

21-Nov-2013

ABF-CAL-LTR-001962

Mr. William S. Casey
Resident Engineer
California Department of Transportation
333 Burma Road
Oakland, CA 94607

PROJECT: San Francisco Oakland Bay SAS Bridge Superstructure
Caltrans Contract No. 04-0120F4
ABF Job No. 660110

SUBJECT: CONTRACT CHANGE ORDER (CCO) 330
PIER E2 POST TENSIONING WORK
PROTEST OF UNILATERALLY EXECUTED AND ISSUED CCO

Gentlemen:

American Bridge / Fluor Enterprises, Inc., A Joint Venture (ABFJV) acknowledges receipt of Department Transmittal 05.03.02.002063 dated November 20, 2013 forwarding Contract Change Order (CCO) 330 for the Pier E2 Post Tensioning Work associated with the E-2 Shear Key 1 & 2 Anchorage as unilaterally executed by the Department.

Consistent with ABFJV's Letter No. ABF-CAL-LTR-001948 dated November 15, 2013, ABFJV hereby protests in accordance with the Standard Specifications, including but not limited to Section 4-1.03A Procedure and Protest, the unilateral execution and issuance of CCO 330 due the fact that seminal language, to which the parties on two separate occasions (June 2013 and October 2013), had "agreed-in-principle" is now in fact, excluded. The negotiations to reach this "agreement in principle" were conducted in good faith by ABFJV with representatives that were purported to have the authority to speak on behalf of both the Department and the Toll Bridge Program Oversight Committee (TBPOC).

We again raise the fact that ABFJV has been, and will continue to act in good faith to complete the E-2 Shear Key Anchorage work timely to mitigate the damage to the Department. Further, we have been and continue to perform the work strictly as directed by the Department on a force account basis and have had no responsibility to control financial outcomes.

Sincerely,


AMERICAN BRIDGE/FLUOR ENTERPRISES, INC. A JOINT VENTURE

Brian A. Petersen
Project Director

File: 01.05.0330, 02.01