C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-TRN.00388	
Dated Dec 21 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

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 21 2005	Notice of Potential Claim No. 15

These are transmitted as checked below:

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

Remarks:

Copy To: Main Office
File: 215-101, 215-9915

Signed: for
Robert W. Coupe
Project Manager

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	December 21, 2005	15 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:

December 16, 2005

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

The Special Provisions require that the USCG Access Road be open to local and other Contractor's traffic at all times. Neither the Special Provisions nor the Contract Plans provide a means of accomplishing this during the erection of the new Viaduct truss and the removal of the existing structure over the USCG Access Road. As such, via our letters 215-STL.00170, 215-STL.00181 and 215-STL.00213 we had requested that the State develop a temporary detour and implement it into the contract through the change order process.

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

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

The Special Provisions, in Section 10-1.29, provides for openings through bridge falsework, temporary supports and temporary bypass structure supports for the use of public traffic at each location where falsework, temporary supports or temporary bypass structure supports are constructed over the streets listed in the table found in said section. The new USCG Access Road is one of the listed streets. Neither of the activities for which a detour is requested qualifies as falsework, temporary supports or temporary bypass structure supports. Said section also states that we must adhere to the requirements of Sections 7-1.08 Public Convenience and 7-1.09 Public Safety of the Standard Specifications. The adherence to all of these requirements at once creates an impossible condition, if the USCG Road is to remain in its current location during the erection of the truss and removal of the existing bridge over USCG Road. Without a detour provided for this road, traffic cannot be maintained at all times and still be in accordance with 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 cost of this potential claim cannot be determined until the appropriate detour plans are developed. The types of costs will include engineering time to interact with the United States Coast Guard to develop the detour plans, the engineering time required to develop the detour plans and the construction costs associated with the implementation and operation of the detours.

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 work has not yet been performed. Some or all of the work within the scope of this potential claim may become critical path activities on the project schedule. A time impact analysis can be performed once the work is completed to demonstrate any delays that actually occur.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

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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)

<u>For subcontractor notice of potential claim</u>

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

PRIME CONTRACTOR

(Authorized Representative)

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