



lanak&hanna

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File No. 29317

June 20, 2024

CERTIFIED MAIL

Risk Management
County of Ventura
800 S. Victoria Avenue, #L1970
Ventura, CA 93009

Received

JUN 25 2024

Risk Management

RE: PCC § 910 CLAIM FOR DAMAGES- TAYLOR JANE CONSTRUCTION
BRADLEY ROAD BRIDGE REPLACEMENT PROJECT
Claim No.: 24500594-0001

Dear Risk Management Department,

As you know, we represent Taylor Jane Construction LP ("Taylor Jane") in matters related to the Bradley Road Bridge Replacement Project ("Project"). We are in receipt of your May 16, 2024 and June 5, 2024 letters. We are writing to supplement our May 7, 2024 Public Contract Code § 910 Claim for Damage.

Enclosed please find Taylor Jane's Time Impact Analysis. Furthermore, please find enclosed Taylor Jane's updated Claim for Damage or Injury with the Date of Loss section identified.

We look forward to your timely review of this supplemental information.

Taylor Jane reserves all rights.

Sincerely,

LAUREN B. STEC
Attorney at Law for the Firm

LBS:AN
Enclosures

| | | | | | |
|---|--|--|---|--|--------------------|
| <h2 style="text-align: center; margin: 0;">Claim for Damage or Injury</h2> <p style="text-align: center; margin: 0;">Use Black or Blue Ink or Type Attach Additional Pages if Necessary</p> | | <p>Mail Claim To:</p> <p>Clerk of the Board of Supervisors County of Ventura 800 S. Victoria Ave., L#1920 Ventura, CA 93009</p> | | <div style="border: 1px solid black; height: 40px; margin-top: 20px;"></div> <p style="text-align: center; font-size: small;">Clerk of the Board Stamp</p> | |
| CLAIMANT, NOTIFICATION AND GENERAL INFORMATION | | | | | |
| CLAIMANT FULL NAME Taylor Jane Construction | | | CLAIMANT ADDRESS (REQUIRED) 151 W. Dana, Suite 101, Nipomo, CA 93444 | | |
| PERSON TO BE NOTIFIED OF ANY ACTION TAKEN ON CLAIM Colin K. McCarthy, Esq. | | | NOTIFICATION ADDRESS (IF DIFFERENT THAN ABOVE) 1851 E. First Street, Suite 700, Santa Ana, CA 92705 | | |
| CLAIMANT DATE OF BIRTH N/A | MEDICARE BENEFICIARY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | PHONE NUMBER(S) (714) 620-2350 | | |
| DATE OF ACCIDENT January 12, 2024 | ACCIDENT TIME AM/PM. | | EMAIL ADDRESS (OPTIONAL) ckmccarthy@lanak-hanna.com | | |
| PLACE OF ACCIDENT (COMPLETE ADDRESS AND DESCRIPTION TO LOCATE ON A MAP) Bradley Road Bridge Replacement Project, Br. 206, between SR 118 and Berylwood. | | | | | |
| PROPERTY DAMAGE | | | | | |
| DESCRIBE PROPERTY DAMAGE CLAIMED, INCLUDING LOCATION, NATURE OF DAMAGE, CAUSE AND HOW VALUE IS CALCULATED: \$899,199.71 consisting of remaining contract balance, gas line/engineering supports, waterline installation work, mud and debris removal, equipment cost overruns, extended overhead, interest and fees as outlined in claimant's March 4, 2024 claim pursuant to Public Contract Code Section 9204 and rejected by the County on April 17, 2024. | | | | | |
| PERSONAL INJURY | | | | | |
| STATE THE NATURE AND EXTENT OF CLAIMANT'S INJURY WHICH FORMS THE BASIS OF THIS CLAIM: N/A | | | | | |
| LIABILITY | | | | | |
| INDICATE HOW THE ACCIDENT HAPPENED, WHY YOU FEEL THE COUNTY IS LIABLE AND NAME OF INVOLVED COUNTY EMPLOYEE(S): The County breached the parties written contract agreement for the Project by failing to pay claimant for contract balance, extra costs and delays associated with the County's mismanagement of the project, extensive re-design issues and critical path delays. The County's liability is outlined in detail in claimant's March 4, 2024 claim submitted pursuant to Public Contract Code Section 9204, which was rejected by the County on April 17, 2024. The County is also legally liable for improperly assessing liquidated damages in violation of California's Prompt Payment laws. | | | | | |
| AMOUNT OF CLAIM | | | | | |
| PROPERTY DAMAGE: \$899,199.71 | | Personal Injury \$: | | TOTAL AMOUNT OF CLAIMS: \$899,199.71 | |
| WITNESSES | | | | | |
| NAME(S)/ADDRESS(ES): John Souza, Claimant, Angie Souza, Claimant, Gianfranco Laurie, County, Anitha Balan, County, Chris Hooke, County, Terry Hanser, County. | | | | | |
| CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIMS OR MAKING FALSE STATEMENTS Every person who, with intent to defraud, presents for allowance or payment any false or fraudulent claim is guilty of a felony. (See California Penal Code §72). | | | I DECLARE UNDER THE PENALTIES OF PERJURY OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS CORRECT AND THAT THE AMOUNT OF THIS CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT DESCRIBED ABOVE. <div style="text-align: center;"> X </div> | | |
| | | | SIGNATURE OF CLAIMANT | | DATE 6/2/25 |

