



*Florida Department of Transportation*

**RICK SCOTT  
GOVERNOR**

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD  
SECRETARY**

**M E M O R A N D U M**

**DATE:** December 18, 2015

**TO:** Tom Byron, Chief Engineer

**FROM:** Tim Lattner, Director, Office of Design  
David Sadler, Director, Office of Construction  
Rudy Powell, Director, Office of Maintenance

**COPIES:** Daniel Scheer, State Specifications Engineer

**SUBJECT:** Mandatory Specification Revision No. 3  
January 2016 Workbook and eBook

I approve the implementation plan of the subject Specification.

Tim Lattner	<u>Signature on File</u> Director, Office of Design	<u>12-18-15</u> Date
David Sadler	<u>Signature on File</u> Director, Office of Construction	<u>12-18-15</u> Date
Rudy Powell	<u>Signature on File</u> Director, Office of Maintenance	<u>12-18-15</u> Date



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SECRETARY

**MEMORANDUM**

**DATE:** December 18, 2015  
**TO:** District Specifications Engineers  
**FROM:** Daniel Scheer, State Specifications Engineer  
**CC:** State Specifications and Estimates Office  
Tim Lattner, Director, Office of Design  
David Sadler, Director, Office of Construction  
Amy Tootle, State Construction Engineer  
Rudy Powell, Director, Office of Maintenance  
**SUBJECT:** MANDATORY SPECIFICATIONS REVISIONS  
January 2016 Workbook and eBook: Mandatory Revision No. 3

Mandatory No. 3 is issued to include the following Special Provision for lettings beginning January 1, 2016 and forward.

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

Specification Number	Heading	Revision Date	Effective Letting Date	Remarks
SP0073100	Legal Requirements and Responsibility to the Public – Cargo Preference Act (CPA)	12-17-15	1-16	New SP Usage Note: All Federally Funded Jobs

On 12/11/2015, FHWA signed a policy memo implementing Cargo Preference Act (CPA) Requirements in the Federal-aid Highway program. The policy will require all contracting agencies to insert a contract clause referencing and requiring compliance with the CPA requirements and its implementing regulations in 46 CFR 381 for **all Federal-aid projects awarded after February 15, 2016.**

Guidance documents for this requirement, including the 12/11/2015 policy memo, the 12/8/2015 legal opinion and a page of Q&As are available on the CPA construction Program Guidance page:  
<https://www.fhwa.dot.gov/construction/cqit/cargo.cfm>

FHWA requires this Mandatory Specification Revision to be implemented effective with Federal Funded Jobs awarded after February 15, 2016. Contract, Legal, Construction, Design and Maintenance are aware of this forced implementation and all parties are being made aware of this requirement. We should have this revision out soon for your use. Please note that current jobs are NOT to be modified to comply with this Mandatory, only Federal Funded projects being awarded February 15, 2016 and later.

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – CARGO PREFERENCE ACT (CPA).  
(REV 12-17-15) (1-16)**

SECTION 7 is expanded by the following new Article:

**7-31 Cargo Preference Act – Use of United States-flag vessels.**

Pursuant to Title 46CFR Part 381, the Contractor agrees

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 1 of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

3. To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.