Disputes Review Board in accordance with Section 5-1.12 of the project's Special Provisions.

This letter is to inform you that C.C. Myers, Inc. has agreed with the State to postpone the presentation of this NOPC to the DRB. We will inform you when we will be ready to hold this meeting.

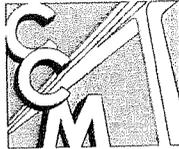
Very Truly Yours,  
C. C. Myers, Inc.

Andy Chan  
Project Engineer

Attachment: 215-STL.00199	9/29/05	05.03.01-000595	10/07/05
215-STL.00203	10/17/05	05.03.01-000611	10/31/05
215-STT.00457	11/2/05	215-STT.00483	11/16/05
05.03.01-000624	11/21/05		

cc: Matthew B. McGowan  
Frederick Graebe  
RW.C  
Lourdes David  
MO

File: 215-101, 215-9914



C.C. MYERS INC.

51 Macalla Road  
(415) 399-0175

San Francisco, CA 94130  
Fax (415) 399-0587

September 29, 2005

*Document No.: 215-STL.00199*

State of California  
Department of Transportation  
333 Burma Road  
Oakland, CA 94607

Temporary Bypass Structure  
Contract No. 04-0120R4  
CCM Job # 215

Attn: Mr. Lourdes David  
Resident Engineer

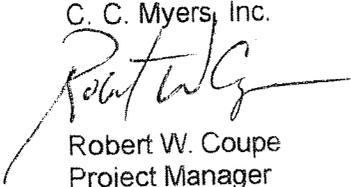
Re: CIDH Pile Inspection and Acceptance

Dear Mr. David,

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

We believe that both of these tasks are outside the scope of the contract. There is no discussion in the Special Provisions which would require that the Contractor provide inspection for the 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. As such, we request that you issue a Contract Change Order to compensate us for all of the costs associated with performing the above mentioned tasks.

Very Truly Yours,  
C. C. Myers, Inc.



Robert W. Coupe  
Project Manager

cc: AC  
DHobbs  
CMW  
MO  
JCG

File: 215-101

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.  
Oakland, CA 94607  
(510) 622-5660, (510) 286-0550 fax

RECEIVED



OCT 12 2005

CC Myers - YBI  
51 Macalla Road  
San Francisco, CA 94130

CC MYERS, INC.

October 07, 2005

JOB 215 TEMP. BYPASS STRUCTURE

Contract No. 04-0120R4

Attn: Mr. Bob Coupe

10-02582  
212-103  
RC

04-SF-80-12.6, 13.2  
South - South Detour

Ref: 215-STL.00199

Letter No. 05.03.01-000595

Subject: Geotechnical Inspection and Design Review of Pile Anomalies

Dear Mr. Coupe,

This Office has received C.C. Myers, Inc.'s request for additional compensation to perform work related to the inspection of CIDH operations and involvement with the review of CIDH test reports and the mitigation process. At this time, this office does not see merit in either situation.

C.C. Myers' attention is directed to Section 6.1.2.3 of Geomatrix's foundation report for the Viaduct Segment, which states, "To assure conformance with contract documents and with the recommendations presented in this report, a representative of the Geotechnical Engineer should observe all CIDH pile installation in rock for the TBS." Geomatrix clearly states their position regarding this matter. This Office noted in a previous meeting that the State could not provide the level of inspection required by their report and that Geomatrix would have to supply their own forces should this information be critical to their design.

With regards to the involvement of Imbsen and Associates, Inc. (IAI) in the review of pile anomalies, this task is a responsibility of the Designer of Record and no additional compensation is warranted for this work.

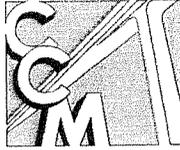
If you have any additional questions, please contact this Office at (510) 286-0511.

Sincerely,

Gary Lai  
Structure Representative  
for  
Resident Engineer  
Lourdes David

cc: B. Young  
E. Rufino  
D. Quintana  
D. Adams  
A. Bata

file: 05.03.01, 37.11.09.09



C.C. MYERS INC.

