

**DEPARTMENT OF TRANSPORTATION  
CONTRACTOR'S RELEASE**

**CONTRACTOR (Name and Address)**

FCI Contractors Inc.  
2100 Goodyear Rd.  
Benicia CA 94510-1216  
CONTRACT NO. DTMA4C07001

**ENTER SUM OF TOTAL OF AMOUNTS PAID AND PAYABLE**

\$ 2,285,529.11

Pursuant to the terms of the above numbered contract and in consideration of the sum stated above, which has been paid or is to be paid to the Contractor, or its assignees, the Contractor, upon payment of the said sum by the UNITED STATES OF AMERICA (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows: (or state "None")

**NONE**

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of this contract, which are not known to the Contractor on the date of the execution of this release and of which the Contractor gives notice in writing to the Contracting Officer within the period specified in the said contract; and

3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability) including reasonable expenses incidental thereto, incurred by the Contractor under any provisions of the said contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth above, that it will comply with all provisions of the said contract, provisions of the said contract, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

IN WITNESSES WHEREOF, this release has been executed this 8<sup>TH</sup> day of MAY, ~~19~~ 2008

**WITNESSES**

\_\_\_\_\_  
\_\_\_\_\_

BY

TITLE

**FCI CONSTRUCTORS**  
(Contractor)

*[Signature]*  
**VP-OPERATIONS**

NOTE: In the case of a corporation, witnesses are not required but the below statement must be completed.

I, W. Todd Bennett, am the Assistant secretary of the corporation named as Contractor in the foregoing release; that Richarda Grabinski who signed said release on behalf of the Contractor was then VP-Operations of said corporation; release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

*[Signature]*  
Signature

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

1. CONTRACT ID CODE  
Page  
1 of 5

2. AMENDMENT/MODIFICATION NO. 0003  
3. EFFECTIVE DATE 04/11/2008  
4. REQUISITION/PURCHASE REQ. NO. See Lines  
5. PROJECT NO. (If applicable)

6. ISSUED BY CODE 00094  
DOT/Maritime Administration, WR Acquisition  
201 Mission Street, Suite 1800  
San Francisco, CA 94105-1905  
7. ADMINISTERED BY (If other than Item 6) CODE 00094  
DOT/Maritime Administration, Western Region  
201 Mission St Ste 1800  
San Francisco, CA 94105

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code)  
FCI CONSTRUCTORS INC  
2100 GOODYEAR RD  
BENICIA, CA 94510-1216  
9A. AMENDMENT OF SOLICITATION NO.  
9B. DATED (SEE ITEM 11)  
(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. DTMA4C07001  
(X) 10B. DATED (SEE ITEM 13) 07/18/2007  
CODE \* FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)  
2008 - - 70X - 4303000 - 70 - 0861 - 72 - 80FACO - 9 - 72 - 80FACO - 0 - - 25305 - 0861 - 0000 - 00\$51,346.11

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE  
 A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.  
 B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).  
 C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:  
 D. OTHER (Specify type of modification and authority)  
FAR 52.226-04 Changes

E. IMPORTANT: Contractor  is not,  is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)  
This modification is issued to add CLIN 0012, Permanent Relocation of the High Voltage Electrical Utilities as initially defined by the contractor's correspondence, Notice of Extra Work, dated October 1, 2007 and supplemental corresponded dated November 28, 2007 and Delivery Submittal EX-01 Relocation Drawing (attached). It is the Contracting Officer's determination that the sum of \$51,346.11 and 6 working days extension for project supervision represents a fair and reasonable adjustment for subject change as defined above. This represents a mutual agreement of the parties for extra work performed.

Contract is here increased from \$2,234,183.00 by \$51,346.11 to \$2,285,529.11. In consideration of this final contract price of \$2,285,529.11 contractor hereby releases the government from all claims as documented on DOT F 4220.4 (attached). Execution of this modification by both parties closes contract DTMA4C07001.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) RICHARD GRABINSKI - VP OPERATIONS  
16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Debra K. Velmere  
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)  
15C. DATE SIGNED 5/8/08  
16B. United States of America (Signature of Contracting Officer)  
16C. DATE SIGNED 5/8/08

