

**DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program**

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CC Myers  
51 Macalla Road  
San Francisco, CA 94130

Attn: Mr. Bob Coupe

Ref: 215-STT.00229, 215-STL.00095

May 20, 2005

Contract No. 04-0120R4  
04-SF-80-12.6, 13.2  
South – South Detour

Letter No. 05.03.01-000419

Subject: Viaduct Segment - Bearing Change

Dear Mr. Coupe,

This Office has received Notice of Potential Claim No. 8, Part B, requesting additional compensation for the change in bearing types used on the Viaduct segment of the Temporary Bypass Structure (TBS).

The selection of the bearing system is ultimately at the discretion of the Designer of Record and should be in conformance with the pertinent Design Criteria and Specifications. In accordance with Memos to Designers 7-1, Imbsen and Associates, Inc. (IAI), as the designer, was required to consult with the State's Bearing Specialist regarding their bearing type selection. This meeting, as is the case with all contract meetings, was required to have been coordinated through the designated representatives of the Office of the Resident Engineer, who is administering this contract. Instead, this conversation was held directly between IAI and the State Bearing Specialist without the presence of authorized representatives from this Office that possessed project specific knowledge and authority regarding the TBS and the contract specific requirements.

While it is correct that this Office generated a comment regarding the State's position on the use of pot bearings during the review of the preliminary design package, the issue was open to discussion as has always been the case. It is important to point out that this Office's concerns were relative only to the type of fixed bearing being proposed and not to the use of all fixed bearings. At the time of the change in bearing types, it was the understanding of this Office that the substitution was due to design issues and not directly related to the review comment. In the Final Design Information Package included with submittal 215-SUB.00044-00, dated September 20, 2004 under subsection titled "Criteria Deviations," an explanation is provided that the pot bearings would yield undesirable effects upon the structure and therefore was replaced by the lead core rubber bearings. It further stated that, "This change was made to provide capacity protection to superstructure and the elastically responding columns for a value above the wind loading and below the  $D_{LS}$  event."

At no time did C.C. Myers or IAI receive formal direction that the proposed fixed pot bearings be replaced by an isolation bearing system. At no time did this Office direct C.C. Myers or IAI to abandon the design of lead core isolation bearings and return to the fixed pot bearings. These decisions were made without direction from this Office and were at the discretion of C.C. Myers and IAI.

C.C. Myers' attention is directed to Special Provisions Section 5-1.14, "Contractor Design" subsection "Design Review Process," which states, "... Revisions to the Contractor's submitted design, as a result of preliminary and final design reviews will not be considered changes in conformance with Section 4-1.03, "Changes", of the Standard Specifications, and no additional compensation will be allowed therefore.

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The changes made in the selection of the different bearing types were made at the discretion of the Designer of Record and not by any direction of this Office. The supporting reasons for the initial change from the fixed Pot Bearing were based upon design issues and not the State's comment 53A for the preliminary plan set submittal. For these reasons, this Office finds no merit to Notice of Potential Claim No. 8 and requests that this matter be referred to the Disputes Review Board initiated by this contract should C.C. Myers still desire to pursue this issue.

If you have any additional questions, please contact me at (510) 286-0511.

Sincerely,

**<<< ORIGINAL SIGNED >>>**

Gary Lai  
Structure Representative  
for  
Resident Engineer  
Lourdes David

cc: D. Quintana, R. Hartley  
C. Moreno, A. Yan  
Y. Bezuwork, S. Morrison

file: 05.03.01, 58.32, 62.02.08