51 Macalla Road  
(415) 399-0175

San Francisco, CA 94130  
Fax (415) 399-0587

October 17, 2005

Document No.: 215-STL.00203

State of California  
Department of Transportation  
333 Burma Road  
Oakland, CA 94607

Temporary Bypass Structure  
Contract No. 04-0120R4  
CCM Job # 215

Attn: Mr. Lourdes David  
Resident Engineer

Re: CIDH Pile Inspection and Acceptance

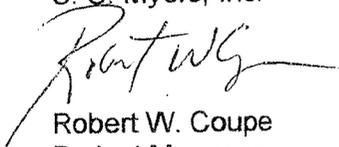
Dear Mr. David,

We have received your letter 05.03.01-000595 regarding the above noted subject. In your letter, you indicate that you find no merit to our request for additional compensation. Your reasons are that it is the Designer of Record's responsibility to review the pile anomalies and that the foundation report prepared by Geomatrix states that the Geotechnical Engineer should observe all CIDH pile installation. We request that you revisit your position based on the following.

The statement made in the foundation report is in the form of a recommendation. The Geotechnical Engineer states that they should be present during pile installation, but there is no contractual requirement to do this nor is there any method of payment for it. The section in the Supplemental Technical Special Provisions concerning Acceptance Testing and Mitigation of CIDH Piles discusses how the responsibility to conduct the testing and determine the acceptability of the pile based on the testing are with the Engineer. Further, the Engineer will consider the size and location of the defects along with the design and corrosion information and will make a determination as to the acceptance of proposed mitigation procedures. It is stated that the Engineer will be the sole judge. There is no mention of the Designer of Record in said specification.

We therefore request that you reevaluate this matter given the above and issue a Contract Change order as previously requested.

Very Truly Yours,  
C. C. Myers, Inc.



Robert W. Coupe  
Project Manager

cc: AC, DH, CMW, MO, JCG

File: 215-101, 215-9914

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.  
Oakland, CA 94607  
(510) 622-5660, (510) 286-0550 fax



RECEIVED

CC Myers - YBI  
51 Macalla Road  
San Francisco, CA 94130

NOV - 2 2005

October 31, 2005

Attn: Mr. Bob Coupe

CC MYERS, INC.  
JOB 215 TEMP. BYPASS STRUCTURE

Contract No. 04-0120R4  
04-SF-80-12.6, 13.2  
South - South Detour

Ref: 215-STL.00203

IG - 02649  
215-103  
215-9914  
RC

Letter No. 05.03.01-000611

Subject: Geotechnical Inspection and Design Review of Pile Anomalies

Dear Mr. Coupe,

This Office has received and reviewed C.C. Myers letter No. 203 regarding the above noted subject. At this time, the State's position regarding the request for additional compensation has not changed. C.C. Myers is reminded of their rights under Standard Specifications Section 9-1.04, "Notice of Potential Claim," as revised by the Contract Special Provisions.

If you have any additional questions, please contact this Office at (510) 286-0511.

Sincerely,

Gary Lai  
Structure Representative  
for  
Resident Engineer  
Lourdes David

cc: SSD Leads  
D. Adams  
A. Bata

file: 05.03.01, 37.11.09.09



**C.C. MYERS, INC.**

An Equal Opportunity / Affirmative Action Employer

51 MACALLA ROAD  
SAN FRANCISCO, CA 94130  
415-399-0175  
FAX 415-399-0587

**LETTER OF TRANSMITTAL**

<b>Document No:</b> 215-STT.00457
<b>Dated</b> Nov 02 2005 <b>Job No.:</b> 215
<b>Attention:</b> Mr. Lourdes David
<b>Re:</b> 04-0120R4
Temporary Bypass Structure

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

**Subject:** Notice of Potential Claim No. 14

**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	Nov 02 2005	Notice of Potential Claim No. 14

**These are transmitted as checked below:**

For Approval

For Review/comment

Return For Correction

For Your Use

As Requested

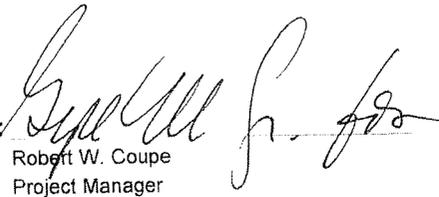
For Information

**Remarks:**

Copy To: Robert Coupe, Main Office

File: 215-101, 215-9914

Signed:

  
Robert W. Coupe  
Project Manager



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 <b>Lourdes David</b> (resident engineer)	CONTRACT NUMBER <b>04-0120R4</b>	DATE <b>November 2, 2005</b>	IDENTIFICATION NUMBER <b>14</b>
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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:  
 November 2, 2005

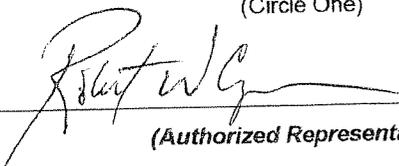
The particular nature and circumstances of this potential claim are described as follows:

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.

