

# Specification Section 410

## Subarticle 410-1

### ORIGINATION

Date: 6-17-2024

Name: Oliver Chung

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### COMMENTARY

The current specification refers to QC Managers stamp which is incorrectly worded.

### INDUSTRY COMMENTS AND RESPONSES

BLACK = Comment **BLUE** = Specifications Response **GREEN** = Change Made to

Specification Name: Alex Ortero

Date: 7-15-2024

COMMENT: The Concrete Field Operations team has concerns about this revision negatively impacting construction timelines and negatively affecting the quality of materials of items produced under this specification.

**RESPONSE:** Thank you for your comments. The Department has reviewed the updated language, proposed specifications, and BABA policy. To avoid any confusion and potential construction delays, the Department has decided to withdraw the proposed changes regarding the producer list on the Approved Product List (APL) at this time. The Department may reconsider changes once a comprehensive plan and program aligned with the BABA policy are in place.

**ACTION TAKEN:** The Department has decided to withdraw the proposed changes to the producer list on the Approved Product List (APL) for this fiscal year.

Name: Doug Holdener

Date: 7-31-2024

COMMENT: Precast concrete box culverts, as manufactured and tested per FDOT SSRBC Section 410, meet the definition of a manufactured product according to the new Part 184 (2 CFR Part 184 Buy America Preferences for Infrastructure Projects). Products like precast concrete should be treated as manufactured products—or when applicable, iron and steel products—with components including but not limited to aggregates, cement, and aggregate binding agents, as well as, where applicable, reinforcing iron or steel. Source:

<https://www.federalregister.gov/documents/2023/08/23/2023-17724/guidance-for-grants-and-agreements> Build America Buy America requires that the head of each Federal agency must

ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States. Produced in the United States, in the case of a manufactured product, is defined as (i) the product was manufactured in the United States; and (ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product. Determining if the cost of components is greater than 55% to the total cost of all components would include for components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product. Therefore, there should be an APL for Section 410 Precast Concrete Box Culverts differentiated by FDOT MAC-approved production facility and the requirement should be the certification that the precast box culvert manufactured product meets the minimum >55% threshold of component costs. None of the other APL references to construction materials such as gaskets, plastic positioning spacers nor “Section 70917c” materials such as cement and aggregates that are components of the manufactured precast box culvert product are necessary in the proposed Section 410 specification. Other than steel, there is no BABA / Buy America requirement that prohibits the use of non-domestic component in a manufactured product (see the 55% cost definition). Therefore, there should be no FDOT requirement to use a certain material or component – such as a plastic cage spacer or wheel - unless it is in the APL for the purpose of declaring it as a domestic USA component. Some of the items listed in 410-2 are not components of the precast product but are considered “construction materials” in 2 CFR Part 184, such as geotextile fabrics (plastic and polymer-based products), liner repair systems (plastic and polymer-based), and materials for repair. The Buy America requirements would apply to these items purchased by and installed by the contractor as permanent construction. Geotextile fabrics and materials for repair already need to be in the APL per Section 985 and Section 930, respectively. There is no APL reference in Section 948 for liner repair materials. Lastly, by requiring the use of Portland cement concrete from an APL facility, this would prevent the use of precast culverts from MAC-approved facilities that batch structural concrete within the precast plant as opposed to obtaining a delivery of ready-mix concrete from an outside source. Much of precast box culvert production is done using a batch plant within the MAC-approved facility in adherence to Section 346 technical parameters.

**RESPONSE: Thank you for your comments. The Department has reviewed the updated language, proposed specifications, and BABA policy. To avoid any confusion and potential construction delays, the Department has decided to withdraw the proposed changes regarding the producer list on the Approved Product List (APL) at this time. The Department may reconsider changes once a comprehensive plan and program aligned with the BABA policy are in place.**

**ACTION TAKEN: The Department has decided to withdraw the proposed changes to the producer list on the Approved Product List (APL) for this fiscal year.**

Specification Name: Brett Claflin

Date: 7-31-24

COMMENT: As a board member of the Precast Concrete Structures Association of Florida, I reject the spec revision requiring raw material producers to be listed on the APL. The department is not equipped to implement this and the burden will not be transferred to us, the precast structure producers.

**RESPONSE: Thank you for your comments. The Department has reviewed the updated language, proposed specifications, and BABA policy. To avoid any confusion and potential construction delays, the Department has decided to withdraw the proposed changes regarding the producer list on the Approved Product List (APL) at this time. The Department may reconsider changes once a comprehensive plan and program aligned with the BABA policy are in place.**

**ACTION TAKEN: The Department has decided to withdraw the proposed changes to the producer list on the Approved Product List (APL) for this fiscal year.**