



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

Document No: 215-STT.00683
Dated Jun 13 2006 Job No.: 215
Attention: Mr. Mahantesh Anigol
Re: 04-0120R4
Temporary Bypass Structure

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

Subject: NOPC #18 Referral to the DRB

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	Jun 13 2006	NOPC #18 Referral to the DRB

These are transmitted as checked below:

For Approval

For Review/comment

Return For Correction

For Your Use

As Requested

For Information

Remarks:

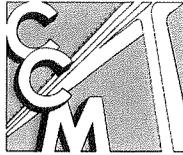
Copy To: Main Office

File: 215-101, 215-9918

Signed:

Christine M Williams
Christine M Williams
Project Engineer





C.C. MYERS INC.

51 Macalla Road
(415) 399-0175

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

June 13, 2006

Document No.: 215-LET.00361

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 #18

Dear Mr. Baker,

We have submitted a Notice of Potential Claim to the State on behalf of our subcontractor regarding the State's denial of their request for additional compensation for extended home office overhead costs. Attached please find a compilation of all of 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 CC 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.

A handwritten signature in cursive script that reads "Christine Williams".

Christine Williams
Project Engineer

cc: Matthew B. McGowan
Frederick Graebe
RWC
MO
Mahantesh Anigol

File: 215-9900, 215-9918

CONDON-JOHNSON & ASSOC. INC.

LETTER OF TRANSMITTAL

480 Roland Way
OAKLAND, CA 94621

Tel: (510) 636-2177 Fax: (510) 568-9316

DATE	6/9/2006
ATTENTION:	Bob Coupe
RE:	Bay Bridge Temp. Struct.
	Caltrans No. 04-0120R4
ph :	(415) 399-0175

TO: C. C. Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130

WE ARE SENDING YOU

- Shop Drawings
- Copy of Letter

- Attached
- Prints
- Change Order

- Under separate cover via _____ the following items:
- Plans
- Welding Reports

COPIES	DATE	NO.	DESCRIPTION
3	06/09/06		NOPC #18, Referral to the DRB
			RECEIVED
			JUN 12 2006
			CC MYERS, INC.
			JOB 215 TEMP. BYPASS STRUCTURE
			IC-3106
			215-208
			215-9918
			DRB
			CT

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- For bids due

- Approved as submitted
- Approved as noted
- Returned for corrections

- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Return _____ corrected prints

REMARKS _____

COPY TO PC 05

BY: *Raymond A. Fassett*
Raymond A. Fassett



CONDON · JOHNSON
& ASSOCIATES, INC.
CONTRACTORS AND ENGINEERS

June 9, 2006

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130
Fax: (415) 399-0587

Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-069

Subj.: Response to NOPC No. 18.

Dear Mr. Coupe,

Condon-Johnson & Associates, Inc. (CJA) is in receipt of Caltrans' Letter No. 05.03.01-000705 regarding the above-mentioned subject. In compliance with Special Provisions Section 5-1.12, Dispute Review Board, CJA is requesting that NOPC 18, regarding the Extended Home Office Overhead costs for CJA during the project suspension of April 1, 2005 – April 16, 2006 be referred to the DRB. NOPC 18 was submitted because CJA is not being compensated for our Extended Home Office Overhead Costs during the suspension period of April 1, 2005 – April 16, 2006 because Caltrans is paying for the suspension through the Time Related Overhead (TRO) item in the contract, a pay item in which CJA has not been included.

CJA originally provided C. C. Myers' Inc. (CCM) a quote for the foundation piling work, our price was based on our work not being the controlling item and totaling a period of 6-months (180 Calendar Days (CD) out of 475 CD) with several concurrent activities to complete. Based on these factors, CJA did not bid the Time Related Overhead (TRO) item.

Contract Change Order (CCO) #24 suspended all work on the project from Sept 3, 2004 thru March 1, 2005. CCO #24 Supplement #2 suspended work at the West Tie-in from April 1, 2005 – April 16, 2006. CCO #24 Supplement #3 continues the suspension from April 17, 2006 until further notice. The project continues to be suspended for going on 2-years, now CJA has been prohibited from receiving compensable costs for a delay that could never have been anticipated at bid time.

Correspondence to date on CCO # 24, Supplement #2 attached with this letter is as follows:

1. CCO #24 signed by Caltrans 1/31/2005.
2. Caltrans Letter No. 05.03.01-000349 dated 3/24/2005 extending the suspension at the West Tie-in.
3. CCM Letter 215-LET.00147 dated 4/12/2006 requesting all subcontractors to forward any added costs due to the continuing suspension of work at the West Tie-in.
4. CJA SL-016 Revised dated 4/15/2005 with CJA's Extended Home Office Costs.
5. CJA SL-018 dated 4/22/2005 with calculation for Extended Home Office Costs.
6. Caltrans Letter No. 05.03.01-000461 dated 6/17/2005 requesting audited financial statements to support yearly revenues and home office overhead costs.
7. CJA SL-040 dated 8/25/2005 forwarding 2004 Year End Independent Auditor's Report to substantiate home office overhead costs.

GENERAL ENGINEERING · SHORING · CAISSONS

480 ROLAND WAY, SUITE 200, OAKLAND, CA 94621 • ESTIMATING FAX: (510) 568-8569
P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 636-2100 • FAX: (510) 568-9316
1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895

8. CJA SL-061 dated 12/27/2005 requesting the status of CCO #24, Supplement #2.
9. 1/20/2006 – CCM Document No. 215-LET.00307 cover letter to CCO #24, Supplement #2.. CCM requests written explanation of exception to this CCO.
10. CJA SL-065 dated 1/24/2006 stating CJA's objection to CCO #24, Supplement #2 based on CJA not receiving any compensation for the delay.
11. Caltrans Letter No. 05.03.01-000669 dated 1/31/2006 stating Caltrans' position on the suspension. The TRO Item in the contract is to include all overhead costs including those of subcontractors and no further payment will be made.
12. 4/20/2006 - receive CCO #24, Supplement #2. with language allowing CJA to pursue compensation of their Overhead Costs through other means.
13. 4/20/2006 – CJA submits NOPC 18, Part A.
14. 5/04/2006 – CJA submits NOPC 18, Part B.
15. Caltrans Letter No. 05.03.01-000705 dated 5/24/2006 rejecting NOPC 18.
16. CJA SL-068 formally objecting Caltrans' rejection.

CJA has been active on the project since June 2004 and has only completed approximately 33% of our contracted work. These suspensions are well beyond what should have been considered reasonable or reasonably anticipated at the time of bid and CJA should be compensated for its extended time on the project under Section 4-1.03C and Section 8-1.05 of the Standard Specifications.

Prior to following through with the formal process, CJA is requesting an Informal Advisory Opinion of the DRB on this NOPC as soon as possible. Please forward this letter and attachments on to the DRB and Caltrans simultaneously as required by the Special Provisions.

CJA continues to reserve all its rights either expressed or implied. Any questions or comments please contact the undersigned at (510) 636-2177.

Sincerely,



Raymond A. Fassett
Project Manager

File: PC-05

Attachments

ATTACHMENTS

CONTRACT CHANGE ORDERChange Requested by: **Engineer**

CCO: 24	Suppl. No. 0	Contract No. 04 - 012DR4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
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To: **CC MYERS INC**

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the Engineer.**

Description of work to be done, estimate of quantities and prices to be paid. (Segregate between additional work at contract price, agreed price and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. This last percentage shown is the net accumulated increase or decrease from the original quantity in the Engineer's Estimate.

Adjustment of Compensation at Unit Price:

In accordance with Section 8-1.05, "Temporary Suspension of Work", of the Standard Specifications, portions of the contract are temporarily suspended, effective September 3, 2004. The State and the Contractor mutually agree that all construction operations involving the Temporary Bypass Structure, shall be suspended. Additionally, k-rail placement, roadway restriping, and other traffic control operations shall be suspended. Other work shall proceed in accordance with the contract.

