



P.O. BOX 23223 Oakland, CA 94623  
 Phone (510) 4194120 / Fax (510) 839-0666

**LETTER OF SUBMITTAL**  
**KFM Skyway Project# 04-012024**

Run Date 14-Jan-05  
 Time 10:32 AM

Dated: 14-Jan-2005  
 To: Doug Coe  
 Caltrans-Skyway Project  
 345 Burma Road  
 Oakland CA 94607  
 Phone: Fax:

SUBMITTAL No: KFMSUB-003652 Rev: 00  
 Co/Job # 364-3726  
 Contract # 06012024  
 Sub/Supplier: **USI**  
 Sub/Supplier No:

Subject: **USI - Documents Clearing USI KFM NCR #44 (METS #30)**

Special Provis. (SP) REF: 08-3.01  
 Standard Spec. (SS) REF:

**RESUBMITTAL/SUPPLEMENTAL REF:**

- We are sending the following attached items:  Attached  Via Fax
- Drawing  Plans  Prog. Pmt
  - Samples  Certificates of Compliance  Calculations
  - Payroll  Specs  copy of Letter
  - Change Order  Schedule  Invoice

Item	Date	Copies	Description	Drawing No	Rev	Status	Pages
01	14Jan-05	1	Letter of Transmittal#230		0	Pending	2
02	14-Jan-05	1	USI - Documents Clearing USI KFM NCR #44 (METS #30)		0	Pending	3

These are transmitted as checked below:

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

Remarks:

CC:

Please review / approve by : 21-Jan-2005

Submitted By: Rich Bienek  
 (KFM Staff Member - Originator of Transmittal)

Checked & Sent By: *SBunker*  
 Contract Admin/DCS Staff

METS NCR # 30

BL PH  
7/9/04

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

SFOBB - Skyway Project  
345 Burma Road  
Oakland, CA 94607  
Facsimile Number: (510) 622-5165



Flex Your Power  
Be Energy Efficient!

July 9, 2004

KFM, a JV  
220 Burma Road  
Oakland, CA 94607

Contract: 04-012024  
04-SF, Ala-80-13.9/14.3, 0.0/1.6  
SFOBB Skyway Project  
State Letter # 5.03.1-004827

**Subject: USI NCR No. 30: False Representation of Production Monitoring Test Specimen**

Dear Mr. Skoro,  
Attention: Paul Hegarty,

This Non-Conformance Report (NCR) is issued by the State to KFM as a result of your subcontractor, USI, for the following reason:

1. METS' Quality Assurance (QA) observed USI attempt to falsely represent a test specimen during a production monitoring test on June 14, 2004. Just prior to shift change, Caltrans' QA observed USI weld a test specimen in preparation for a production monitoring test to be performed by the following shift. QA observed visual defects in the test specimen. Following the METS QA shift change, QA observed USI preparing to test a different closed rib test specimen than the specimen welded in the presence of QA. When questioned whether he was testing the correct piece, USI's QC stated that to the best of his knowledge he was testing the right piece. USI's QC Inspector the Caltrans Structural Materials Representative that the previous QA inspector had not adequately marked the test specimen he was preparing for the tests. Upon further investigation, METS QA discovered the correct test specimen in a scrap metal bin for discarded material.

The State would like to re-iterate the concern that KFM is not ensuring adequate quality control at USI. In State Letter No. 4703, the State specifically expressed concern about KFM's QCM not adequately monitoring production of the closed rib to skinplate welds and USI's quality control program not operating independent from production. The above incident highlights the importance of KFM ensuring these issues are addressed and mitigated quickly. Prior to the above incident, USI had failed 30 of 61 production monitoring tests. The State is concerned the details surrounding this incident could be interpreted as the Contractor falsely representing information in an attempt to conceal defects and continue production. KFM is ultimately responsible for the actions of their subcontractor and could be affected by the repercussions if their sub-contractor is found to have willfully concealed, altered, misrepresented or distorted QC inspection or testing findings. KFM's attention is directed to Section 5-1.12, Character of Workers, of the Standard Specifications.

This NCR will be tracked as USI NCR No. 30. KFM and USI was verbally notified of this NCR by Caltrans' METS on 06/15/04. Please review and address how you plan to resolve this NCR and mitigate the quality control issues at USI.