NOTICE TO CLAIMANT

In order for your claim to receive proper consideration you are requested to supply the information called for on both sides of this form. All material facts should be stated on this form, as it will be the basis of further action upon your claim. The instructions set forth below should be read carefully before the form is prepared.

INSTRUCTIONS

Claims must be signed by the property owner, injured party, or the person representing the claimant. Unsigned claim forms cannot be honored. See Government Code §910.2.

The amount claimed must be substantiated by competent evidence before a claim can be paid. Whether attached to the claim form, or submitted subsequently, evidence supporting the amount claimed may include:

- (a) In support of a claim for personal injury or death, the claimant should submit documentation evidencing the injuries sustained, treatment rendered, the degree of permanent disability, and evidence of paid medical bills. It is recommended that medical evidence **NOT** be attached to the claim form, but that such substantiation of damages be provided upon request. The Claim Form and attachments thereto is a public record and subject to public inspection.
- (b) In support of claims for damage to property which has been or can be repaired, submit at least two itemized signed repair estimates or statements of damages by reliable, disinterested concerns, or if payment has been made, the itemized signed receipts evidencing repaired and payment.
- (c) In support of claims for lost property or property that cannot be economically repaired, submit documentation of the original cost of the property, the date of purchase, and the value of the property before and after accident. The statements demonstrating the value of the property should be by disinterested competent persons, preferably reputable dealers, persons familiar with the type of property, or advertisements for the same or similar property.

The completed Claim Form must be mailed or delivered to the **Clerk of the Board of Supervisors** at the address on the prior page. Questions should be directed to the County of Ventura, CEO Risk Management Department at (805) 654-3197.

INSTRUCTIONS REGARDING INSURANCE COVERAGE

In order that claims may be properly adjusted by Risk Management or **your** insurance company, it is essential that the claimant provide the following information regarding any insurance coverage available for the loss or injury.

DO YOU HAVE ANY INSURANCE COVERAGE FOR THE LOSS?

☐ Yes ☒ No

IF "YES", GIVE NAME AND ADDRESS OF INSURANCE COMPANY AND POLICY NUMBER

HAVE YOU FILED A CLAIM ON YOUR INSURANCE CARRIER IN THIS INSTANCE?

☐ Yes ☒ No

IF "YES", WHAT IS YOUR DEDUCTIBLE?

INSURANCE COMPANY'S CLAIM NO.?

IF A CLAIM HAS BEEN FILED, WHAT ACTION HAS YOUR INSURER TAKEN, OR WHAT ACTION DOES IT PURPOSE TO TAKE WITH REFERENCE TO YOUR CLAIM? (It is necessary that you ascertain these facts)

PLEASE PROVIDE NAME OF INSURANCE CARRIER, ADDRESS AND POLICY NUMBER

NAME OF CLAIMANT

Taylor Jane Construction



18872 MacArthur Boulevard, Suite 320 Irvine, California 92612
tel (949) 724-9600 | fax (949) 724-9601
www.sage-associates.com

