



*Florida Department of Transportation*

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SECRETARY

**ROADWAY DESIGN BULLETIN 19-06**  
**PRODUCTION SUPPORT BULLETIN 19-02**  
**PROGRAM MANAGEMENT BULLETIN 19-05**

DATE: October 28, 2019

TO: District Directors of Transportation Operations, District Directors of Transportation Development, District Design Engineers, District Construction Engineers, District Structures Design Engineers, District Maintenance Engineers, District Consultant Project Manager Engineers, District Roadway Design Engineers, District Traffic Operations Engineers, District Program Management Engineers, District Materials Engineers, Roadway Aesthetics Community of Practice

FROM: Michael Shepard, P.E., State Roadway Design Engineer  
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SUBJECT: **Sole Sourced Products or Processes**

This bulletin implements a modification to the approval process for sole sourced products and processes. This affects changes to the *FDOT Design Manual (FDM)* which will be supported by changes to the Project Suite Enterprise Edition (PSEE).

**REQUIREMENTS**

1. Replace *FDM 110.4.1* with the following:

**110.4.1 Sole Sourced Products or Processes**

Sole sourcing products or processes occurs when the Engineer of Record (EOR) specifies a proprietary product or process within the construction contract documents which results in the exclusion of other products or processes that may perform the same or similar function. Sole sourcing must be justified by the EOR and approved by the District Design Engineer. Identify

these features as early in the design process as possible and provide the approved justification prior to the Phase III submittal.

Provide justifications that factually and technically support the sole sourcing of the proprietary product or process. Address why sole sourcing is reasonable and necessary to fulfill the project's needs. Complete the Sole Sourcing Approval along with supporting documents and justification as needed in the PSEE module.

2. Delete from *FDM 111.7.2.12*:

“(4) Proprietary Product Approval Forms [ProprietaryProductApprovalForms]”

3. Delete from *FDM Figure 120.1.1*, item L):

“Submit Proprietary Product Certification Request”

## **BACKGROUND**

The FHWA is repealing their proprietary product rule (23 CFR 635.411 Material or Product Selection) effective October 28, 2019. As a result, the Department will be deleting the Proprietary Products Review and Certification Procedure (Topic No. 630-020-005) and the Proprietary Products Certification Form (Form No. 630-020-07) effective that same day.

## **COMMENTARY**

States are no longer required to provide certifications, make public interest findings, or develop research or experimental work plans to specify proprietary products or processes in projects using federal funds.

Concurrent changes will be made to PSEE to support the justification and improve the workflow. Sole Sourcing Approvals will be at the discretion of the District Design Engineers; however, an automatic notification will be sent by PSEE to alert the Director of Design of each approval. The Central Office may perform a Quality Assurance Review (QAR) from time-to-time on these Sole Sourcing Approvals.

## **IMPLEMENTATION**

These changes are effective for all projects on October 28, 2019 regardless of production or letting dates. If approval has been completed under the previous process, then no action is required.

## **CONTACT**

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