

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

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(510) 622-5660, (510) 286-0550 fax



CC Myers
51 Macalla Road
San Francisco, CA 94130

Attn: Mr. Bob Coupe

Ref: 215-STL.00048

November 03, 2004

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

Letter No. 05.03.01-000190

Subject: NOPC # 3

Dear Mr. Coupe,

This Office acknowledges receipt of CC Myers's Notice of Potential Claim No. 3 Part B regarding the East Tie-In Design, dated October 22, 2004.

The current East Tie-In design by CC Myers and Imbsen and Associates Inc. (IAI) deviates from the requirements of the contract plans and Special Provisions. While alternate designs are allowed by contract, they must still adhere to the specified design criteria shown on the plans and Special Provisions. The design by IAI fails to meet these requirements. Rather than rejecting the design, the State has shown a willingness to work with IAI to modify the design criteria. The State has also requested that IAI assemble and furnish the modified design criteria that is being used for the East Tie-In design to help facilitate the State's review for the design submittals. This request is in accordance with Special Provisions Section 5-1.14 "Contractor Design" under subsection "Final Design Submittal", which states, "The Contractor shall also furnish additional information as requested by the Engineer to facilitate review of the final design information package". As CC Myers and IAI are presenting a design that does not follow the design criteria specified by the contract plans and Special Provisions, an additional criteria would had to have been developed, reviewed, and accepted in order for the design to be completed.

As stated in Special Provisions Section 10-1.15 "Temporary Bypass Structure", the contract plans contain sufficient design criteria for the Contractor to develop a TBS design. The envisioned roll-in roll-out concept is but one design that could have been generated using the criteria provided by the contract.

It is for these reasons that this Office finds no merit to this Notice of Potential Claim.

Please contact me at (510) 286-0511 for any additional questions.

Sincerely,

<<< ORIGINAL SIGNED >>>

Gary Lai
Structures Representative
for
Resident Engineer
Lourdes David

cc: D Adams, A Bata, E Rufino

file: 05.03.01, 62.03