The suspension will be in effect through March 31, 2005 and the first chargeable working day after the suspension ends will be April 1, 2005.

This suspension relates only to field site construction activities. Contractor Design of these facilities shall continue. Administrative procedures will continue on the design process.

The State and the Contractor mutually agree that complete design submittals for the outstanding portions of the Temporary Bypass Structure, without any Engineer requested enhancements, will be submitted in accordance with the following milestone dates:

East Tie-In Contractor Proposed Design Criteria and Final Design (without intermediate staging)	November 29, 2004
East Tie-In Design	January 31, 2005
West Tie-In Design	December 31, 2004
Viaduct Design	December 31, 2004

Complete design submittals shall comply with the requirements of Special Provisions Section 5-1.12, "Contractor Design", and shall encompass all phases of the work. This includes the foundations, substructure, and superstructure work in addition to any stage construction leading up to the final state of the structure.

The submitted Design shall be in accordance with the contract plans and specifications or may be modified as approved by the Engineer in writing.

In accordance with Section 10-1.20, "Time Related Overhead," of the Special Provisions, the lump sum bid item for, "Time Related Overhead" will not be adjusted. The Contractor agrees to accept payment based on an Agreed Unit Price of \$10,387.94/day for 210 days for a lump sum total equal to \$2,181,467.40 for the duration of the suspension period as compensation for direct and other impacted costs including payment for personnel, equipment and material costs at the project site incurred during the suspension period which is not related to item work. Payment for equipment and material are paid in accordance with Section 8.109, "Right of Way Delay," of the Standard Specifications. The State reserves the right to modify the agreed unit price with a supplement to this change order if there are reductions in equipment, material and other verifiable costs. The Contractor shall notify the State immediately of such changes. The days in which the suspension is in effect will not be considered working days.

By accepting this change order the Contractor further agrees to rescind and drop further pursuit of claims for the issues presented in Notice of Potential Claim (NOPC) No. 5, as this change order is considered the full resolution thereof.

Total estimated cost of Adjustment of Compensation at Agreed Unit Price\$ 2,181,467.40

| - |

CONTRACT CHANGE ORDER

Change Requested by: Engineer

CCO: 24	Suppl. No. 0	Contract No. 04 - 0120R4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
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Estimated Cost: Increase Decrease \$2,181,467.40

By reason of this order the time of completion will be adjusted as follows: 0 days

Signature <i>Lourdes David</i>	Resident Engineer: LOURDES DAVID	Date 1/18/05
Signature <i>Lourdes David</i>	Construction Engineer: LOURDES DAVID	Date 1/18/05
Signature <i>Amr Bata</i>	(Print name and title) AMER BATA - Chief	Date 1/31/05

We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above.

NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.

Signature <i>Daniel E. Amrick</i>	(Print name and title) DANIEL E. AMRICK	Date 1/27/05
--------------------------------------	--	-----------------

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.
Oakland, CA 94607
(510) 622-5660, (510) 286-5300 fax



RECEIVED

MAR 28 2005

CC Myers
51 Macalla Road
San Francisco, CA 94130

CC MYERS, INC.

March 24, 2005

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

SCADKA
LANE SAFETY
PRECISION TRAFFIC
BAY CITIES
CONDON-JOHNSON
HARRIS SALINAS
DANNY'S CONSTR.
AVAR
CTM
MORISOLI
FRANK MEDINA
RESERZANO
SILVERADO

Attn: Mr. Bob Coupe

JOB 215 TEMP. BYPASS STRUCTURE

Letter No. 05.03.01-000349

Ref:

IC-1663
215-103
215-9024.2

RC
CW
DH
MB
AC
JG

Subject: Suspension of West Tie-In Field Construction (CCO # 24 Supplement 2)

Dear Mr. Coupe,

The suspension period as identified in CCO# 24 will be lifted on April 1, 2005. This letter is to notify you that we will continue to suspend field work at the West Tie-In location with the following exceptions:

BAY LINE
SUPERIOR HYDROSEED

1. Complete work at Bent 48
2. Foundation and Substructure work at Bent 47B
3. Relocation of Utilities on Southgate Road
4. Relocate Building 206 (as per letter 334 dated March 8, 2005)
5. All design, fabrication and non-field related activities
6. All field work that does not affect the I-80 mainline traffic or need closures of the ramps and connectors for long durations. This could be done for work on utilities.

Also note that the I-80 EB Off-Ramp (right exit) will be reopening in the near future and will not be closing until further notice. In addition, the Hillcrest Road to Southgate Road connector is to remain open until further notice. As per our letter number 344, dated March 22, 2005, you will need to comply with the 4-Hour Emergency Notice for opening Southgate Road for vehicle movement.

Please let us know when we can meet to discuss the details to be implemented in this supplemental contract change order.

If you have any questions, please call me at 510 622 5660.

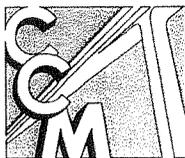
Sincerely,

Resident Engineer
Lourdes David

2

cc:
file: 05.03.01
44,2452.02

9805



C.C. MYERS INC.

51 Macalla Road
(415) 399-0175

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

RECEIVED

April 12, 2005

APR 18 2005

Document No.: 215-LET.00147

Condon-Johnson & Associates, Inc.
P.O. Box 12368
Oakland, CA 94604

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

Attn: Mr. Raymond Fassett
Project Manager

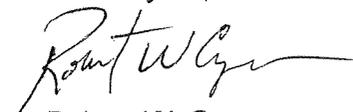
Re: West Tie-In Temporary Suspension of Work

Dear Mr. Fassett,

Attached please find a copy of State Letter 05.03.01-000349 with which they are suspending all field work at the West Tie-In, except those activities listed, until further notice. They have verbally indicated to us that they anticipate this suspension continuing through March 31, 2006, and they will be providing written confirmation of this in the near future.

Contract Change Order No. 24 Supplement 2 will be initiated by the State to cover all additional costs incurred during the suspension period. An additional change order will be requested upon completion of the suspension to cover those costs that will be incurred as a result of the suspension that occur outside the suspension period. If you feel that you will incur costs during the suspension period that should be included in Contract Change Order No. 24 Supplement 2, please present them to us in writing no later than the end of the day on April 15, 2005, for inclusion into the change order. Sufficient detail and substantiation of these added costs must be provided for justification to the State. If we do not receive any such written notification from you of additional costs by that time, we will consider that you will not incur any additional costs during the suspension period for which you may seek reimbursement.

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

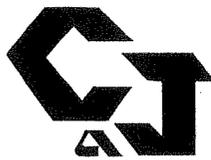

Robert W. Coupe
Project Manager

cc: MO

File: 215-208, 215-9024.2

Faxed 2 pages to 925-534-3421 on April 12, 2005 at about 8 AM

3



CONDON · JOHNSON
& ASSOCIATES, INC.
 CONTRACTORS AND ENGINEERS

April 15, 2005

CC Myers, Inc.
 51 Macalla Rd.
 San Francisco, CA. 94130

Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-016 –REVISED- (Storage Fees for Casings)

Subj.: West Tie-In Temporary Suspension of Work.

Dear Mr. Coupe,

Condon-Johnson & Associates, Inc. (CJA) is in receipt of CC Myers' (CCM) Document #: 215-LET.00147 dated April 12, 2005, continuing to suspend all field work at the West Tie-In. When this project was originally bid back in October 2003 and when the subcontract between CJA and CCM was signed back in June 2004, it was anticipated that this job would be built over an approximate 6-month period with several concurrent activities between the three sections of the project, the West Tie-in, the East Tie-in and the Viaduct with some work at the West Tie-In requiring a separate mobilization due to staged work. To date no work has been completed and based on this extended suspension, sixty-percent (60%) of CJA's contract is delayed for up to one-year.

