

C.C. MYERS, INC.

An Equal Opportunity / Affirmative Action Employer

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LETTER OF TRANSMITTAL

Document No: 215-STT.00248
Dated May 26 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 #9, CEM 6201A

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

Copies	Item	Date	Description
1	01	May 26 2005	Notice of Potential Claim #9

These are transmitted as checked below:

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

Remarks:

Please find attached Notice of potential Claim #9 Part A.

Copy To: Robert Coupe, Main Office

File: 215-101, 215-9909

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 May 26, 2005	IDENTIFICATION NUMBER 9
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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:

May 23, 2005

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

The State has imposed additional requirements on the design of the deck drainage system from what is called out in the contract. Specifically, the design parameter that water not be allowed to pond within the traveled way is a requirement imposed by the State that is not within the scope of the contract. The result of this added requirement is that our design subcontractor has spent considerable time and effort in attempting to develop a design to meet this added criteria, resulting in a reallocation of their resources to a point that the matter has contributed significantly to the overall delay in the completion of the design work for the entire Temporary Bypass Structure. This overall delay in the design has caused additional construction costs to be incurred. Additionally, pending the completion of the drainage design and the final configuration of the approved system, additional drainage components will likely need to be constructed. The State has also requested that a separate submittal package depicting only the deck drainage be submitted for review and approval. This is also outside the scope of the contract.

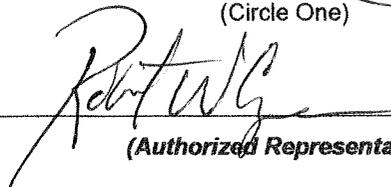
We have requested that a Contract Change Order be issued to compensate us for the added costs and impacts involved, as detailed in our letters 215-STL.00118, 215-STL.00128 and 215-STL.00136. This request was denied via State letter 05.03.01-000342, thus we are filing this Notice of Potential Claim.

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 is knowledgeable 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)

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

To	CONTRACT NUMBER	DATE	IDENTIFICATION NUMBER
Lourdes David (resident engineer)	04-0120R4	5/26/05	9

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: 5/23/05

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

The contract documents state that the bridge drainage for the Temporary Bypass Structure (TBS) shall be designed in accordance with procedures and details outlined in Caltrans Memo-to-Designers 18-1 (June 1989) and Bridge Design Aids 17-1 (October 1989) as stated in the Contract's Design Criteria.

IAI contends that the drainage criteria provided in the contract is not adequate for the proper drainage design of the TBS structure. The drainage criteria provided in the contract appears generally applicable to typical highway structures and not specifically for the TBS structure. The incompatibility of the deck drainage design criteria and the structure geometry and/or lane configuration are the contributing factors to this issue.

Caltrans has directed IAI to provide extra work for a separate submittal for the deck drainage design of the TBS. (State Letter No. 05.03.01-000399, dated May 3, 2005). Yet, Caltrans has denied payment for such extra work. IAI has spent significant amount of time and resources' regarding the deck drainage issue. Pursuant to Section 4-1.03 of the Standard Specifications, IAI is requesting compensation for all the extra work and resulting consequential impacts.

(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)

Robert A. Imbsen for Roy A. Imbsen

(Authorized Representative)

For subcontractor notice of potential claim

This notice of potential claim is known and forwarded by

CC MYERS INC

PRIME CONTRACTOR

Robert W. G.

(Authorized Representative)

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