TIME IMPACT ANALYSIS

PROJECT

Bradley Road Bridge Replacement

OWNER

County of Ventura
800 South Victoria Avenue
Ventura, California 93009

CONTRACTOR

Taylor Jane Construction
151 West Dana Street
Suite 101
Nipomo, California 93444

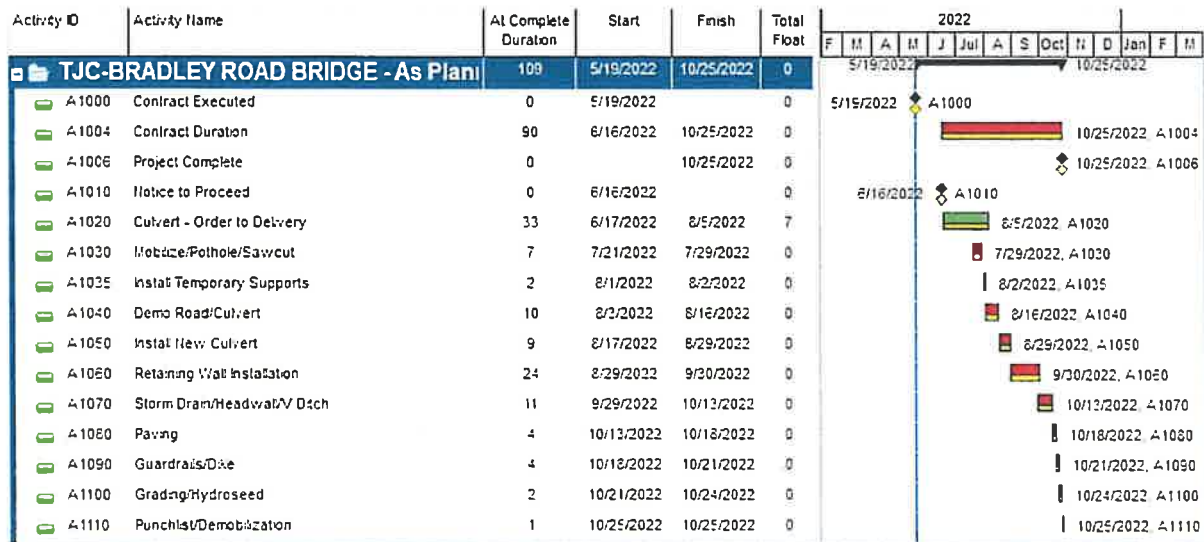
JUNE 10, 2024

A. Introduction

This Time Impact Analysis is for a project known as the Bradley Road Bridge Replacement Project (herein "Project") and a \$910,771 contract between Taylor Jane Construction LP (herein "TJC") as Contractor, and the County of Ventura, California (herein "COV") as Owner. It shows a delay of 196 working days. Several items, detailed in the document, *Taylor Jane Construction Claim for Damages and Time Extension*, had a substantial delay impact on the Project's delivery date. This report will present the Baseline Schedule, which established an as-planned Project duration of 90 working days, and the As-Built Schedule which details actual performance against the base scope, and the events impacting the 196 working day delay.

B. Baseline Schedule

The Baseline Schedule presented a Project duration of 90 working days and a completion date of October 25, 2022 (Activity A1015). The Baseline Schedule was established prior to the Project's June 16, 2022 start date (Activity A1010). Submittals followed the start of the Project, with the ordering and lead time of the Contech Bridge System (Activity A1130) being the most critical and delivery forecast on August 5, 2022. The Contech Bridge System was needed for assembly and installation of the culvert (Activity A1510) on August 17, 2022. Construction began on July 21, 2022 (Activity A1420) and mobilization (A1430) starts the linear sequence of activities leading to completion of the Project (A1690). The construction activities that formed the critical path of the Baseline Schedule all have a total float value of zero.



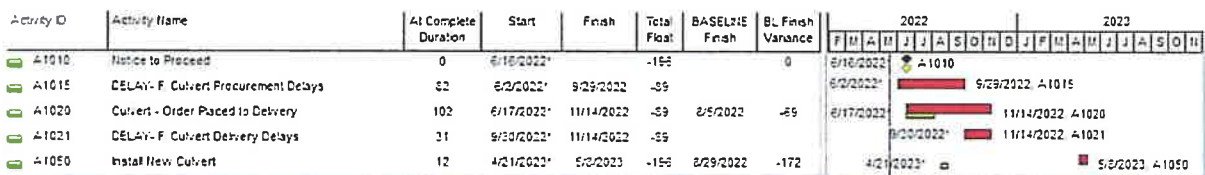
C. Overall Delay Impact of Project

The As-Built Schedule shows the delay impact that multiple items, detailed in the *Taylor Jane Claim* document, had on the project schedule. The As-Built Schedule reflects a duration of 286 working days with a Project completion date (Activity A1006) of August 10, 2023, 196 working days later than the projected October 25, 2022 finish date in the Baseline Schedule.



