



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

MEMORANDUM

DATE: December 6, 2022

TO: Dan Hurtado, Chief Engineer

FROM: Stefanie D. Maxwell, Manager Program Management Office
Tim Lattner, Director, Office of Construction
Michael Shepard, Director, Office of Design
Scott Arnold, Interim Director, Office of Maintenance

COPIES: Daniel Strickland, State Specifications Engineer

SUBJECT: Mandatory Specification Revision No. 4
July 2022 Workbook and eBook

I approve the implementation plan of the subject Specification.

Stefanie D. Maxwell	<small>DocuSigned by:</small> <i>Stefanie D. Maxwell</i> <small>A28BFCA3708C422</small> Manager, Program Management Office	12/7/2022 3:00 PM EST <hr/> Date
Tim Lattner	<small>DocuSigned by:</small> <i>Tim Lattner</i> <small>C7704ED8972C440</small> Director, Office of Construction	12/8/2022 1:25 PM EST <hr/> Date
Michael Shepard	<small>DocuSigned by:</small> <i>Michael D. Shepard</i> <small>E6B6BEAEB9A54B0</small> Director, Office of Design	12/8/2022 1:35 PM EST <hr/> Date
Scott Arnold	<small>DocuSigned by:</small> <i>Scott Arnold</i> <small>2AEED26D20304A2...</small> Interim Director, Office of Maintenance	12/8/2022 3:43 PM EST <hr/> Date



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RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

MEMORANDUM

DATE: December 7, 2022

TO: District Specifications Engineers

FROM: Daniel Strickland, State Specifications Engineer

CC: State Program Management Office
Tim Lattner, Director, Office of Construction
Michael Shepard, Director, Office of Design
Scott Arnold, Interim Director, Office of Maintenance

SUBJECT: MANDATORY SPECIFICATIONS REVISIONS
July 2022 Workbook and eBook: Mandatory Revision No. 4

Mandatory Specification Revision No. 4 is issued to include Standard Specifications Section 6 (shown in Attachment 'A') for lettings beginning January 1, 2023, and forward.

This memo is to inform offices that the Department is introducing changes to Section 6 to comply with the Infrastructure Investment Jobs Act (IIJA), which includes the Build America, Buy America (BABA) Act. Please see Program Management Bulletin 22-03 for more information.

Revise specification packages as described below for the effective letting date as noted:

Specification Number	Heading	Revision Date	Effective Letting Date	Remarks
SS0060103	Control of Materials	12-5-22	1-23	All Construction, LAP, and Federally Funded Maintenance Jobs

ATTACHMENT 'A'

CONTROL OF MATERIALS.

(REV 12-5-22) (FA 12-5-22) (FY 2023-24)

SUBARTICLE 6-1.3.1.1 is deleted and the following substituted:

6-1.3.1.1 Approved Product List: This list provides assurance to Contractors, consultants, designers, and Department personnel that specific products and materials are approved for use on Department facilities. The Department will limit the Contractor's use of products and materials that require use of APL items to those listed on the APL effective at the time of placement. Where the terms Qualified Products List (QPL) appear in the Contract Documents, they will be synonymous with Approved Product List (APL).

Manufacturers seeking to have a product evaluated for the APL must submit a ~~Request for Product Consideration~~ application, available on the Department's website at the following URL:

<https://www.fdot.gov/programmanagement/ProductEvaluation/Default.shtm>. Applications must include the following documentation:

1. Supporting documentation as required by the Specifications, Standard Plans, and APL approval process. ~~A sample may be requested to verify the product, in accordance with the specifications.~~
2. A photograph displaying the product as shipped with packaging.
3. A list displaying all components within the shipped packaging, if applicable.
4. Installation instructions and materials, if applicable.
5. Product packaging or product labels as required by the Specifications.
6. Construction material percentages and country source of materials.
7. Last two manufacturing steps and country of manufacture.
8. Manufacturer name and material designation (product name, product model/part number/style number, etc.) must be as identified on the product, product packaging, and product labels.
9. Applications must be signed by a legally responsible person employed by the manufacturer of the product.

