



C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-STT.00229
Dated Apr 29 2005 Job No.: 215
Attention: Mr. Lourdes David
Re: 04-0120R4
Temporary Bypass Structure

To: State of California
Department of Transportation
333 Burma Road
Oakland CA 94607

Subject: Notice of Potential Claim No. 8

We are sending you:

- Attached
- Via Fax
- Drawing
- Plans
- Prog. Pmt
- Samples
- Certificates of compliance
- Calculations
- Payroll
- Specs
- Copy of Letter
- Change Order
- Schedule
- Invoice

009254 FEB 18 05
RECEIVED

Copies	Item	Date	Description
1	01	Apr 29 2005	Notice of Potential Claim No. 8, CEM-6201A

These are transmitted as checked below:

- For Approval
- For Review/comment
- Return For Correction
- For Your Use
- As Requested
- For Information

Remarks:

Please see attached Notice of Potential Claim No. 8, CEM-6201A.

Copy To: Robert Coupe, Main Office, Juan Gray

File: 215-101, 215-9908

*Anthony -
This document has
been re-reported to
include additional
page not inserted
in original
transmittal.
Per your
request*

62.02.08

Signed: <<< Original Signed >>>

Andy Chan
Project Engineer



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

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

To Lourdes David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE April 29, 2005	IDENTIFICATION NUMBER 8
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This is an Initial 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 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.

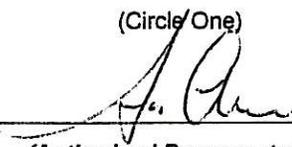
We had requested that a Contract Change Order be issued to compensate us for the added design costs and delays incurred as a result of changing the design numerous times. This request was denied via State letter 05.03.01-000389 dated April 22, 2005, which we received on April 26, 2005. We therefore submit this Notice of Potential Claim.

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 knowledge and forwarded by

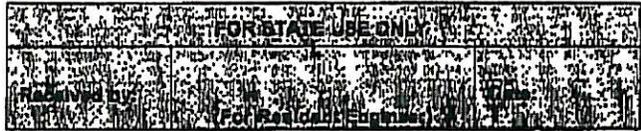
PRIME CONTRACTOR

(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

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



To Lourdas David (resident engineer)	CONTRACT NUMBER 04-0120R4	DATE 4/28/05	IDENTIFICATION NUMBER 8
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This is an Initial 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: 4/26/05

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

Through various meetings and discussions during the design of the Viaduct segment of the Temporary Bypass Structure (TBS), Imbsen and Associates (IAI) was told by Caltrans Bearing Specialist, that the pot bearings originally submitted with the bid package were not desirable and that Caltrans would not allow this type of bearing because of their questionable long term performance in service and their poor performance in seismic conditions. As such Imbsen and Associates (IAI) proceeded with the direction of the Engineer and designed Lead Core Isolation Bearings for Bents 49 through 52 of the Viaduct.

Subsequently, Imbsen and Associates (IAI) was instructed to abandon the design of the Lead Core Isolation Bearings and proceed 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. This redesign has a significant impact on Imbsen and Associates (IAI) design cost and schedule. The nature of the costs incurred includes design time and costs.

(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 Contractor's 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 is knowledgeable and forwarded by

C. C. Myers, Inc.

PRIME CONTRACTOR



(Authorized Representative)

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NOPC #8 Viaduct Pot Bearing 4-28-05.doc