

# EXPECTED IMPLEMENTATION JULY 2006

## 006 CONTROL OF MATERIALS – DEFECTIVE MATERIALS. (REV 9-27-05) (FA 12-6-05) (7-06)

ARTICLE 6-11 (of the Supplemental Specifications) is deleted and the following substituted:

### **6-11 Defective Materials.**

All materials not meeting the requirements of these Specifications; segregated materials, even though previously tested and approved; materials that are or have been improperly stored; and materials that are mixed with an excess of clay, coal, sticks, burlap, hay, straw, loam or earth, or other debris will be considered defective. Do not use defective materials. The Engineer will reject all such materials, whether in place or not. Remove all rejected material immediately from the site of the work and from storage areas, at no expense to the Department.

Do not use material that has been rejected and the defects corrected, until the Engineer has approved the material's use. Upon failure to comply promptly with any order of the Engineer made under the provisions of this Article, the Engineer will remove and replace defective material and deduct the cost of removal and replacement from any moneys due or to become due the Contractor.

As an exception to the above, the Contractor may submit, upon approval of the Engineer, an engineering and/or laboratory analysis to evaluate the effect of defective in place materials. A Specialty Engineer, who is an independent consultant or the Contractor's Engineer of Record as stated within each individual Section shall perform any such analysis. The Engineer will determine the final disposition of the material after review of the information submitted by the Contractor. No additional monetary compensation or time extension will be granted for the impact of any such analysis or review.