D. Delay Impact of Item F, Culvert Procurement Delays

Issues impacting the Project's critical path began even earlier than the June 16, 2022 start date. *Item F, Culvert Procurement Delays*, resulted in a 69-workday delay to the delivery of the near critical Contech Bridge System (Activity A1020). While this alone would have delayed the project more than 3 months, other items posed a more significant impact on the ultimate delivery of the Project.



E. Delay Impact to Base Scope Prior to Ordered Shut Downs by COV and SCGC

Several issues impacted TJC's ability to begin the base scope construction work on schedule.

Item I.1, Gas Line Extension, began impacting the project on July 6, 2022 until it was completed on August 12, 2022 (Activity A1022), and, along with other issues, delayed mobilization (Activity A1030) for the start of base scope construction by 32-workdays.

Item G, Waterline Design Errors and Impacts, initially began impacting the project on July 12, 2022 (Activity A1023). While other items would further delay progress, the waterline issues

continued to impact productivity of construction once major progress resumed on April 7, 2023, following the weather impacts detailed in *Item J, Winter Weather/Mud and Debris Removal*, and throughout the completion of construction.

Item I.2, Gas Line Engineering/Supports, began impacting the project on July 27, 2022 (Activity A1024), and COV's ultimate approval of the gas and petroleum line suspension plan was obtained on September 13, 2022.

All of these issues impacted the critical activities to start construction. The finish of mobilization, potholing of utilities, and sawcutting (Activity A1030) was delayed 38-workdays, to September 22, 2022. Construction work continued without significant delay for the balance of September until construction was shut down by COV on October 6, 2022, due to issues pertaining to *Item H, Project Safety/Shoring Plan*. At the time of shut down, installation of temporary supports for the gas line was the last base scope activity completed (Activity A1035), reflecting a 41-workday delay relative to the As-Built Schedule.

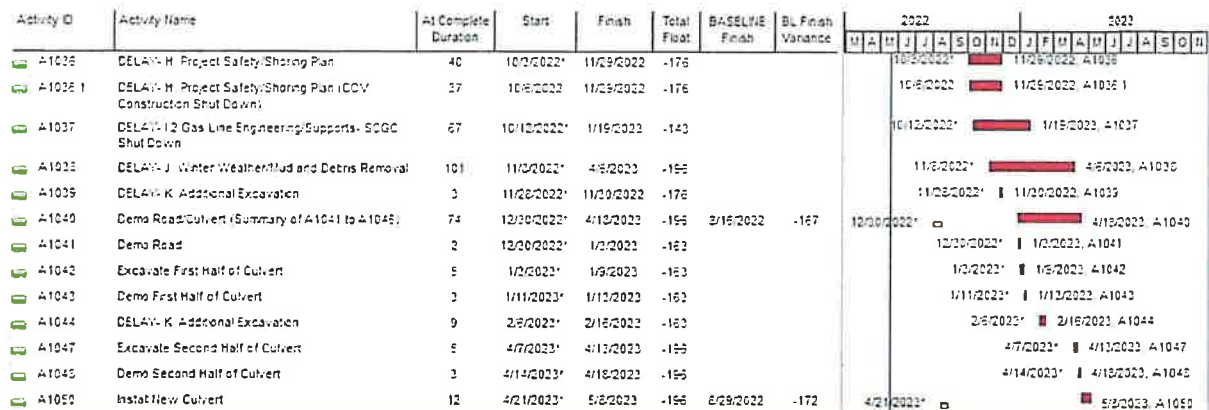
| Activity ID | Activity Name | At Complete Duration | Start | Finish | Total Float | BASELINE Finish | BL Finish Variance | 2022 | | | | | | | | | | | | 2023 | | | | | | | | | | | |
|-------------|---|----------------------|------------|-----------|-------------|-----------------|--------------------|------------|---|---|---|---|---|---|---|---|---|---|---|------|---|---|---|---|---|--|--|--|--|--|--|
| | | | | | | | | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | | | | | | |
| A1022 | DELAY- I Gas Line Extension | 28 | 7/5/2022* | 8/12/2022 | -119 | | | 7/5/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1023 | DELAY- G Waterline Design Errors and Impacts | 130 | 7/12/2022* | 1/17/2023 | -195 | | | 7/12/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1024 | DELAY- I2 Gas Line Engineering/Supports- COV Approval | 34 | 7/27/2022* | 9/13/2022 | -127 | | | 7/27/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1030 | Mob/ice/Pothole/Sawcut | 13 | 9/5/2022* | 9/22/2022 | -134 | 7/29/2022 | -38 | 9/5/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1031 | DELAY- G Waterline Relocation Installation | 103 | 9/7/2022* | 2/10/2023 | -195 | | | 9/7/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1032 | DELAY- K Additional Excavation | 13 | 9/19/2022* | 10/5/2022 | -176 | | | 9/19/2022* | | | | | | | | | | | | | | | | | | | | | | | |
| A1035 | Temporary Supports/Temp Construction (DELAY- I2; | 5 | 9/23/2022 | 9/29/2022 | -124 | 8/2/2022 | -41 | 9/23/2022 | | | | | | | | | | | | | | | | | | | | | | | |

