

# Specification Section 430

## Subarticle 430-1

### 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 Otero

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: Weston Deru

Date: 7-25-2024

COMMENT: I'm writing on behalf of Concrete Sealants Inc. We have a Serious concern about the change that will require all products and producers to be on the department's approved product list (APL). The APL, as it stands now, is woefully underdeveloped to meet such a demand on it. Many of the materials that the legislation calls out do not even have any approved products and producers listed. The legislation requires all Portland cement used to be an approved product on the APL. There is currently no approved Portland cement on the APL. The legislation requires all aggregate used to be an approved product on the APL. There is currently no approved aggregate on the APL. This is the case for many, many, different materials that are in common use and are not on the APL, including many of our products.

Even if all the different producers that will be affected by this change tried to get all of their products on the APL before this change goes into effect, given the complexity of the approval process, it will take considerable time for everything to get approved and put on the list. This will undoubtedly impact producers' ability to source materials for their products, possibly entirely.

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Name: Jake Sloan

Date: 7-30-2024

COMMENT: King Steel is a distributor of green rod used as reinforcement for concrete pipe to Rinker, a property of Quikrete. The concern with the revision is that materials are now required to be listed on the Department's Approved Product List. There are no guidelines for the approval process, what is exempt, if sub-suppliers are included or what defines an item. In addition, there is no indication of the time frame required to be added onto the Approved Product List. King Steel is concerned with supply chain interruptions due to the proposed revisions.

**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.**

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Name: Jim Nanfeldt

Date: 8-6-2024

COMMENT: A number of the references on the revision for certain products are incorrect. Concrete used for reinforced concrete pipe culverts is not required to meet 346 and 347. The revision has concrete pipe asterisked to be on the APL and is referencing section 449. However, on the APL there is no section 449. Concrete pipe producers are listed under Section 430 on the APL. It is also unclear if the revision wording to only use products on the APL applies to the manufacturers of concrete pipe indicating things such as cement, aggregates,

steel etc must be on the APL. Some of these products are exempt under BABA. Lastly, concrete pipe as a manufactured product only needs to meet the requirement that 55% of the total cost of the product must be of US origin. It is not a requirement that the product meet the 100% threshold of using only US origin products. Manufacturers just need to be able to provide documentation they meet the 55% threshold. Therefore, requiring concrete pipe manufacturers to only use products on the APL that meet the US origin label should not be a requirement since we only need to provide documentation that over 55% of the cost of the product comes from domestic sources.

**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.**

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Name: Douglas Holdener

Date: 8-7-2024

COMMENT: The purpose of the references in 430-2.1 to the APL is for demonstrating compliance with the BABA / Buy America requirements. The pay item for pipe is under 430. Unless there are plans to change the pay items to the specific pipe specifications (449, 943, 948), I am assuming that the APL designation for pipes will fall under 430. Or will there also be APL listings under 449, 943, 948, etc? It looks as if the Department is referencing the APL requirement in Section 449, too. There should be references to the APL requirement in Sections 556, 943, 945, 948, and 962, as well. The concrete pipe industry is a partner with the FDOT in the efficient compliance with the BABA requirements. I would like to suggest that my industry association – the FCPA - collaborate with FDOT in advance of the July 2025 WorkBook to prepare for the efficient implementation of the specification and APL references. According to the Buy America rule, the various pipe types listed in Section 430 are a combination of “manufactured products” (concrete pipe), “construction materials” (plastic and polymer-based products, e.g., HDPE, polypropylene, PVC and non-ferrous metals like aluminum pipe), and “iron or steel products” (CMP and possibly steel-ribbed polyethylene depending if the cost of the steel ribbing exceeds 50% of the cost of all the SRPE pipe components). Currently, there is a Manufactured Products General Waiver in place. Manufactured products permanently incorporated into FHWA-funded projects do not need to be produced domestically, apart from predominantly iron or steel manufactured products and predominantly iron or steel components of manufactured products. Essentially this is a waiver for concrete pipe and precast concrete products, apart from a requirement to using domestic reinforcing steel. Until the General Waiver is rescinded, there is no BABA requirement for precast concrete pipe on FHWA funded projects at this time. Is the Department planning to require BABA’s manufactured products requirements for precast products even if the General Waiver remains in effect? With the exception of flowable fill and concrete, all of the items

listed in 430-2.1 will fall into one of the three categories of articles, materials, and supplies for which Buy America is to be applied. Flowable fill and concrete as used in pipe installation would be considered a Section 70917(c) material and therefore not subject to the BABA requirements. The APL notation for flowable fill and concrete should be removed. End treatments – provided they are precast – will be considered a manufactured product and should be in the APL. Adding “Concrete” to the list of pipe materials is confusing. Concrete pipe uses a mix design based on ASTM C76 and Section 449 not Section 346. Concrete collars use non-structural (NS) concrete per Section 347 and end treatments – with the exception of flared ends and mitered ends - use Class II Section 346 concrete. This reference to concrete should be removed or amended as “concrete for field collars and end treatments” to avoid this confusion. The APL listings for Section 430 pipe should be differentiated by FDOT MAC-approved production facility and the requirement should be based on: (a) the certification that the concrete pipe manufactured product meets the minimum >55% threshold of component costs; (b) certification for plastic pipe all manufacturing processes from initial combination of constituent plastic or polymer-based inputs until the item is in its final form must occur in the United States; (c) for aluminum pipe, certification that all manufacturing processes from initial smelting or melting through final shaping, coating, and assembly occurred in the United States; and (d) for steel, corrugated steel, aluminized steel pipe, certification that all manufacturing processes from the initial melting stage through the application of coatings must occur in the United States.

**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.**

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