

ORIGINATION FORM

THE INFORMATION BELOW IS TO BE PROVIDED BY THE ORIGINATOR

(The person who receives or originates the issue and needs to forward the issue for action.)

Specification: Section 6-4

Subject: Defective materials

Origination date: June 15, 2009

Originator: David Wang

Office/Phone: State Construction office/850-414-4152

Problem statement: There is no time frame being specified in the specifications for the corrective action/EAR on disposition of defective materials and the defective materials without resolution were in place at job site for a long time.

Proposed solution: Establish time frames in the specifications to expedite the final disposition of defective materials.

Information source: David Wang, State Construction Office.

Recommended Usage Note: No change.

Estimated fiscal impact, if implemented:

Implementation of these changes, if and when approved, will begin with the January 2010 letting.



Florida Department of Transportation

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GOVERNOR

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STEPHANIE KOPELOUSOS
SECRETARY

M E M O R A N D U M

DATE: June 23, 2009
TO: Specification Review Distribution List
FROM: Rudy Powell, Jr., P.E., State Specifications Engineer
SUBJECT: Proposed Specification: 0060400, Defective Materials

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was proposed by David Wang to establish time frames in the specifications to expedite the final disposition of defective materials.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at ST986RP or rudy.powell@dot.state.fl.us. Comments received after July 23, 2009, may not be considered. Your input is encouraged.

RP/dr
Attachment

DEFECTIVE MATERIALS.

(REV 6-16-09)

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 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 above request, the engineering analysis must be completed and the report must be submitted to the Engineer in 45 calendar days, or other time frame, if approved by the Engineer. The report must be signed and sealed by 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.