This suspension will affect CJA's contract revenue to complete the project. CJA has based our extended over-head costs on the information provided in the above-mentioned letter and the anticipation of installing the 3.65M Diameter CIDH Piles in May 2005. CJA expects to complete the work at Bents 50 and 51 (3.65 M CIDH) by the end of June 2005. The extended over-head costs are based on this current understanding of work to be performed during the suspension period.

	Cost per Day	Total Cost
4/1/05 – 3/31/06 (365-days):	\$ 320.93	\$ 117,138.00

The above value of \$ 117,138.00 is based on anticipated revenues and may change depending on what work at the Viaduct and East Tie-in is completed during the suspension period. Also, our steel casing supplier for the 2.1 M CIDH Piles at Bents 46 and 47 may assess storage fees for this extended duration. Other portions of the work at the Viaduct and East Tie-In may be made available during this suspension period therefore CJA reserves our rights to amend this calculation based on actual revenue received. In addition to the above costs during the suspension period, CJA expects escalated cost after the suspension period on, but not limited to, petroleum products, cement, concrete, steel, all labor costs (fringe benefits, workers comp),

4-1

GENERAL ENGINEERING · SHORING · CAISSONS

1840 EMBARCADERO, (94606), P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 534-3400 • FAX: (510) 534-3421
 1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
 651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
 9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895

and insurance. Also, CJA reserves our rights to re-evaluating the general conditions expenditures at the end of the suspension period as well.

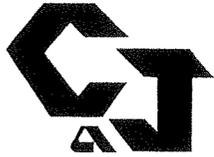
Any questions or comments please contact the undersigned at (510) 534-3400.

Sincerely,

A handwritten signature in cursive script that reads "Raymond A. Fassett".

Raymond A. Fassett
Project Manager

Cc: JC
KW



**CONDON - JOHNSON
& ASSOCIATES, INC.**
CONTRACTORS AND ENGINEERS

April 22, 2005

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130

Attn.: Robert W. Coupe

**Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-018**

Subj.: West Tie-In Temporary Suspension of Work.

Dear Mr. Coupe,

Per our conversation on Wed. 4/20/2005, Condon-Johnson & Associates, Inc. (CJA) is responding with the backup requested to substantiate the extended over-head costs outlined in our correspondence, SL-016 (Revised). Attached to this letter is a hand calculation using the Eichley Formula with Fiscal Year 2004 values to calculate extended over-head costs. The value previously given was the average of the following:

	Approx. Project Revenue To Date	Ratio of Project To Total Yearly Revenue	Cost Per Day	Total Cost
4/1/05-6/30/05 (91-days):	\$ 282,402	0.5%	\$ 90.34	\$ 8,221
7/1/05-3/31/06 (274-days):	\$1,367,112	2.2%	\$320.93	<u>\$ 108,917</u> <u>\$ 117,138</u>

As stated previously, the above value of \$ 117,138.00 is based on anticipated revenues based on installing the 3.65 M CIDH in May/June 2005 and may change depending on what additional work at the Viaduct and East Tie-in is completed during the suspension period. Also, our steel casing supplier for the 2.1 M CIDH Piles at Bents 46 and 47 is charging storage fees of \$300/month for the suspension period for a cost of \$3600.00. Total cost for the suspension period is \$ 120,738.00. All other costs as outlined in SL-016 (Revised) remain unchanged.

5-1

GENERAL ENGINEERING • SHORING • CAISSONS

1840 EMBARCADERO, (94606), P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 534-3400 • FAX: (510) 534-3421

1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631

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9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895

Any questions or comments please contact the undersigned at (510) 534-3400.

Sincerely,

A handwritten signature in cursive script that reads "Raymond A. Fassett".

Raymond A. Fassett
Project Manager

Attachment: Eichley Calculation

Cc: JC
KW

5-2

JOB 0400 BAY BRIDGE BYPASS

	Initials	Date
Prepared By		
Approved By		

© WILSON JONES

G7506 ColumnWrite ©

EICHLLEY CALCULATION

Ratio
To Total
REV.

① Rev. Earned for job 0400 282,402

5%

TOTAL O/H (2004) 6,526,901

TOTAL O/H allocated to job 0400 for the year \$32885

\$9034 / cal day

① April 14, 2005 thru June 30, 2005

② July 1, 2005 thru March 31, 2006

2.2%

Rev = 282,402

931,260

- 1,213,662

Mob + 153,450

1,367,112

\$ 144692.00

\$ 377.51 / cal day

5-3

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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



RECEIVED

JUN 20 2005

CC Myers
51 Macalla Road
San Francisco, CA 94130

CC MYERS, INC.

June 17, 2005

JOB 215 TEMP. BYPASS STRUCTURE

Contract No. 04-0120R4

04-SF-80-12.6, 13.2

South - South Detour

Attn: Mr. Bob Coupe

IC - 02035

215-103

215-9024.2

RC

CJA
BLLI

BAYCITIES

MEDINA

HARRIS SALINAS

SCHOTKA

Ref:

Letter No. 05.03.01-000461

Subject: West Tie-In Suspension Costs - CCO No. 24-S2

Dear Mr. Coupe,

This follows our joint June 9, 2005, CC Myer (CCM) and Department, meeting in which your letter number 0131 of May 11, 2005 was discussed to better understand the contractual basis, the individual items and the calculations of the proposed cost items that were submitted resulting from the Department letter numbers 0349, 0383, 0398 and 0413 as well as CC Myers Schedule Update #2 regarding the subject item.

Most of the CCM costs that summed to \$7,240,045 in letter number 0131 were indirect costs for overhead and profit. The Department does not agree with the indirect cost calculations for home office overhead, as well as the substantial increase in claimed indirect costs far in excess of the per day cost for the contract unit price pay item for Time Related Overhead. In addition, the CCM calculation for field overhead includes a 25% mark-up for labor payroll taxes. To this, CCM adds another 28% mark-up for overhead. This is a duplication of itemized listing of overhead costs to which the mark-up for overhead is applied. The Department requires copies of the latest years audited financial statements to support the yearly revenues and home office overhead totals for the geographic region CC Myers is basing their current calculation on. Also, submit the same documents for Condon-Johnson & Associates, Danny's Construction, Inc., and Bay Cities Paving and Grading, Inc., to support their overhead cost calculations.

Frank Medina Gen. Eng. Contractor included costs for lost profit as well as additional mark-ups for overhead and profit on the lost profit. The Department considers the cost for 'lost profit' to be speculative and, therefore, non-compensable based on precedent. Since the lost profit is non-reimbursable, the applied mark-ups are likewise.

CCM also includes a cost entitled 'SGT finance cost: 10% on \$4M' in the total amount of \$446,762. The Department understands this cost is included based on CCM statements that they are financing the project because of the Departments work suspension. It is the Departments position that progress payments are issued for CCM requisitioned costs based on the contract, therefore, no compensation will be provided for this item.

The Department has the following comments related to the direct costs included in the aforementioned CC Myer letter number 0131:

1. Regarding the Harris Salinas Rebar costs, submit invoices for the 'freight in and out' and the 'loss of use of forklift' to substantiate the stated cost.
2. Condon-Johnson & Associates includes a cost of \$300 per month for the storage of the 2.1 meter CIDH piles for Bents 46 and 47. Please submit the invoice in support of this amount.
3. Provide invoices for the purchase of signs and barricades for comparison with the rental cost included in Schotka Construction, Inc's letter of April 15, 2005.