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.

State letter 05.03.01-000611, which we received on November 2, 2005, denies our request for additional compensation. 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 known and forwarded by*

\_\_\_\_\_  
 PRIME CONTRACTOR  
 \_\_\_\_\_  
 (Authorized Representative)



**C.C. MYERS, INC.**

An Equal Opportunity / Affirmative Action Employer

51 MACALLA ROAD  
SAN FRANCISCO, CA 94130  
415-399-0175  
FAX 415-399-0587

**LETTER OF TRANSMITTAL**

<b>Document No:</b> 215-STT.00483
<b>Dated</b> Nov 16 2005 <b>Job No.:</b> 215
<b>Attention:</b> Mr. Lourdes David
<b>Re:</b> 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

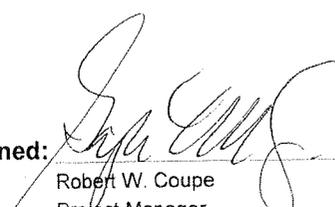
- We are sending you:**
- Attached
  - Via Fax
  - Drawing
  - Plans
  - Prog. Pmt
  - Samples
  - Certificates of compliance
  - Calculations
  - Payroll
  - Specs
  - Copy of Letter
  - Change Order
  - Schedule
  - Invoice

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

- 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, 215-9914B

**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 <b>Lourdes David</b> (resident engineer)	CONTRACT NUMBER <b>04-0120R4</b>	DATE <b>November 16, 2005</b>	IDENTIFICATION NUMBER <b>14</b> 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:

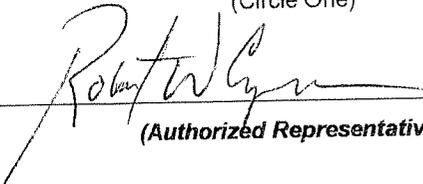
To <b>Lourdes David</b> (resident engineer)	CONTRACT NUMBER <b>04-0120R4</b>	DATE <b>November 16, 2005</b>	IDENTIFICATION NUMBER <b>14</b> Page 2 of 2
---------------------------------------------------	-------------------------------------	----------------------------------	---------------------------------------------------

*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 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

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.  
Oakland, CA 94607  
(510) 622-5660, (510) 286-0550 fax



RECEIVED

NOV 22 2005

November 21, 2005

CC Myers - YBI  
51 Macalla Road  
San Francisco, CA 94130

CC MYERS, INC.

Contract No. 04-0120R4  
04-SF-80-12.6, 13.2  
South - South Detour

Attn: Mr. Bob Coupe

JOB 215 TEMP. BYPASS STRUCTURE

Letter No. 05.03.01-000624

Ref: 215-STT.00483

IC-02691  
215-103  
215-914  
(A)

Subject: Notice of Potential Claim No. 14 - Geotechnical Review

Dear Mr. Coupe,

This Office has received and reviewed C.C. Myers, Inc.'s Notice of Potential Claim number 14 requesting additional compensation for work performed at the Temporary Bypass Structure - Viaduct segment CIDH piles.

As previously stated, this Office provided no direction for Geomatrix and Associates, Inc. to perform inspection of the cast-in-drilled hole pile installation. Rather, the State noted that it could not provide the level of inspection required by their foundation report and that Geomatrix would have to supply their own forces should this information be critical to their design. C.C. Myers' attention is directed to section 6.1.2.3 of Geomatrix's foundation report for the Viaduct Segment.

With regards to the involvement of Imbsen and Associates, Inc. (IAI) in the review of pile anomalies, this task is a responsibility of the Engineer of Record. IAI is the only Engineer who can make decisions regarding the acceptability of the anomalies in the piles as this directly affects their design.

The State finds no merit to this NOPC. Please refer this matter to the Disputes Resolution Board.

If you have any additional questions, please contact me at (510) 286-0511.

Sincerely,

Gary Lai  
Structure Representative  
for  
Resident Engineer  
Lourdes David

cc: D. Adams  
A. Bata  
Claims Group

file: 05.03.01, 62.02.14