



Florida Department of Transportation

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GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

August 5, 2009

Monica Gourdine
Program Operations Engineer
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Re: Office of Design, Specifications
Section 6
Proposed Specification: 0060400.D01, Defective Materials

Dear Ms. Gourdine:

We are submitting, for your approval, two copies of the above referenced Supplemental Specification.

These changes were proposed by David Wang of the State Construction Office to establish time frames in the specifications to expedite the final disposition of defective materials.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to ST986RP or rudy.powell@dot.state.fl.us.

If you have any questions relating to this specification change, please call Rudy Powell, State Specifications Engineer at 414-4280.

Sincerely,

Rudy Powell, Jr., P.E.
State Specifications Engineer

RP/dr

Attachment

cc: Gregory Jones, Chief Civil Litigation
Florida Transportation Builders' Assoc.
State Construction Engineer

DEFECTIVE MATERIALS.**(REV 86-516-09)**

ARTICLE 6-4 (Pages 54 and 55) is deleted and the following substituted:

6-4 Defective Materials.

Materials not meeting the requirements of these Specifications will be considered defective. 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 *has the authority to have the defective material removed and replaced by other forces* ~~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, *within 30 calendar days of the termination of the LOT or rejection of the material*, the Contractor may submit *a proposed scope of work to the Engineer for, upon approval of the Engineer, an engineering and/or independent laboratory (as approved by the Engineer) analysis to evaluate the effect of defective in place materials determine the disposition of the material within 30 calendar days of the termination of the LOT or rejection of the material.* 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. *Upon the Engineer's approval of the scope of work submitted by the Contractor above request, the engineering analysis must be completed and the report must be submitted to the Engineer within 45 calendar days, or other time frame as, if approved by the Engineer. The report must be signed and sealed by the Specialty Engineer, a Professional Engineer licensed in the State of Florida.* 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.