6-1

Letter No. 05.03.01- 461
June 17, 2005
Page 2 of 2

4. Frank Medina requested payment of a 20% restocking fee for the two unused crash cushions whose installation was delayed by the work suspension. Submit the invoices for the crash cushion restocking and forklift rental.
5. This also requests a breakdown of the items and costs for the Frank Medina lump sum amount for demobilization.

CCM indicates that various direct and indirect costs are not included in their forward priced estimate for Change Order number 24-Supplement 2. CCM is advised that any cost that reasonably could have been included in this change at this time will later be excluded from consideration.

Please contact the Department if you have any questions.

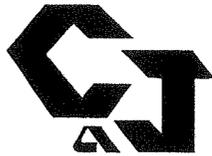
Sincerely,



Resident Engineer
Lourdes David

cc: A. Bata, G. Lai, A. Yan, S. Morrison, R. Hartley
file: 05.03.01
26.06
26.07
49.24-S2

6-2



CONDON - JOHNSON
& ASSOCIATES, INC.
CONTRACTORS AND ENGINEERS

August 25, 2005

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130
Fax: (415) 399-0587



Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-040

Subj.: West Tie-In Suspension Costs – CCO No. 24 – S2

Dear Mr. Coupe,

Condon-Johnson & Associates, Inc. (CJA) is in receipt of Letter No. 05.03.01-000461 regarding the above-mentioned subject. As requested, CJA is forwarding a copy of our 2004 Year End Independent Auditor's Report performed by Moss Adams LLP to substantiate home office overhead costs previously submitted. Included as well is an invoice for the first 2-months Storage Fees from Appleby NW, Inc for storage of the 2.1M CIDH Casings.

Any questions or comments please contact the undersigned at (510) 636-2177

Sincerely,

Raymond A. Fassett
Project Manager

Cc: JC

Attachments: Moss Adams Independent Auditor's Report Dated March 11, 2005
Appleby NW Invoice No. 0473-2

7-1

GENERAL ENGINEERING • SHORING • CAISSONS

480 ROLAND WAY, SUITE 200, OAKLAND, CA 94621 • ESTIMATING FAX: (510) 568-8569
P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 636-2100 • FAX: (510) 568-9316
1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Condon-Johnson & Associates, Inc.

We have audited the accompanying consolidated balance sheet of Condon-Johnson & Associates, Inc., as of December 31, 2004 and 2003, and the related consolidated statements of income, stockholders' equity and cash flows for the years then ended. These consolidated financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the consolidated financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of Condon-Johnson & Associates, Inc., as of December 31, 2004 and 2003, and the results of their operations and their cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Moss Adams LLP

San Francisco, California
March 11, 2005

7-2

CONDON-JOHNSON & ASSOCIATES, INC.
CONSOLIDATED STATEMENT OF INCOME

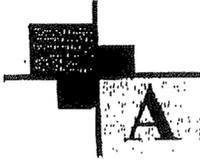
	Year Ended December 31,			
	2004		2003	
	Amount	Percent	Amount	Percent
CONTRACT REVENUES	\$ 62,046,001	100.0 %	\$ 62,047,752	100.0 %
COST OF CONTRACT REVENUES				
INDIRECT EQUIPMENT EXPENSE				
GROSS PROFIT				
GENERAL AND ADMINISTRATIVE EXPENSES	6,288,357		5,246,381	
INCOME FROM OPERATIONS				
OTHER INCOME (EXPENSE)				
Interest expense	(288,544)	(.5)	(180,566)	(.3)
Interest income		.1		
Miscellaneous				
Insurance settlement				
Unrealized and realized gain on marketable securities				
INCOME BEFORE PROVISION FOR INCOME TAXES				
PROVISION FOR INCOME TAXES				
NET INCOME	\$			

7-3

CONDON-JOHNSON & ASSOCIATES, INC.
CONSOLIDATED SCHEDULE OF GENERAL AND ADMINISTRATIVE EXPENSES

	Year Ended December 31,			
	2004		2003	
	Amount	Percent	Amount	Percent
Office salaries	\$ 2,571,710	4.1 %	\$ 2,378,878	3.7 %
Officers' salaries	854,642	1.4	306,630	.5
Rent	521,813	.8	432,278	.7
Insurance	432,317	.7	347,894	.6
Profit-sharing plan contribution	365,000	.6	333,407	.5
Payroll taxes	267,200	.4	242,857	.4
Professional fees	177,824	.3	173,341	.3
Office and supplies	149,358	.2	159,688	.3
Travel and entertainment	139,065	.3	57,260	.1
Telephone and utilities	137,772	.2	99,758	.2
Taxes and licenses	112,929	.2	107,054	.2
Promotions and advertising	96,969	.2	180,346	.3
Safety	86,042	.1	76,945	.1
Bidding and estimating	81,355	.1	73,957	.1
Depreciation	74,647	.1	59,284	.1
Miscellaneous	51,040	.1	34,896	.1
Data processing	50,766	.1	51,799	.1
Dues and subscriptions	36,625	.1	42,277	.1
Bank charges	34,537	.1	58,352	.1
Training	25,155	-	10,707	-
Employee testing	12,476	-	14,233	-
Contributions	9,115	-	4,540	-
	<u>\$ 6,288,357</u>	<u>10.1 %</u>	<u>\$ 5,246,381</u>	<u>8.5 %</u>

7-4



Appleby NW, Inc.

Invoice Number: 04073-2
Invoice Date: 08/12/05
For Work Completed Thru:
Customer Order Number: 04-0120R4
Our Job Number: 0407-3

Bill To:
CONDON JOHNSON & ASSOCIATES, INC.
P.O. BOX 12368
OAKLAND, CA 94604

Ship To:
HWY 80 PM 12.6
SAN FRANCISCO, CA

<u>Description</u>	<u>Quantity</u> <u>this Billing</u>	<u>Units</u>	<u>Unit Price</u>	<u>Total</u>
STORAGE FEE				
JUNE	1		300.00 \$	300.00
JULY	1		300.00 \$	300.00

REFER #	VEN#
600 ⁰⁰	400 9805 0
APPROVAL BY	Ra7

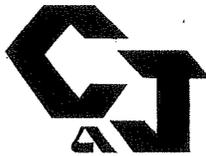
Total Due: \$ 600.00
Date Due: 09/11/05

Please Remit Payment To:
11307 Mountain Loop Hwy
Granite Falls, WA 98252
Phone: (360) 691-0500
Fax: (360) 691-0504



Steel Fabrication
Shop & Field Erected Tanks
Pipe & Casing
Small Structural

7-5



CONDON - JOHNSON
& ASSOCIATES, INC.
CONTRACTORS AND ENGINEERS



December 27, 2005

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130
Fax: (415) 399-0587

Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-061

Subj.: West Tie-In Suspension Costs

Dear Mr. Coupe,

On 8/25/2005, Condon-Johnson & Associates, Inc. (CJA) provided CC Myers Inc (CCM) with the information requested by Caltrans in their Letter No. 05.03.01-000461. As requested, CJA forwarded a copy of our 2004 Year End Independent Auditor's Report performed by Moss Adams LLP to substantiate home office overhead costs. CJA has yet to receive a response as to the status of this issue. Please provide CJA with the CCO for which the submitted suspension costs will be paid under.

Any questions or comments please contact the undersigned at (510) 636-2177

Sincerely,

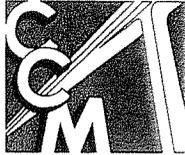
Raymond A. Fassett
Project Manager

8

Cc: JC

GENERAL ENGINEERING • SHORING • CAISSONS

480 ROLAND WAY, SUITE 200, OAKLAND, CA 94621 • ESTIMATING FAX: (510) 568-8569
P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 636-2100 • FAX: (510) 568-9316
1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895



C.C. MYERS INC.