Line Item Summary		Document Number	Title					Page			
		DTMA4C07001/0003	Parking Lot Flood Control					2 of 5			
<b>Total Funding:</b> \$2,285,529.11											
<b>FYs</b>	<b>Fund</b>	<b>Budget Org</b>	<b>Sub</b>	<b>Object Class</b>	<b>Sub</b>	<b>Program</b>	<b>Cost Org</b>	<b>Sub</b>	<b>Proj/Job No.</b>	<b>Sub</b>	<b>Reporting Category</b>
<b>Division</b>	<b>Closed FYs</b>		<b>Cancelled Fund</b>								
Line Item Number	Description	Delivery Date (Start date to End date)		Quantity	Unit of Issue	Unit Price	Total Cost				
<i>Parking Lot Utilities Relocation PRSBRF07011 0002 0003</i>											
0001	MOBILIZATION AND DEMOBILIZATION	12/28/2007		1.00	JOB	\$220,000.00	\$220,000.00				
This is a New Line In accordance with CLIN 0001 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.											
0002	DEMOLITION	12/28/2007		1.00	JOB	\$60,000.00	\$60,000.00				
This is a New Line In accordance with Section C Statement of Work, CLIN 0002 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.											
0003	FLOOD PROTECTION, SURFACE WATER CONTROL AND DEWATERING	12/28/2007		1.00	JOB	\$45,000.00	\$45,000.00				
This is a New Line In accordance with Section C Statement of Work CLIN 0003 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.											
0004	CEMENT-BENTONITE CUTOFF WALL	12/28/2007		1.00	LOT	\$260,000.00	\$260,000.00				
This is a New Line In accordance with Section C Statement of Work CLIN 0004 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.											
0005	FLOODWALL BOX	12/28/2007		1.00	LOT	\$810,000.00	\$810,000.00				
This is a New Line In accordance with Section C Statement of Work CLIN 0005 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.											

<b>Line Item Summary</b>	<b>Document Number</b> DTMA4C07001/0003	<b>Title</b> Parking Lot Flood Control	<b>Page</b> 3 of 5
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**Total Funding:** \$2,285,529.11

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
Division		Closed FYs		Cancelled Fund							

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
0006	SUBDRAINS  This is a New Line In accordance with Section C Statement of Work CLIN 0006 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$60,000.00	\$60,000.00
0007	STORMWATER SUMP AND WTER TREATMENT VAULT  This is a New Line In accordance with Section C Statement of Work CLIN 0007 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$190,000.00	\$190,000.00
0008	FLOOR SLABS AND MISCELLANEOUS  This is a New Line In accordance with Section C Statement of Work CLIN 0008 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$70,000.00	\$70,000.00
0009	ASPHALT PAVING  This is a New Line In accordance with Section C Statement of Work CLIN 0009 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$189,183.00	\$189,183.00
0010	ELECTRICAL AND LIGHTING  This is a New Line In accordance with Section C Statement of Work CLIN 0010 of solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$200,000.00	\$200,000.00

<b>Line Item Summary</b>	<b>Document Number</b> DTMA4C07001/0003	<b>Title</b> Parking Lot Flood Control	<b>Page</b> 4 of 5
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**Total Funding:** \$2,285,529.11

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
<b>Division</b>		<b>Closed FYs</b>		<b>Cancelled Fund</b>							

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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0011	STORAGE SHEDS, GUARD SHACK, FENCING, FLAG POLE AND MISCELLANEOUS ITEMS This is a New Line In accordance with Section C Statement of Work CLIN 0011 solicitation DTMA4B07002 issued 4/25/07 and amended through Amendment 0007 dated 6/5/07.	12/28/2007	1.00	JOB	\$130,000.00	\$130,000.00
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0012	Permanent Relocation of High Voltage Wiring This is a New Line Existing underground live "High Voltage" electric utilities located under future flood wall boxes to be relocated permanently on top of Boxes 14 and 15 using 4 inch diameter rigid steel pipe as permanent conduit in accordance with approved drawings EX-01 titled, Relocation of Exiting Utilities @ Boxes 14 & 15.	12/31/2007	1.00	JOB	\$51,346.11	\$51,346.11
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**Previous Total:** \$2,234,183.00  
**Modification Total:** \$51,346.11  
**Grand Total:** \$2,285,529.11  
(Includes Discounts)

*Distribution: S WONG, M HUEY, E JOHNSON, D HANSEN, R ESTEPE, D GREGORY, J PECORARO*

<b>Contract Level Funding Summary</b>	<b>Document Number</b> DTMA4C07001/0003	<b>Title</b> Parking Lot Flood Control	<b>Page</b> 5 of 5
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**Funding Strip Code**

2008 - - 70X - 4303000 - 70 - 0861 - 72 - 80FACO - 9 - 72 - 80FACO - 0 - - 25305 - 0861 - 0000 - 00

**Change in Funded Amount**

\$51,346.11

Reference Requisition: PRSBRF07011/0002