

3460202 PORTLAND CEMENT CONCRETE
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Comments: (11-16-17)

Spec revision calls for pay penalty for lost/missing QC hold cylinders. Does this also apply to QC hold cylinders that have been discarded by the lab? Labs do not have infinite storage space and will cycle out old cylinders to make room for new ones. In my district I've had to process a resolution where the PA was late in identifying a non-comparison and both the QC and VT cylinders had already been discarded. Contractor questioned the resolution conclusion, which found in favor of VT. If a PA, acting as an agent of the Department, takes an extraordinarily long time to identify a non-comparison and hold cylinders are already discarded, contractor could conceivably claim acquiescence/estoppel by the Department's agent's inaction up to that point. Suggest putting a time limit (30 days, for example) beyond which discarded hold cylinders would not be subject to pay penalty.

Response: Yes, it does apply to the discarded QC hold cylinders. The suggestions regarding the time limit will be considered during the next revision cycle.
No change made.