51 Macalla Road
(415) 399-0175

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

January 18, 2006

Document No.: 215-LET.00307

Condon-Johnson & Associates, Inc.
480 Roland Way Suite 200
Oakland, CA 94621

RECEIVED
JAN 20 2006
COMMUNICATIONS

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

Attn: Mr. Raymond Fassett
Project Manager

Re: Temporary Suspension of Work - CCO #24 Supplemental #2

Dear Mr. Fassett,

We have attached Caltrans letter 05.03.01-000349 regarding Supplemental #2 of Change Order #24. We have also attached a copy of this change order with Caltrans transmittal 05.03.01-000433.

Please review these documents and provide a written explanation of any exceptions that you may have no later than Wednesday, January 25, 2006. If we have not received a response from you by Wednesday, it will be understood that you accept the changes as proposed.

Should you have any questions or concerns, please contact our office. Thank you for your assistance in this matter.

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


Christine Williams
Project Engineer

cc: RWC
MO

File: 215-208, 215-9024.2

9-1

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.
Oakland, CA 94607
(510) 622-5660, (510) 286-5300 FAX



RECEIVED

MAR 28 2005

March 24, 2005

CC Myers
51 Macalla Road
San Francisco, CA 94130

CC MYERS, INC.
JOB 215 TEMP. BYPASS STRUCTURE

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

Attn: Mr. Bob Coupe

IC - 1663
215-103
215-9024.2

Letter No. 05.03.01-000349

Subject: Suspension of West Tie-In Field Construction (CCO # 24 Supplement 2)

RC
CW
DH
MB
AC
JG

SEADKA
LANE SAFETY
PRECISION TRAFFIC
BAYCITIES
CONDON-JOHNSON
HARRIS SALINAS
DANNY'S CONSTR.
AVAR
CTM
MORISOLIE
FRANK MEDINA
RESERRANO
SILVERADO

Dear Mr. Coupe,

The suspension period as identified in CCO# 24 will be lifted on April 1, 2005. This letter is to notify you that we will continue to suspend field work at the West Tie-In location with the following exceptions:

BAY LINE
SUPERIOR HYDROSEED

1. Complete work at Bent 48
2. Foundation and Substructure work at Bent 47B
3. Relocation of Utilities on Southgate Road
4. Relocate Building 206 (as per letter 334 dated March 8, 2005)
5. All design, fabrication and non-field related activities
6. All field work that does not affect the I-80 mainline traffic or need closures of the ramps and connectors for long durations. This could be done for work on utilities.

Also note that the I-80 EB Off-Ramp (right exit) will be reopening in the near future and will not be closing until further notice. In addition, the Hillcrest Road to Southgate Road connector is to remain open until further notice. As per our letter number 344, dated March 22, 2005, you will need to comply with the 4-Hour Emergency Notice for opening Southgate Road for vehicle movement.

Please let us know when we can meet to discuss the details to be implemented in this supplemental contract change order.

If you have any questions, please call me at 510 622 5660.

Sincerely,

Resident Engineer
Lourdes David

9-2

cc:
file: 05.03.01
44,2452.02



DEPARTMENT OF TRANSPORTATION – District 4 Toll Bridge Program
 333 Burma Rd.
 Oakland, CA 94607
 Telephone (510) 622-5660 Fax (510) 286-0550

RECEIVED TRANSMITTAL

JAN 11 2006

To: CC Myers - YBI
 51 Macalla Road
 San Francisco CA 94130

Date: 10-Jan-2006

Attn: Bob Coupe

JOB 215 TEMP. BYPASS STRUCTURE

Contract No: 04-0120R4
 04-SF-80-12.6-13.2
 Job Name: South – South Detour
 Transmittal No.: 05.03.02-000433

Subject : CCO 24 Supplemental 2

IC 02811
 215-103
 215-9024.2
 RE (original)

Enclosed please find the following items:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Shop Drawings | <input checked="" type="checkbox"/> Change Order | <input type="checkbox"/> Submittal(s) |
| <input type="checkbox"/> WSWD Report(s) | <input type="checkbox"/> Plans | <input type="checkbox"/> Other |
| <input type="checkbox"/> Daily Extra Work Reports | <input type="checkbox"/> Progress Payment | |
| <input type="checkbox"/> RFI Responses | <input type="checkbox"/> Dept. Letter | |

Item	Date	Copies	Sheets	Description
1	10-Jan-2006	1	2	CCO 24 Supplemental No. 2 (revised)

These Are Transmitted As Checked Below:

- | | | | |
|--|---|--|-----------------------------|
| <input checked="" type="checkbox"/> For Approval or Action | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit | ___ Copies for approval |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit | ___ Copies for distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return | ___ Corrected prints |
| <input type="checkbox"/> For Review & Comment | <input type="checkbox"/> Other | <input type="checkbox"/> Sign and Return | |

Remarks:

Signed:

Andrew Yan

Copy To:
 File: 05.03.02, 49.24S2.01

9-3

CONTRACT CHANGE ORDER

Change Requested by: Engineer

CGO: 24	Suppl. No. 2	Contract No. 04 - 0120R4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
---------	--------------	--------------------------	----------------------	-----------------------------------

TO: CC MYERS INC

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the Engineer.**

Description of work to be done, estimate of quantities and prices to be paid. (Segregate between additional work at contract price, agreed price and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. This last percentage shown is the net accumulated increase or decrease from the original quantity in the Engineer's Estimate.

Adjustment of Compensation at Lump Sum:

In accordance with Section 8-1.05, "Temporary Suspension of Work", of the Standard Specifications, and State Letter No. 349 dated March 24, 2005, the contract completion date will be extended by an amount of 381 working days to coincide with the period of suspension for portions of the contract work from April 1, 2005 to April 16, 2006. The suspended work entails all construction field activities that will affect the existing Route 80 mainline traffic and the existing structure. All other work shall proceed in accordance with the contract. Contractor Design of these facilities and administrative procedures shall continue on the design process.

The following activities will remain unaffected by the temporary suspension:

1. All design, fabrication and non-field activities
2. All field work that does not require permanent closure of ramps and connectors and as authorized by the Engineer.
3. Maintenance of the approved Storm Water Pollution Prevention Plan (SWPPP) for the entire project.
4. Maintenance of the project site for public convenience and safety.

Adjustment Deferred on Excess Quantity Increase:

Payment for quantities of Item No. 8, "Time-Related Overhead", in excess of 149% of the contract lump sum price bid will be adjusted in accordance with Section 10-1.20 "Time-Related Overhead", of the Special Provisions. Determination of the adjustment is deferred until completion of work on this item.

Adjustment of compensation for Time Related Overhead:

Item No. 8 Time Related Overhead adjusted by 381 Working Days (+80.20%) = \$4,812,631.58 (+80.20%)

Estimated cost of Adjustment of Compensation at Lump Sum\$4,812,631.58

This change order does not provide compensation for other costs which are not included in Bid Item No. 8 "Time Related Overhead". An adjustment of compensation for these other costs will be deferred until submittal of these costs have been provided and a determination of merit has been made. A supplemental change order will be processed after these other costs have been evaluated.

9.4

CONTRACT CHANGE ORDER

Change Requested by: Engineer

CCO: 24	Suppl. No. 2	Contract No. 04 - 0120R4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
---------	--------------	--------------------------	----------------------	-----------------------------------

9-5

Estimated Cost: Increase Decrease \$4,812,631.58

By reason of this order the time of completion will be adjusted as follows: 381 days

Submitted by

Signature <i>Loures David</i>	Resident Engineer: LOURDES DAVID	Date 1-10-06
-------------------------------	----------------------------------	--------------

Approval Recommended by

Signature <i>Pete Siegenthaler</i> For	Construction Engineer: PETE SIEGENTHALER	Date 1/10/06
--	--	--------------

Engineer Approval by

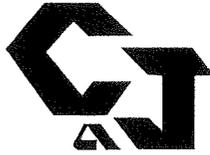
Signature	(Print name and title) PETE SIEGENTHALER - Chief	Date
-----------	---	------

We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above.

NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.

Contractor Acceptance by

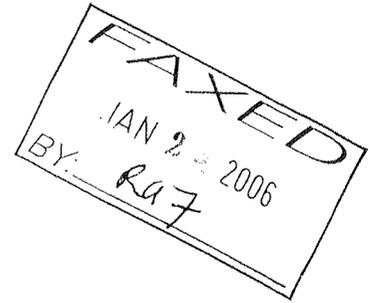
Signature	(Print name and title)	Date
-----------	------------------------	------



**CONDON - JOHNSON
& ASSOCIATES, INC.**
CONTRACTORS AND ENGINEERS

January 24, 2006

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130
Fax: (415) 399-0587



Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-065

Subj.: Temporary Suspension of Work – CCO #24 Supplemental #2.

Dear Mr. Coupe,

Condon-Johnson & Associates, Inc. (CJA) is in receipt of CC Myers Inc.'s (CCM) Document No.: 215-LET.00307 regarding the above-mentioned subject. CJA has reviewed Caltrans' Letter No. 04-0120R4 and CCO #24 Supplemental #2. It is unclear at this time if CJA's requested Extended Home Office Overhead cost of \$ 117,138.00, previously submitted in CJA Letter SL-018 and further substantiated with audit documents in CJA Letter SL-040 is included in the Estimated cost of Adjustment of Compensation at Lump Sum.

Please confirm whether or not CJA will be compensated under CCO #24 Supplemental #2. In addition, CJA is requesting from Caltrans, what bullet item under Section 8-1.05, Temporary Suspension of Work in the Standard Specifications they are using to establish this suspension.

If CJA is not being compensated under this CCO, then consider this our protest per Section 4-1.03A Procedure and Protest of the Standard Specifications. This suspension is well beyond anything that could have been considered at the time of bid and CJA should be compensated for its extended time on the project under Section 4-1.03C and Section 8-1.05 of the Standard Specifications. We await a timely response prior to submitting our official NOPC Documentation.

Any questions or comments please contact the undersigned at (510) 636-2177.

Sincerely,

Raymond A. Fassett
Project Manager

File: PC-05

10

GENERAL ENGINEERING • SHORING • CAISSONS

480 ROLAND WAY, SUITE 200, OAKLAND, CA 94621 • ESTIMATING FAX: (510) 568-8569
P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 636-2100 • FAX: (510) 568-9316
1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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



RECEIVED

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

FEB 01 2006

January 31, 2006

Attn: Mr. Bob Coupe

JOB 215 TEMP. BYPASS STRUCTURE

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

Ref: 215-STL.00225

IC-02891

Letter No. 05.03.01-000669

215-103, 215-9024.2

RC

Condon Johnson (fax)

Subject: CCO 24-S2 Partial Suspension - Condon Johnson Impacts

Dear Mr. Coupe,

We have received your letter number 225 on January 27, 2006 regarding the overhead cost for Condon Johnson. We direct your attention to Section 10-1.20 "Time Related Overhead" of the Special Provisions that states that, "Time-related overhead shall consist of those overhead costs, including field and home office overhead, that are in proportion to the time required to complete the work."

In addition it states that, "Overhead costs incurred by joint venture partners, subcontractors, suppliers or other parties associated with the Contractor shall be considered as included in the various overhead costs for which the Contractor is compensated, and no additional compensation will be allowed therefor."

Furthermore, if the Engineer requests the independent Certified Public Accountant audit, or if it is requested in writing by the Contractor, the contract lump sum payment for time-related overhead, in excess of 149 percent of the lump sum price bid, will be adjusted to reflect the actual rate.

Therefore, contractually, the Time-Related Overhead item or any approved adjustment to this item compensates the contractor and all subcontractors for their overhead costs and no additional compensation is due in regards to CCO 24-S2. Please let us know if you will be able to sign this change order 24-S2 as is.

If you have any questions, I can be reached at 510 622 5660.

Sincerely,

Lourdes David

Resident Engineer
Lourdes David

cc: G. Lai
M. Ardakanian
C. Moreno
A. Yan
M. Anigol

cc: Jerry C.
Ken W.

11

file: 05.03.01



CONDON - JOHNSON

APR 20 2006

RECEIVED

LETTER OF TRANSMITTAL

C.C. MYERS, INC.
An Equal Opportunity / Affirmative Action Employer

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

Document No: 215-TRN.00418
Dated Apr 19 2006 Job No.: 215
Attention: Mr. Raymond Fassett
Re: 04-0120R4
Temporary Bypass Structure

To: Condon-Johnson & Associates, Inc.
P.O. Box 12368
Oakland CA 94604

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	Apr 13 2006	State Transmittal: Contract Change Order No. 24 Supplement 2

These are transmitted as checked below:

For Approval

For Review/comment

Return For Correction

For Your Use

As Requested

For Information

Remarks:

Please provide your written approval of the attached change order.

Copy To: Main Office

File: 215-9024.2

12-1

Signed: _____

Robert W. Coupe
Project Manager





DEPARTMENT OF TRANSPORTATION – District 4 Toll Bridge Program
 333 Burma Rd.
 Oakland, CA 94607
 Telephone (510) 622-5660 Fax (510) 286-0550

LETTER OF TRANSMITTAL

To: CC Myers - YBL
 51 Macalla Road
 San Francisco CA 94130

Date: 13-Apr-2006

RECEIVED
 APR 17 2006

Contract No: 04-0120R4
 04-SF-80-12.6-13.2

Attn: Bob Coupe

Job Name: South – South Detour

CC MYERS, INC.

Transmittal No.: 05.03.02-000452

JOB 215 TEMP. BYPASS STRUCTURE

Subject : CCO 24-S2

IC-03028

215-9024.2

Enclosed please find the following items:

RC (original)

CONDENSED JENNSON

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Shop Drawings | <input checked="" type="checkbox"/> Change Order | <input type="checkbox"/> Submittal(s) |
| <input type="checkbox"/> WSWD Report(s) | <input type="checkbox"/> Plans | <input type="checkbox"/> Other |
| <input type="checkbox"/> Daily Extra Work Reports | <input type="checkbox"/> Progress Payment | |
| <input type="checkbox"/> RFI Responses | <input type="checkbox"/> Dept. Letter | |

Item	Date	Copies	Sheets	Description
1	13-Apr-2006	1	2	CCO 24 - S2

These Are Transmitted As Checked Below:

- | | | | |
|--|---|--|-----------------------------|
| <input checked="" type="checkbox"/> For Approval or Action | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit | ___ Copies for approval |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit | ___ Copies for distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return | ___ Corrected prints |
| <input type="checkbox"/> For Review & Comment | <input type="checkbox"/> Other | <input type="checkbox"/> Sign and Return | |

Remarks:

Signed: 
 Andrew Yan

Copy To: G. Lai
 C. Moreno
 A. Yan
 M. Anigol

File: 05.03.02, 49.24S2.01

12-2

CONTRACT CHANGE ORDER

Change Requested by: Engineer

CCO: 24	Suppl. No. 2	Contract No. 04 - 0120R4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
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CC MYERS INC

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the Engineer.**

Description of work to be done, estimate of quantities and prices to be paid. (Segregate between additional work at contract price, agreed price and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. This last percentage shown is the net accumulated increase or decrease from the original quantity in the Engineer's Estimate.