Should you have any questions, please contact David Wu at (510) 622-5104.

# Universal Structural, Inc.

a subsidiary of

**HARDER MECHANICAL CONTRACTORS, INC.**

604 S.E. Victory Avenue, Vancouver, WA. 98661

P.O.Box 1030, Vancouver, WA. 98666

Phone: Vancouver (360) 695-1261 - Portland (503) 227-2419

Fax: (360) 696-3590

## LETTER OF TRANSMITTAL

NO: 230

DATE: January 11, 2005

PROJECT: SFOBB Skyway Structure

JOB NO.: 23932

ATTENTION: Paul Hegarty /

Rich Bienek

TO: Kiewit / FCI / Manson, JV

220 Burma Road

Oakland, CA

Page 1 of 2

WE ARE SENDING YOU

- |   |                                       |                                 |   |
|---|---------------------------------------|---------------------------------|---|
| <input type="checkbox"/> Shop Drawings  | <input type="checkbox"/> ATTACHED     | <input type="checkbox"/> Prints | <input checked="" type="checkbox"/> NCR Responses (Re-Submit) |
| <input type="checkbox"/> copy of letter | <input type="checkbox"/> Change order | <input type="checkbox"/> Prints | <input type="checkbox"/> Samples                              |
|   | <input type="checkbox"/> Change order | <input type="checkbox"/> Plans  | <input type="checkbox"/> Specifications                       |

COPIES	ITEM	DESCRIPTION / REMARKS
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004444, <b>KFM NCR 21R1</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004244, <b>KFM NCR 22</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004245, <b>KFM NCR 23</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004246, <b>KFM NCR 24</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004248, <b>KFM NCR 25</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004619, <b>KFM NCR 38</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-004827, <b>KFM NCR 44</b>
1 Original	NCR Response	Caltrans State Letter # 5.03.01-4908, <b>KFM NCR 49</b>

THESE ARE TRANSMITTED AS CHECKED BELOW

- For Approval   
  For your use   
  As Requested   
  FOR BIDS DUE

REMARKS Mr. Hegarty & Mr. Bienek,  
 Universal Structural, Inc. (USI) is in receipt of the above mentioned Caltrans State Letter's and the following attachments; with individual cover letters is USI's record of subsequent action taken.

Copy To:

Signed:

*Brad Murphy*  
 Brad Murphy

If enclosures are not as noted, kindly notify us at once.

USI takes great exception in the statement that "USI attempt to falsely represent a test specimen during a production monitoring test" and "this incident could be interpreted as the Contractor falsely representing information in an attempt to concealed, altered, misrepresentation or distorted QC inspection of testing findings." The fact that 30 of 61 tests were rejected should be testament that correct reporting was being performed. There *is* no evidence whatsoever, to support these allegations.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Seeley". The signature is written in black ink and includes a small flourish at the end.

Ralph Seeley  
Plant Manager



June 7, 2004

KFM  
220 Burma Road  
Oakland, California 94623



Attn: Mr. Paul Hegarty

Re: State letter no. 5.03.1-004827, USI NCR No. 30, regarding false representation of production monitoring test specimen.

Dear Mr. Hegarty:

The above referenced monitoring test was performed on June 14, 2004 and completed at approximately 3:15 P.M. Since this shift was over at 3:30 P.M., the supervisor told a helper to take the monitoring test to the sampling area and scrap any test specimens while the supervisor helped with the shift turn-over.

This same 500 mm test piece used for monitoring was also being used for test specimens in setting parameters and adjusting various process requirements. A number of these test specimens were in the area. Obviously, the helpers were unaware of the Caltrains marking system and took one of the test specimens to the sampling area instead of the actual monitoring test piece, which was taken to the scrap bin.

**All** personnel have been interviewed as to what lead to this mistake. **All** have concluded that this was a simple mistake in a communication. No evidence was found to indicate that this incidence was nothing more than that.

A statement was made in the above referenced letter that "USI's quality control program not operating independent from production." USI Quality Control Inspector John Lowengart was performing QC during this monitoring test, not production. USI Quality Control Inspector John Grey was in charge of interpreting the micro etches after cutting, not production. USI has since provided training to all QC inspection personnel providing acceptance or rejection for monitoring tests to check the marking to assure that the correct test piece is being used. Had the marking system been properly coordinated, this mistake would not have happened.

