

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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



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

Attn: Mr. Bob Coupe

Ref:

Subject: Response to NOPC No. 18

May 24, 2006

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

Letter No. 05.03.01-000705

Dear Mr. Coupe,

We have received your Notice of Potential Claim (NOPC) #18 – Part B submittal on May 4, 2006 concerning time related overhead (TRO) costs for your subcontractor, Condon-Johnson & Associates Inc., that was not included under the TRO contract item nor compensated for under Contract Change Order No. 24-S2.

Per the Special Provisions Section 10-1.20 'Time Related Overhead', *"Overhead costs incurred by joint venture partners, subcontractors, suppliers or other parties associated with the Contractor shall be considered as included in the various costs for which the Contractor is compensated, and no additional compensation will be allowed therefor."*

As the temporary suspension of work from April 1, 2005 through April 16, 2006 is being compensated for under Contact Item No. 8 'Time Related Overhead', and as per the above-mentioned section of the Special Provisions, the Department's position is that any extended home office overhead costs experienced by a subcontractor must be already considered as included in the contract item.

Accordingly, the Department finds no merit to your Notice of Potential Claim No. 18.

C.C. Myers is reminded of their rights and responsibilities under Special Provisions Section 5-1.12 'Disputes Review Board' and the Standard Specifications Section 9-1.04 'Notice of Potential Claim (as modified by the Special Provisions), should you decide to pursue this NOPC.

If you have any comments or questions, please contact me at (510) 622-5183.

Sincerely,

<<< ORIGINAL SIGNED >>>

Resident Engineer
Mahantesh Anigol

cc: G. Lai
C. Moreno
file: 05.03.01, 62.02.18