Adjustment of Compensation at Lump Sum:

In accordance with Section 8-1.05, "Temporary Suspension of Work", of the Standard Specifications, and State Letter No. 349 dated March 24, 2005, the contract completion date will be extended by an amount of 381 working days to coincide with the period of suspension for portions of the contract work from April 1, 2005 to April 16, 2006. The suspended work entails all construction field activities that will affect the existing Route 80 mainline traffic and the existing structure. All other work shall proceed in accordance with the contract. Contractor Design of these facilities and administrative procedures shall continue on the design process.

The following activities will remain unaffected by the temporary suspension:

1. All design, fabrication and non-field activities
2. All field work that does not require permanent closure of ramps and connectors and as authorized by the Engineer.
3. Maintenance of the approved Storm Water Pollution Prevention Plan (SWPPP) for the entire project.
4. Maintenance of the project site for public convenience and safety.

Adjustment Deferred on Excess Quantity Increase:

Payment for quantities of Item No. 8, "Time-Related Overhead", in excess of 149% of the contract lump sum price bid will be adjusted in accordance with Section 10-1.20 "Time-Related Overhead", of the Special Provisions. Determination of the adjustment is deferred until completion of work on this item.

Adjustment of compensation for Time Related Overhead:

Item No. 8 Time Related Overhead adjusted by 381 Working Days (+80.20%) = \$4,812,631.58 (+80.20%)

Total cost of Adjustment of Compensation at Lump Sum\$4,812,631.58

Acceptance of this change does not preclude the contractor from pursuing a claim for additional compensation on behalf of their sub-contractor, Condon-Johnson & Associates, Inc. for overhead costs.

In accordance with the 6th paragraph of Section 8-1.05, "TEMPORARY SUSPENSION OF WORK," of the Standard Specifications, any additional compensation due, "other than overhead costs", as a result of this suspension will be deferred until the end of the suspension period.

12-3

CONTRACT CHANGE ORDER

Change Requested by: Engineer

CCO: 24	Suppl. No. 2	Contract No. 04 - 0120R4	Road SF-80-12.6/13.2	FED. AID LOC.: ACBRIM-080-1(097)N
---------	--------------	--------------------------	----------------------	-----------------------------------

12-4

Estimated Cost: Increase Decrease \$4,812,631.58

By reason of this order the time of completion will be adjusted as follows: 381 days

Submitted by

Signature <i>M. U. Anigol</i>	Resident Engineer: MAHANTESH ANIGOL	Date 04/04/06
-------------------------------	-------------------------------------	---------------

Approval Recommended by

Signature <i>[Signature]</i>	Construction Engineer: RICK MORROW	Date 7/13/06
------------------------------	------------------------------------	--------------

Engineer Approval by

Signature	(Print name and title) PETER SIEGENTHALER - Chief	Date
-----------	--	------

We the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above.

NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.

Contractor Acceptance by

Signature	(Print name and title)	Date
-----------	------------------------	------

CONDON-JOHNSON & ASSOC. INC.

LETTER OF TRANSMITTAL

480 Roland Way
OAKLAND, CA 94621

Tel: (510) 636-2177 Fax: (510) 568-9316

DATE	4/20/2006
ATTENTION:	Bob Coupe
RE:	Bay Bridge Temp. Struct.
	Caltrans No. 04-0120R4
Fax :	(415) 399-0587

TO: C. C. Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130

WE ARE SENDING YOU

<input type="checkbox"/> Shop Drawings	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Under separate cover via _____ the following items:
<input type="checkbox"/> Copy of Letter	<input type="checkbox"/> Prints	<input type="checkbox"/> Plans
	<input type="checkbox"/> Change Order	<input type="checkbox"/> Welding Reports

COPIES	DATE	NO.	DESCRIPTION
1	04/20/06		NOPC #18, West Tie-in Suspension Costs

THESE ARE TRANSMITTED as checked below:

<input type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit _____ copies for approval
<input checked="" type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted	<input type="checkbox"/> Submit _____ copies for distribution
<input type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Return _____ corrected prints
<input type="checkbox"/> For review and comment		
<input type="checkbox"/> For bids due		

REMARKS _____

COPY TO PC 05 BY: Raymond A Fassett
Raymond A. Fassett

13-1

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 Mahantesh Anigol (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE: 4/20/2006	IDENTIFICATION NUMBER 18
--	-------------------------------------	-----------------	------------------------------------

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: 4/17/2006

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

CCO 24 Supplement. No 2, has been written for the Temporary Suspension of Work from April 1, 2005 to April 16, 2006. Compensation for this suspension is being paid through Item No. 8, Time Related Overhead. Condon-Johnson & Associates Inc. is not part of the TRO Cost and is not being compensated for our extended Home Office Over Head Costs. This portion of the project has been suspended since Sept. 2004. CJA's original contract duration with concurrent work was for 6-months. CJA has been involved in the project since June 2004 and has only completed approximately 33% of our contracted work. This suspension is well beyond anything that could have been considered at the time of bid and CJA should be compensated for its extended time on the project under Section 4-1.03C and Section 8-1.05 of the Standard Specifications.

(attach additional sheets as needed)

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.

Condon-Johnson & Associates Inc.

SUBCONTRACTOR or CONTRACTOR

(Circle One)

Raymond A. Fassett

(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim in knowledge and forwarded by

C. C. Myers Inc.

PRIME CONTRACTOR

13-2

(Authorized Representative)

CONDON-JOHNSON & ASSOC. INC.

LETTER OF TRANSMITTAL

480 Roland Way

OAKLAND, CA 94621

Tel: (510) 636-2177 Fax: (510) 568-9316

DATE	5/4/2006
ATTENTION:	Bob Coupe
RE:	Bay Bridge Temp. Struct.
	Caltrans No. 04-0120R4
Fax :	(415) 399-0587

TO: C. C. Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130

WE ARE SENDING YOU

<input type="checkbox"/> Shop Drawings	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Under separate cover via _____ the following items:
<input type="checkbox"/> Copy of Letter	<input type="checkbox"/> Prints	
	<input type="checkbox"/> Change Order	
		<input type="checkbox"/> Plans
		<input type="checkbox"/> Welding Reports

COPIES	DATE	NO.	DESCRIPTION
1	05/04/06		NOPC #18, West Tie-in Suspension Part B

THESE ARE TRANSMITTED as checked below:

<input type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit _____ copies for approval
<input checked="" type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted	<input type="checkbox"/> Submit _____ copies for distribution
<input type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Return _____ corrected prints
<input type="checkbox"/> For review and comment		
<input type="checkbox"/> For bids due		

REMARKS _____

COPY TO PC 05 BY: Raymond A Fassett
 Raymond A. Fassett

14-1

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 Mahantesh Anigol (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE: 5/04/2006	IDENTIFICATION NUMBER 18
--	-------------------------------------	-----------------	------------------------------------

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:

DATE: 4/17/2006

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

CCO 24 Supplement. No 2, has been written for the Temporary Suspension of Work from April 1, 2005 to April 16, 2006. Compensation for this suspension is being paid through Item No. 8, Time Related Overhead. Condon-Johnson & Associates Inc. is not part of the TRO Cost and is not being compensated for our extended Home Office Over Head Costs.

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

This suspension is well beyond anything that could have been considered at the time of bid and CJA should be compensated for its extended time on the project under Section 4-1.03C and Section 8-1.05 of 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. TOTAL COST = \$ 107,380.25

Eichley Calculation = \$ 104,380.25

Casing Storage: 10 mo. @ \$300.00/mo = \$3000.00

(attach additional sheets as needed)

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:

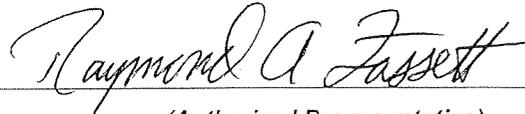
A time impact analysis cannot be performed at this time. The suspension is until further notice. Once the suspension is lifted, a time impact analysis can be performed.

