

Specification Section 449

Subarticle 449-1

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: Alan McMillan

Date: 7-11-2024

COMMENT: The proposed changes to Sections 449 and 450 include both asterisks and superscript numbers in the materials sections for notes. We should choose one method and apply that throughout the Specifications to remain consistent.

RESPONSE: Concur; all notes in the materials section use asterisks.

ACTION TAKEN: Superscript numbers have been removed from the materials section notes, and asterisks are now used instead.

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.

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: 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.

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: Brent Claflin

Date: 7-31-2024

COMMENT: As a board member of the Precast Concrete Association of Florida, I reject the spec revision requiring raw material producers to be listed on the APL. The department does not have the capability of implementing this and us precasters will not bear the burden of the department's decision to rush this through.

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: Jim Nanfeldt

Date: 8-6-2024

COMMENT: The products you have asterisked under materials as being required to be on the APL are mostly exempt products under current BABA requirements. These include coarse and fine aggregates, along with portland cement. Precast concrete drainage structures are a manufactured product under current BABA definitions and as such are required to meet the 55% cost threshold concerning domestic origin components. Manufacturers of these products must be able to provide documentation to meet the 55% requirement not be required to use 100% of the components from domestic origin.

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: Douglas Holdener

Date: 8-7-2024

COMMENT: None of the references to the APL in Section 449-2 are needed for the individual components of precast drainage components. In the case of concrete pipe – a manufactured product - produced in the United States 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 Concrete Pipe (whether under 430 or 449) differentiated by FDOT MAC-approved production facility and the requirement should be the certification that the concrete pipe manufactured product meets the minimum >55% threshold of component costs. None of the other APL references to construction materials such as admixture or “Section 70917c” materials such as cement and aggregates that are components of the manufactured precast product are necessary. 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 admixture - in the APL. As I also noted in my Section 430 comments, the concrete pipe industry is a partner with the FDOT in the efficient compliance with the BABA requirements. Therefore, I would like to suggest that my industry association – the FCPA - collaborate with FDOT in advance of the July 2025 WorkBook in order to prepare for the efficient implementation of the specification and APL references. Sources: 1.

<https://www.federalregister.gov/documents/2023/08/23/2023-17724/guidance-for-grants-and-agreements>. 2. https://www.federalregister.gov/documents/2024/03/12/2024-05182/buy-america-requirements-for-manufactured-products#:~:text=In%201983%2C%20following%20the%20passage,25%2C%201983)).

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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