



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.00110 ✓
Dated Nov 04 2004 Job No.: 215
Attention: Mr. Lourdes David
Re: 04-0120R4 Temporary Bypass Structure

To: State of California
333 Burma Road
Oakland CA 94607

We are sending you:

Attached

Via Fax

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> Drawing | <input type="checkbox"/> Plans | <input type="checkbox"/> Prog. Pmt |
| <input type="checkbox"/> Samples | <input type="checkbox"/> Certificates of compliance | <input type="checkbox"/> Calculations |
| <input type="checkbox"/> Payroll | <input type="checkbox"/> Specs | <input type="checkbox"/> Copy of Letter |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Schedule | <input type="checkbox"/> Invoice |

Copies	Item	Date	Description
1	01	Nov 04 2004	Notice of Potential Claim #4

These are transmitted as checked below:

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> For Approval | <input checked="" type="checkbox"/> For Review/comment | <input type="checkbox"/> Return For Correction |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> As Requested | <input type="checkbox"/> For Information |

Remarks:

Copy To: Robert Coupe, Mark Beadleston, Main Office

File: 215-~~1004~~⁹⁰⁰⁴, 215-101

RECEIVED
000442 NOV-9 5

Signed:

Christine M Williams
Christine M Williams
Project Engineer



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	CONTRACT NUMBER	DATE	IDENTIFICATION NUMBER
Lourdes David (resident engineer)	04-0120R4	November 4, 2004	4

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: October 19, 2004

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

In accordance with the State's verbal direction, we proceeded with performing the dynamic monitoring of the driven pipe piles at bent 49. The Supplemental Technical Special Provisions section regarding this matter requires that this work be performed by State forces. Section 5-1.14 of the Special Provisions requires that we utilize the State's Standard Special Provisions (SSP) in developing the Supplemental Technical Special Provisions. Although said section allows the SSP's to be edited, there is no direction anywhere in the project specifications that this SSP be edited to have anyone other than the State perform this monitoring work. Therefore, we have requested that the State issue a Contract Change Order to compensate us for the monitoring work. This request was made via our letter 215-STL.00035.

On October 19, 2004, we received the State's letter 05.03.01-000161, which denied our request for a Contract Change Order to compensate us for the monitoring work.

We seek reimbursement for the cost of the dynamic monitoring for the driven piles at all locations on the project, not just bent 49.

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

In preparing the Supplemental Technical Special Provisions in accordance with Section 5-1.14 of the Special Provisions, we are allowed to edit the Standard Special Provisions to suit this project provided that we provide an Engineering Basis for such edits. As the Contractor performing the design work, we have no Engineering Basis for editing the Standard Special Provision requirements that the Engineer perform certain tasks. There is no language that we have found in the contract that dictates that or provides an Engineering Basis for changing the scope of the Engineer's duties for this particular project. Specifically, in this case, there is no direction provided in the contract to edit the Standard Special Provision for piling, with regard to who performs the dynamic monitoring. Without such direction, we are not allowed by Section 5-1.14 to make this change and therefore believe that the responsibility to perform this task lies with the Engineer, as written in the Standard Special Provision.

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.

To date, the dynamic monitoring of the driven piles has only been performed at bent 49 of the Viaduct. The cost of this is estimated to be about \$5,000. This only includes the cost of the dynamic analysis and the logging of the piles as they are driven. The support work provided during the pile driving operation to accomplish the dynamic monitoring is the responsibility of the Contractor in accordance with the Standard Special Provision, thus these costs are not included nor are they in contention.

The work remaining to be completed is at bents 47B, 48 and 52. We estimate that an additional \$15,000 will be incurred to perform the pile dynamic monitoring at these locations, for a total potential claim amount of approximately \$20,000.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

To Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE November 4, 2004	IDENTIFICATION NUMBER 4 Page 2
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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:

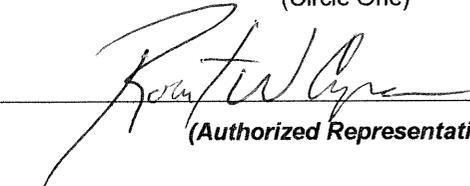
To date, there has been no effect on the completion date of the project as a result of this potential claim. We will monitor the future work remaining and submit the appropriate time impact analyses should schedule disruptions occur.

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.

C. C. Myers, Inc.

SUBCONTRACTOR or CONTRACTOR

(Circle One)


(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim in 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