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.

Condon-Johnson & Associates Inc.

SUBCONTRACTOR or CONTRACTOR

(Circle One)



(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim is 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

14-2

EICHLEY CALCULATION

TOTAL REVENUE FOR 2004: \$ 62,046,001.00
 TOTAL OVER-HEAD COSTS FOR 2004: \$ 6,576,901.00

TIME PERIOD START DATE	TIME PERIOD END DATE	DURATION C-DAYS	REVENUE EARNED	RATIO TO TOTAL REVENUE	OVER-HEAD COST BASED ON REVENUE RATIO.	OVER-HEAD COST PER CALENDAR DAY	TOTAL HOME OFFICE OVER-HEAD COST
4/1/2005	7/20/2005	111	\$ 334,840.00	0.0054	\$ 35,493.17	\$ 97.24	\$ 10,793.81
7/21/2005	8/20/2005	31	\$ 669,613.00	0.0108	\$ 70,979.25	\$ 194.46	\$ 6,028.37
8/21/2005	11/20/2005	61	\$ 1,381,990.00	0.0223	\$ 146,491.49	\$ 401.35	\$ 24,482.14
11/21/2005	4/16/2006	147	\$ 1,477,514.00	0.0238	\$ 156,617.08	\$ 429.09	\$ 63,075.92
							\$ 104,380.25

14-3

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Condon-Johnson & Associates, Inc.

We have audited the accompanying consolidated balance sheet of Condon-Johnson & Associates, Inc., as of December 31, 2004 and 2003, and the related consolidated statements of income, stockholders' equity and cash flows for the years then ended. These consolidated financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the consolidated financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of Condon-Johnson & Associates, Inc., as of December 31, 2004 and 2003, and the results of their operations and their cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Moss Adams LLP

San Francisco, California
March 11, 2005

14-4

CONDON-JOHNSON & ASSOCIATES, INC.
CONSOLIDATED STATEMENT OF INCOME

	Year Ended December 31,			
	2004		2003	
	Amount	Percent	Amount	Percent
CONTRACT REVENUES	\$ 62,046,001	100.0 %	\$ 62,047,752	100.0 %
COST OF CONTRACT REVENUES				
INDIRECT EQUIPMENT EXPENSE				
GROSS PROFIT				
GENERAL AND ADMINISTRATIVE EXPENSES	6,288,357		5,246,381	
INCOME FROM OPERATIONS				
OTHER INCOME (EXPENSE)				
Interest expense	(288,544)	(.5)	(180,566)	(.3)
Interest income		.1		
Miscellaneous				
Insurance settlement				
Unrealized and realized gain on marketable securities				
INCOME BEFORE PROVISION FOR INCOME TAXES				
PROVISION FOR INCOME TAXES				
NET INCOME	\$			

14-5

CONDON-JOHNSON & ASSOCIATES, INC.
CONSOLIDATED SCHEDULE OF GENERAL AND ADMINISTRATIVE EXPENSES

	Year Ended December 31,			
	2004		2003	
	Amount	Percent	Amount	Percent
Office salaries	\$ 2,571,710	4.1 %	\$ 2,378,878	3.7 %
Officers' salaries	854,642	1.4	306,630	.5
Rent	521,813	.8	432,278	.7
Insurance	432,317	.7	347,894	.6
Profit-sharing plan contribution	365,000	.6	333,407	.5
Payroll taxes	267,200	.4	242,857	.4
Professional fees	177,824	.3	173,341	.3
Office and supplies	149,358	.2	159,688	.3
Travel and entertainment	139,065	.3	57,260	.1
Telephone and utilities	137,772	.2	99,758	.2
Taxes and licenses	112,929	.2	107,054	.2
Promotions and advertising	96,969	.2	180,346	.3
Safety	86,042	.1	76,945	.1
Bidding and estimating	81,355	.1	73,957	.1
Depreciation	74,647	.1	59,284	.1
Miscellaneous	51,040	.1	34,896	.1
Data processing	50,766	.1	51,799	.1
Dues and subscriptions	36,625	.1	42,277	.1
Bank charges	34,537	.1	58,352	.1
Training	25,155	-	10,707	-
Employee testing	12,476	-	14,233	-
Contributions	9,115	-	4,540	-
	<u>\$ 6,288,357</u>	<u>10.1 %</u>	<u>\$ 5,246,381</u>	<u>8.5 %</u>

14-6

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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



RECEIVED

MAY 24 2006

May 24, 2006

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

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

Attn: Mr. Bob Coupe

CC MYERS, INC
1000 2ND STREET, EMERYVILLE, CA 94608

Letter No. 05.03.01-000705

Ref:

K 03082

215-103

Subject: Response to NOPC No. 18

215-9918

Dear Mr. Coupe,

RC
Condon Johnson

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.

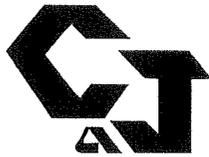
If you have any comments or questions, please contact me at (510) 622-5183.

Sincerely,

Andrew Fan
for Resident Engineer
Mahantesh Anigol

15

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



**CONDON - JOHNSON
& ASSOCIATES, INC.**
CONTRACTORS AND ENGINEERS

June 5, 2006

CC Myers, Inc.
51 Macalla Rd.
San Francisco, CA. 94130
Fax: (415) 399-0587

Attn.: Robert W. Coupe

Re: Temporary Bypass Structure, Contract No. 04-0120R4; CCM Job# 215
CJA Job #400, SL-068

Subj.: Response to NOPC No. 18.

Dear Mr. Coupe,

Condon-Johnson & Associates, Inc. (CJA) is in receipt of Caltrans' Letter No. 05.03.01-000705 regarding the above-mentioned subject. In compliance with Special Provisions Section 5-1.12, Dispute Review Board, CJA is providing a written objection to Caltrans' rejection of NOPC 18 regarding the Extended Home Office Overhead costs for CJA.

As stated in previous correspondences and NOPC 18 Parts A and B, CJA is requesting compensation for Extended Home Office costs as follows:

1. The suspension for the West Tie-In started in Sept. 2004 and has still not been lifted. This suspension is well beyond anything that could have been considered at the time of bid and CJA should be compensated for its extended time on the project under Section 4-1.03C and Section 8-1.05 of the Standard Specifications.
2. The State requested costs from CC Myers Inc. and its subcontractors for costs do to this suspension, but instead has decided to use the Time Related Overhead item in the Contract as the means to pay for the suspension. CJA is not part of the TRO because our original duration on the contract was only going to be approximately 6-months. Therefore at this time CJA's Extended Home Office Overhead costs are not being paid.

At this time, CJA is requesting that NOPC 18 be referred to the Dispute Resolution Board for their review. The written referral to the DRB will be sent under separate cover.

Any questions or comments please contact the undersigned at (510) 636-2177.

Sincerely,

Raymond A. Fassett
Project Manager

16

File: PC-05

GENERAL ENGINEERING • SHORING • CAISSONS

480 ROLAND WAY, SUITE 200, OAKLAND, CA 94621 • ESTIMATING FAX: (510) 568-8569
P.O. BOX 12368, OAKLAND, CA 94604 • TEL: (510) 636-2100 • FAX: (510) 568-9316
1801-A SOUTH SANTA FE AVE., COMPTON, CA 90221 • TEL: (310) 886-0011 • FAX: (310) 886-0631
651 STRANDER BLVD., SUITE 110, TUKWILA, WA 98188 • TEL: (206) 575-8248 • FAX: (206) 575-8354
9303 CHESAPEAKE DR., SUITE B, SAN DIEGO, CA 92123 • TEL: (858) 503-7890 • FAX: (858) 503-7895