F. Delay Impact Due to Shut Downs and Weather

Item H, Project Safety/Shoring Plan, which started on October 3, 2022 (Activity A1036), resulted in COV shutting down construction on October 6, 2022.

Item I.2, Gas Line Engineering/Supports, led to SCGC shutting down the project on October 12, 2022 (Activity A1037).

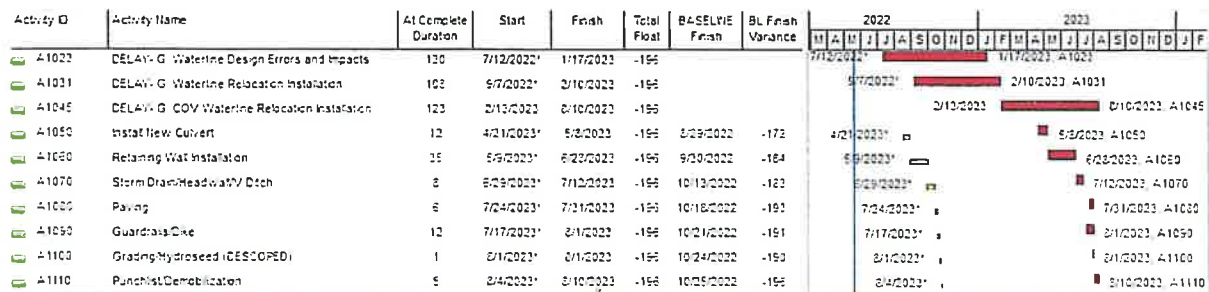
Item J, Winter Weather/Mud and Debris Removal, started to impact the project on November 8, 2022 (A1038), during the shutdown period, and prevented construction from making any meaningful progress through April 6, 2023. This event ultimately had the most significant delay impact on the project. When construction resumed on April 7, 2023, the project delay was approximately 170 workdays.



G. Delay Impact Due to COV Takeover of Waterline

Item G, Waterline Design Errors and Impacts, impacted the project most significantly when COV took over installation of the waterline in February 2023 (Activity A1045). Once construction progress resumed on April 7, 2023, and throughout the completion of construction, COV's work repeatedly interfered with and delayed the construction. Finish variance, relative to the Baseline Schedule, continued to grow with the completion of each successive construction task.

When the remaining excavation and demolition were completed, and the culvert was installed on May 8, 2023 (Activity A1050), there was a 172-workday delay. Each successive construction task incurred more delay until the project was completed on August 10, 2023 (Activity A1110), reflecting an overall delay of 196-workdays.



H. Conclusion - Bradley Road Bridge As-Built Schedule

The overall As-Built Schedule shows the cumulative effect of multiple delay events that impacted the entire duration of the project. From the very beginning of the project, TJC's work was affected by COV failures and breaches, as well as exceptional weather conditions. The ever increasing variances, relative to the As-Planned Schedule, and on critical path work, clearly show that TJC is owed a compensable time extension of 196-workdays. Taking into account the 13-workdays of approved time extensions by COV, TJC's work was delayed a total of 183-workdays.