USI has a concern that Caltrains **QA** is more concerned about writing a non-conformance report than assuring that contract quality requirements are maintained throughout the project. After interviews with all personnel involved, it is quite evident that Caltrains **QC** knew that the marking was not correct and allowed the process to continue. **All** Caltrains QA needed to do is state that this was not the correct sample and the situation would have been corrected. Team work is obviously not included on this project.



# UNIVERSAL STRUCTURAL, INC.

August 16, 2004

Kiewit/ FCI / Manson, JV (KFM)  
220 Burma Road  
Oakland, CA 94607  
Phone: (510) 419-0120  
Fax: (510) 839-0666

Attention: Paul **Hegarty** / Rich Bienek

Reference: **SFOBB** Skyway Project  
**USI #23932** (NCR LTR# 44.081604)

Subject: Response to Caltrans State Letter # 5.03.01-004827, **DTD** 07/09/2004

Mr. Hegarty & Mr. Bienek,

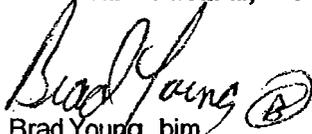
Universal Structural, Inc. received Caltrans State Letter # 5.03.01-004827, dated July 9, 2004. Caltrans stated that

*"Mets' Quality Assurance (QA) observed USI attempt to falsely represent a test specimen during a production monitoring test on June 14, 2004. Just prior to shfi change, Caltrans' QA observed USI weld a test specimen in preparation for a production monitoring test to be performed by the following shfi. QA observed visual defects in the test specimen. Following the METS QA shfi change, QA observed USI preparing to test a different closed rib test specimen than the specimen welded in the presence of QA. When questioned whether he was testing the correct piece, USI's QA Inspector informed the Caltrans Structural Materials Representative that the previous QA inspector had not adequately marked the test specimen he was preparing for the tests. Upon further investigation, METS QA discovered the correct test specimen in a scrap metal bin for discarded material."*

Please see the attached **USI** letter in response to this **NCR**. Please notify Caltrans and request a letter to close this **NCR**.

If you have any questions or need further clarification, please contact me at your earliest possible convenience.

Sincerely,  
**Universal Structural, Inc.**

  
Brad Young, bjm  
Estimator/Project Manager

cc: file



Category III

HARDER MECHANICAL CONTRACTORS



**DEPARTMENT OF TRANSPORTATION**

SFOBB – Skyway Project  
345 Burma Road  
Oakland, CA 94607  
Facsimile Number: (510) 622-5165



*Flex Your Power  
Be Energy Efficient!*

March 02, 2005

KFM, a JV  
220 Burma Road  
Oakland, CA 94607

Contract: 04-012024  
04-SF, Ala-80-13.9/14.3, 0.0/1.6  
SFOBB Skyway Project  
*State Letter # 5.03.1-007014*

*Subject: Response to KFM-SUB-3652R00: USI Documents Clearing USI KFM NCR #44 (METS #30)*

Dear Mr. Skoro,  
Attention: Mr. Rich Bienek,

The Engineer has reviewed KFM-SUB-3652R00: USI Documents Clearing USI KFM NCR #44 (METS #30). The Engineer is satisfied the Contractor has taken steps to ensure similar incidents will not occur again in the future. The State Quality Assurance representatives on the shop floor are responsible for documenting incidents of material or workmanship that do not comply with the contract documents. The Engineer documents these incidents in the form of a non-conformance report. State QA personnel cannot direct Contractor personnel. The Engineer will continue to work with the Contractor to prevent future incidents of non-conforming material or workmanship.

The Engineer agrees the Contractor has sufficiently addressed this NCR. As a result, USI NCR No. 30 is resolved. Should you have any questions, please contact David Wu at (510) 622-5104 or Patrick Lowry at (858) 344-2712.

Sincerely,

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

David Wu  
Senior Bridge Engineer

For: Mr. Douglas Coe  
Resident Engineer

cc: D. Coe, I. Khinsann, V. Iyer, D. Wu, S. Abbas, B. Chew, H. El-Natur, P. Lowry, I. Kwong  
file: 5.03.1, 9.06.8