

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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CC Myers
51 Macalla Road
San Francisco, CA 94130

Attn: Mr. Bob Coupe

September 16, 2004

Contract No. 04-0120R4
04-SF-80-12.6, 13.2
Temporary Bypass Structure

Letter No. 05.03.01-000121

Subject: NOPC No. 2 Response

Dear Mr. Coupe,

This letter is in response to your Supplemental Notice of Potential Claim #2, dated August 27, 2004, claiming damage from the requirement to use an updated version of the Bridge Design Specifications.

Contrary to as stated in the supplemental notice of potential claim, there is no such document as the "May 2002 version of the BDS". There is however, a document titled "Bridge Design Specifications (BDS), LFD version, April 2000." At the time of bid, this document included an official change dated May 2002. As a registered manual holder, Imbsen and Associates was sent this change and an electronic download of the manual at bid time would have included the official change.

As stated in our earlier letter SL # 68 dated August 6, 2004, according to the instructions in the manual as well as in other designer guidance manuals, it is the manual holder's responsibility to ensure that they have obtained the most current version of the manual. Imbsen and Associates, as a frequent design consultant for the Department and as the apparent designer of record for the contractor designed portion of the work, should be aware of this requirement.

Therefore, this NOPC does not have merit.

If you have any questions please contact me at (510) 286-0540.

Sincerely,

<<< ORIGINAL SIGNED >>>

Resident Engineer
Andrew Yan

cc: G. Lai

file: 05.03.01