



C C M Y E R S I N C.

September 30, 2004

Document No.: 215-STL.00039

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: Potential Claim No. 2

Dear Mr. David,

We have received your letter 121 with which you specify that our request for additional compensation for changing the version of the Bridge Design Specification is without merit. We do not agree with your position, and based on the information provided to you previously via our documents 215-STT.00027 & 215-STT.00040 and the attached letter from Imbsen & Associates, Inc., we request that you re-evaluate the matter. In the mean time however, in accordance with Section 5-1.12 of the Special Provisions, we will be referring this potential claim to the Dispute Review Board for consideration. This will be done under a separate cover, which you will receive a copy of.

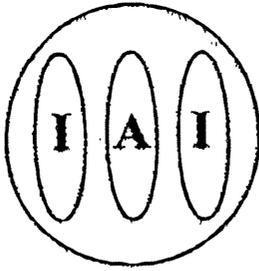
Very Truly Yours,  
C. C. MYERS, INC.

  
Robert W. Coupe  
Project Manager

cc: DH  
MO

File: 215-101, 215-9902

RECEIVED  
000315 OCT-15



**IMBSEN & ASSOCIATES, INC.**  
**Engineering Consultants**  
 A **TRC** Company

September 29, 2004

**RECEIVED** #1295-320

SEP 30 2004

Mr. Bob Coupe  
 C.C. Myers, Inc.  
 3286 Fitzgerald Road  
 Rancho Cordova, CA 95742

CC MYERS, INC.  
 JOB 215 TEMP BYPASS STRUCTURE

IC-757  
 215-201  
 215-9902

**Subject: Response to Caltrans NOPC No. 2 Response**

Dear Mr. Coupe:

On September 23, 2004, we received from you a letter, which contained Caltrans response to CC Myers Supplemental Notice of Potential Claim (NOPC) No. 2. Caltrans believes the NOPC has no merit. The following is IAI's response to their response:

In State Letter # 68, Caltrans states that an error was made in the April 2000 BDS and was corrected in a May 2002 update. Since we used the April 2000 version of BDS it has caused IAI extra work of \$26,000 and extra time expended of 15 working days. These amounts are detailed in Supplemental Notice of Potential Claim #2 dated August 27, 2004.

We acknowledge that updated specifications are used for typical bridge projects. However in our experience, project-specific design criteria are typically used for structures of high importance, and we consider the Bay Bridge to be such. IAI's contention is this job utilizes a *Job Specific Criteria*, as evidenced by the 10 Design Criteria sheets included in the contract plans. Also, on the Design Criteria No.1 sheet of the Contract Plans it is stated "The Temporary Bypass Structure shall be designed in accordance with 'Bridge Design Specifications' (BDS), LFD Version, April 2000, California Department of Transportation, (1996 AASHTO with interims, and revisions by Caltrans), modified or augmented as detailed in this design criteria document". Additionally on the Design Criteria No. 3 sheet, section 4, it is stated that "...project specific criteria as detailed in this document." Nowhere in the criteria is it stated not to use the April 2000 version of BDS. Therefore we feel the NOPC has merit.

If you have any questions give me a call at (916) 366-0632.

Sincerely,

Roy A. Imbensen, P.E., D Engr.  
 Project Manager

LAS/jlh

cc: IAI File

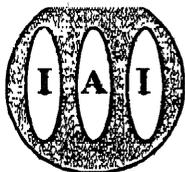
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**IMBSEN & ASSOCIATES, INC.**  
**Engineering Consultants**  
A **TRC** Company

Sacramento

Fresno

# Facsimile Memo

**To:**

**Fax Number:**

Bob Coepe

415. 399 - 0587

**From:** Mark I.

**Date:** 9/29/04

**Project No:** 1295

Confirmation Copy Mailed

**SUBJECT:** \_\_\_\_\_

Number of pages being transmitted including this cover sheet: 2

*RPC 2 letter response.*