



C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-STT.00155
Dated Dec 16 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	Dec 16 2004	Notice of Potential Claim 5, Part B

These are transmitted as checked below:

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

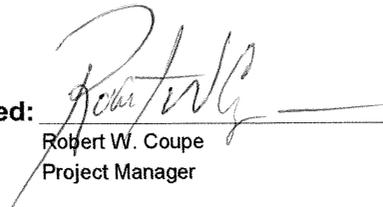
Remarks:

Copy To: Andy Chan, John Vincent, PE, Dan Himick, Mark Beadleston, Christine Williams, Main Office, Juan Gray

File: 215-101, 215-9905

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Signed: 
Robert W. Coupe
Project Manager



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	December 17, 2004	5

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:

December 3, 2004

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

On November 22, 2004, in an Executive Partnering Meeting, we discussed the schedule of installation of the Viaduct foundations at bents 50 and 51, with work beginning on November 29, 2004. Also in this meeting, Caltrans expressed their concern that there were unresolved issues with the design that could possibly affect the foundations and requested that we suspend this work pending resolution of the issues. The particular issues at hand were how the introduction of the bent caps into the design would affect the foundations, what affect the resolution of the conflict at bent 52L would have on the bent 51 foundation and what affect the State's increased seismic demand would have on the foundations.

We view each of these three issues as being outside the scope of the contract. Therefore, any delay to the work pending resolution of these issues would be outside the scope of the contract as well. On November 22, 2004, we requested that the State issue a Contract Change Order to compensate us for the delay via our letter 215-STL.00054. On December 3, 2004, we received the State's letter 05.03.01-000229 with which our requested change order was denied. Further, the letter stated that it was determined in our meeting that the delay would have mutual benefit to both C. C. Myers, Inc. and Caltrans. We do not agree that there is any benefit to C. C. Myers, Inc. by reason of this delay. To the contrary, the delay will only cause C. C. Myers, Inc. to incur additional costs. This is why the change order was requested.

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

The reasons for which the Viaduct work was suspended are outside the scope of the contract. In accordance with the milestones set forth in Section 10-1.15 of the Special Provision regarding when construction can begin based upon the various levels of completion of the design submittals, we were completely within the contract requirements to begin construction of the Viaduct drilled shaft foundations.

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.

The last minute suspension of this work by the State has caused us to incur additional costs. Furthermore, the delay to the work will cause additional costs to be incurred, which will vary depending upon when the suspension is lifted. These delay costs include, but are not limited to, idle equipment, remobilization of equipment, escalations, and the like. Also, depending on when the work resumes, there could be inefficiency costs due to working in adverse weather and access conditions. These additional direct costs will be incurred by C. C. Myers, Inc. and our subcontractors, Condon-Johnson & Associates, Inc. and Harris Salinas Rebar, Inc. Other subcontractors may experience consequential costs as a result of the delay.

The exact value of these costs cannot be determined until the work resumes.

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 until after the work resumes and the actual delay period is established.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
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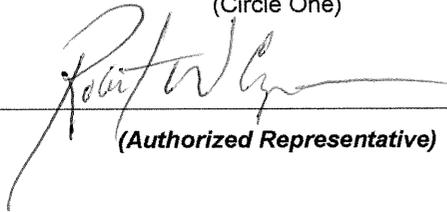
To Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE December 17, 2004	IDENTIFICATION NUMBER 5 Page 2
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The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents 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