Required test reports must be conducted by an independent laboratory or other independent testing facility. ~~and~~ Required drawings and calculations must be signed and sealed by a Professional Engineer licensed in the State of Florida. ~~unless defined otherwise in the Specifications, Standard Plans, and APL approval process requirements. Applications must be signed by a legally responsible person employed by the manufacturer of the product. Manufacturer name and material designation (product name, product model/part number/style number, etc.) submitted on the application must be as identified on the product, product packaging or product labels as required by the Specifications.~~

Products that have successfully completed the Department's evaluation process are eligible for inclusion on the APL. ~~Unless defined otherwise in the Specifications, Standard Plans, or APL approval process requirements, products listed on the~~

~~APL must have an associated photograph, drawing, or product label submitted by the product manufacturer before listing on the APL.~~ Manufacturers are required to submit requests to the Department for approval of any modifications or alterations made to a product listed on the APL. This includes, but is not limited to, design, raw materials, ~~fabrication methods~~ or manufacturing process ~~or operational~~ modifications. Modification or alteration requests must be submitted along with supporting documentation that the product continues to meet Section 6, the Specification, or Standard Plans requirements. A product sample and additional product testing and documentation may be required for the modification evaluation. Any marked variations from original test values, failure to notify the Department of any modifications or alterations, or any evidence of inadequate performance of a product ~~as a result of product modification or alteration~~, may result in removal of the product from the APL.

Manufacturers must submit supporting documentation to the Department for a periodic review and re-approval of their APL products on or before the product's original approval anniversary. APL products that are not re-approved may be removed from the APL. Documentation requirements for the product review and re-approval, including schedule and criteria, are available on the Department's website at the following URL: <https://www.fdot.gov/programmanagement/ProductEvaluation/Default.shtm>.

ARTICLE 6-5 is deleted and the following substituted:

6-5 Products and Source of Supply.

6-5.1 Source of Supply–Convict Labor (Federal-Aid Contracts Only): Do not use materials that were produced after July 1, 1991, by convict labor for Federal-aid highway construction projects unless the prison facility has been producing convict-made materials for Federal-aid highway construction projects before July 1, 1987.

Use materials that were produced prior to July 2, 1991, by convicts on Federal-aid highway construction projects free from the restrictions placed on the use of these materials by 23 U.S.C. 114. The Department will limit the use of materials produced by convict labor for use in Federal-aid highway construction projects to:

1. Materials produced by convicts on parole, supervised release, or probation from a prison or,
2. Materials produced in a qualified prison facility.

The amount of such materials produced for Federal-aid highway construction during any 12-month period shall not exceed the amount produced in such facility for use in such construction during the 12-month period ending July 1, 1987.

6-5.2 Source of Supply: Comply with Section 70914 of Public Law No. 117-58, §§ 70901-52, also known as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58, which includes the Build America, Buy America Act (BABA). Domestic compliance for all affected products will be listed on the APL.

6-5.2.1 Source of Supply–Steel and Iron: Use steel and iron manufactured in the United States, in accordance with the Buy America provisions of 23 CFR 635.410, as amended. Ensure that all manufacturing processes for this material occur in the United States. As used in this specification, a manufacturing process is any process that modifies the chemical content, physical shape or size, or final finish of a product, beginning with the initial melting and continuing through the final shaping and coating. If a steel or iron product is taken outside the United States for any manufacturing process, it becomes foreign source material. When using

steel or iron materials as a component of any manufactured product (e.g., concrete pipe, prestressed beams, corrugated steel pipe, etc.), these same provisions apply. Foreign steel and iron may be used when the total actual cost of such foreign materials does not exceed 0.1% of the total Contract amount or \$2,500, whichever is greater. These requirements are applicable to all steel and iron materials incorporated into the finished work, but are not applicable to steel and iron items that the Contractor uses but does not incorporate into the finished work. Submit a certification from the manufacturer of steel or iron, or any product containing steel or iron, stating that all steel or iron furnished or incorporated into the furnished product was produced and manufactured in the United States or a statement that the product was produced within the United States except for minimal quantities of foreign steel and iron valued at \$ (actual cost). Submit each such certification to the Engineer prior to incorporating the material or product into the project. Prior to the use of foreign steel or iron materials on a project, submit invoices to document the actual cost of such material, and obtain the Engineer's written approval prior to incorporating the material into the project.

6-5.2.2 Manufactured Products: Use Manufactured Products that are consumed in, incorporated into, or affixed to an infrastructure project that are manufactured in the United States, in accordance with BABA requirements and applicable waivers.

6-5.2.3 Construction Materials: Use non-ferrous metals, plastic and polymer-based products, glass, lumber, and drywall articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project that are manufactured in the United States, in accordance with BABA requirements.

6-5.2.4 Exemptions to Build America, Buy America: Temporary devices, equipment, and other items removed at or before the completion of the project are exempt from BABA funding eligibility requirements. Aggregates, cementitious materials, and aggregate binding agents or additives are exempted from BABA funding eligibility requirements.

6-5.3 Contaminated, Unfit, Hazardous, and Dangerous Materials: Do not use any material that, after approval and/or placement, has in any way become unfit for use. Do not use materials containing any substance that has been determined to be hazardous by the State of Florida Department of Environmental Protection or the U.S. Environmental Protection Agency (EPA). Provide workplaces free from serious recognized hazards and to comply with occupational safety and health standards, as determined by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA).