

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	May 12, 2005	8 Page 1 of 2

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:

April 26, 2005

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

The original design proposed by Imbsen & Associates, Inc. for the Viaduct utilized pot bearings at bents 49 through 52. This is as shown on the Proposal Plans and the Preliminary Plans. Through State letter 05.03.01-000041, we were provided with written direction that the pot bearings were not allowed to be used in the design. Based on this, and many discussions that took place between Imbsen & Associates, Inc. and the State design team, the Viaduct design was changed to incorporate another bearing type. Considerable design effort was spent revising the design, resulting in added design costs and time spent. At a later date, we suspected that the direction provided previously was possibly outside the scope of the contract. As such, we submitted our Request For Information 215-RFI.000.00017 to clarify if pot bearings were allowed to be used in the design. The State confirmed through their response to our request and through their letter 05.03.01-000308 that pot bearings were indeed allowed to be used in the design. Due to the extreme cost difference in using the alternate bearings, the design was changed back to utilize pot bearings.

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

It was included in the design review comments attached to State letter 05.03.01-000041 that pot bearings were not allowed to be used in the design of the Temporary Bypass Structure. We relied on this written direction provided by the Engineer and in accordance with Section 5-1.01 of the Standard Specifications and the subsection titled *Design Review Process* within Section 5-1.14 of the Special Provisions, we followed said written direction and proceeded to revise the design to incorporate another bearing type. It was later determined and confirmed in writing by the State that this statement was made in error.

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.

Imbsen & Associates, Inc. has incurred additional costs and suffered delays associated with performing two additional designs, one changing away from the pot bearings, and one changing back to the pot bearings. As they discuss in their Notice of Potential Claim, the impact has had a ripple affect with the follow on activities. In particular, the delays incurred due to having to perform the additional designs has ultimately contributed to the delay in the completion of the entire design of the Temporary Bypass Structure. Although many construction operations have been affected by this, the most substantial impact has occurred with the structural steel fabrication operations at Shanghai Grand Tower Steel Structure Co., Ltd, in Shanghai, China. Both Shanghai Grand Tower and our independent welding inspection firm, Smith Emery Company have incurred substantial additional costs as a result of the delay.

The actual dollar amounts of the costs incurred as a result of this matter will be provided once they are fully quantified. There are also time related direct and indirect costs incurred that cannot be determined until the time impact analysis is complete.

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:

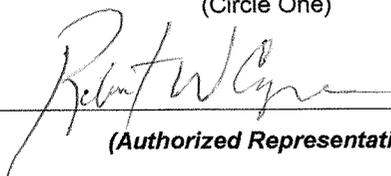
Due to the complexity of the matter, it's inter-relationship with other delays and impacts to the design and the overall status of the approval of the design, a complete time impact analysis cannot yet be performed. This will be done once all of the necessary information is available.

FOR STATE USE ONLY		
Received by:	(For Resident Engineer)	Date:

To Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE May 12, 2005	IDENTIFICATION NUMBER 8 Page 2 of 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.

CC 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)

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

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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: April 26, 2005

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

IAI originally designed Bents 49 through 52 of the Viaduct with the pot bearings. (1st design). This design was submitted to Caltrans for their review and approval. Caltrans evaluated the Viaduct Preliminary Design plans and provided review comments on May 20, 2004. The specific comment by one of the Caltrans Design Engineers regarding the use of Pot Bearings, Comment No. 53A, was that "CT does not allow this type of bearing because of their questionable long term performance in service and their poor performance in seismic conditions". This comment was also substantiated by the Caltrans Bearing Specialist. As such Imbsen and Associates (IAI) incorporated Caltrans comments and designed Lead Core Isolation Bearings for Bents 49 through 52 of the Viaduct. (2nd design)

Subsequently, Imbsen and Associates (IAI) was instructed to abandon the design of the Lead Core Isolation Bearings and proceeded to redesign the bearings at Bents 49 through 52 of the Viaduct with the pot bearings which was originally submitted with the bid package. In the interest of expediting the review process of the Viaduct final design, Imbsen and Associates (IAI) redesigned the bearings at Bents 49 through 52 of the Viaduct a third time.

(attach additional sheets as needed)

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

The basis for our claim is that the design effort has been affected by redesigning of the bearings at Bents 49 through 52 of the Viaduct a third time. Per Section 4-1.03, Changes, of the standard specifications, Caltrans provided direction in writing and through various meetings regarding not allowing Pot Bearings as a part of IAI's design. IAI complied with Caltrans comments and the Engineer's orders in writing, and proceeded with the work prior to actual receipt of an approved contract change order.

Subsequently, Caltrans has denied that they have provided a formal direction.

(attach additional sheets as needed)

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.

This redesign has a significant impact on Imbsen and Associates (IAI) design cost and schedule. The nature of the costs incurred includes time, design direct and indirect costs and overhead costs. The additional cost and impacts will be forwarded once they are fully quantified. The individual specifics are:

- Additional engineering and detailing costs associated with changing and redoing the design of the bearings.
- Additional direct and indirect costs associated with changing and redoing the design of the bearings.
- Additional project impacts associated with changing and redoing the design of the bearings.

The direct costs for the engineering and support staff will include the following classifications:

- Project Manager
- Project Engineer(s)
- Design Engineer(s)
- CADD Operator(s)

(attach additional sheets as needed)

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:

Complete verification of the impact through the project schedule is not possible at this time. The additional time impact is expected to ripple through the follow-on work and have an impact on the completion of the design and potentially the Project Completion. An accurate cost impact analysis will be submitted when the extent of the delays can be quantified.

(attach additional sheets as needed)

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.

Imbsen & Associates, 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

C.C. Myers, Inc.

PRIME CONTRACTOR



(Authorized Representative)

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