



Iowa Department of Transportation

MINUTES OF IOWA DOT SPECIFICATION COMMITTEE MEETING

August 14, 2003

Members Present:	John Adam, Director Tom Reis, Chair Jim Berger Roger Bierbaum Larry Jesse Gary Novey John Smythe	Statewide Operations Bureau Specifications Section Office of Materials Office of Contracts Office of Local Systems Office of Bridges and Structures Office of Construction
Members Not Present:	Bruce Brakke Steve Gent Mike Kennerly Bruce Kuehl Doug McDonald Keith Norris	Office of Maintenance Office of Traffic and Safety Office of Design District 6-Construction Office RCE - Marshalltown District 2-Materials Office
From FHWA:	Andy Wilson	
Others Present:	Donna Buchwald, Secretary Troy Jerman Kevin Jones Will Stein	Specifications Section Office of Traffic and Safety Office of Materials Office of Design

Tom Reis, Specifications Engineer, opened the meeting. The following items were discussed in accordance with the August 7, 2003, agenda:

1. Article 1102.01, COMPETENCY AND QUALIFICATION OF BIDDERS.

The Office of Contracts requested a change to Article 1102.01 that will increase the time between contractors prequalification from 16 to 18 months.

Submitted by: Roger Bierbaum		Office: Contracts		Item 1	
Submittal Date: June 16, 2003		Proposed Effective Date: April 2004 GS			
Article No.: 1102.01. Title: COMPETENCY AND QUALIFICATION OF BIDDERS.		SS No.:		Other:	
<p>Change (Redline/Strikeout):</p> <p>1102.01. COMPETENCY AND QUALIFICATION OF BIDDERS. Prospective bidders shall meet the Department's requirements for prequalification. To prequalify, a prospective bidder shall complete the required sections of the "Contractor's Financial - Experience - Equipment Statement" (Form 650004) and submit it to the Department. The filing of this statement does not in itself constitute qualification. A prospective bidder shall receive definite approval of this statement to be placed on the qualified list before the bidder's proposals will be considered. The statement shall be filed with the Contracting Authority at least 5 calendar days before the date on which proposals are to be received.</p> <p>In order to continuously remain on the qualified list, a prospective bidder must file Form 650004 with the Department for approval once each year and at such other times as the Department may request. Unless otherwise notified, the previously approved statement will expire 46 18 calendar months from the date of that statement. The prospective bidder will be dropped from the qualified list if a new statement has not been filed and approved by the expiration date.</p>					
Reason for Revision:					
County or City Input Needed (X one)		Yes		No X	
<p>Comments: The duration of the Contractor's Financial-Experience-Equipment Statement is 16 months from the end of the financial period for which it was submitted. Since most contractors are on a calendar year fiscal year, most of the prequalification statements expire April 30. This means many contractors are denied bidding the May letting until they have their new prequalification statement submitted to us.</p> <p>This request is to have the prequalification run 18 months beyond the end of the fiscal year that is being provided, rather than 16 months. This would reduce the number of contractors we deny requests for bidding documents to for the May letting (however we may be just postponing this until the July letting), remove some of the peak workload from the CPAs who are trying to do taxes and prequalification statements at the same time during April and hopefully balancing out DOT workload in processing the prequalification statements.</p>					
Industry Input Needed (X one)		Yes		No	
Industry Notified:	Yes X	No	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION SECTION USE ONLY			
Specification Section Recommended Language:			
1102.01, Competency and Qualification of Bidders			
Replace "16" with "18" in the second sentence of the second paragraph.			
Comments:			
SPECIFICATION COMMITTEE ACTION			
Final Approved Text: Specification Section Recommended Language.			
Comments: No comments.			
Deferred:	Not Approved:	Approved Date: 8-14-03	Effective Date: *4-20-04
* This item will require Administrative Rules Committee approval.			

2. Article 1102.17, D, Contract Award Procedures

The Office of Contracts requested a change to Article 1102.17 that will modify how the DBE goals are counted.

Submitted by: Roger Bierbaum		Office: Contracts		Item 2	
Submittal Date: July 31, 2003		Proposed Effective Date: April 2004 GS			
Article No.: 1102.17 D Title: Disadvantaged Business Enterprises		SS No.:		Other:	
Change (Redline/Strikeout):					
<p>D. Contract Award Procedures. The proposal will specify if the proposed contract has an established DBE goal or has no established DBE goal. The established DBE goal will be shown on the proposal as a percent of the total amount bid, however the bidder may only use work on the federal aid projects on the proposal to achieve the DBE Goal. The proposal may also designate the items of the federal aid project that are over utilized by DBE firms and can not be used for DBE commitments</p>					
Reason for Revision: To comply with changes in federal DBE regulations					
County or City Input Needed (X one)		Yes		No X	
Comments:					
Industry Input Needed (X one)		Yes X		No	
Industry Notified:	Yes X	No	Industry Concurrence:	Yes	No
Comments: To be discussed at August 5 AGC/DBE/IDOT Task Force Meeting					
SPECIFICATION SECTION USE ONLY					
Specification Section Recommended Language:					
1102.17, D, Contract Award Procedures					
Replace the second and third sentences:					
The established DBE goal will be shown on the proposal as a percent of the total amount bid, however the bidder may only use work on the federal aid projects on the proposal to achieve the DBE goal. The proposal may also designate the items of the federal aid project that are over utilized by DBE firms and cannot be used for DBE commitments.					
Comments:					

SPECIFICATION COMMITTEE ACTION			
Final Approved Text: Specification Section Recommended Language.			
Comments: Prior to 1999 contractors could only place DBE commitment on Federal-aid portions in a contract. When the rules changed in 1999 the Department believed that if there was any Federal-aid in any project in a contract, then the contract was a Federal-aid contract and DBE goals could be placed on any portion of it. New Federal reporting procedure was implemented this summer and made it clear that the only portion that can be counted is the DBE goal on only the Federal-aid portion of the contract.			
Deferred:	Not Approved:	Approved Date: 8-14-03	Effective Date: *4-20-04
* This item will require Administrative Rules Committee approval.			

3. Section 1102.17, E, F G, H, Disadvantaged Business Enterprises.

The Office of Contracts requested a change to Article 1102.17 that will modify how the DBE program is administered.

Submitted by: Roger Bierbaum	Office: Contracts	Item 3
Submittal Date: July 31, 2003	Proposed Effective Date: April 2004 GS	
Article No.: 1102.17 Title: Disadvantaged Business Enterprises	SS No.:	Other:
<p>1102.17 DISADVANTAGED BUSINESS ENTERPRISES.</p> <p>E. Construction Period Requirements.</p> <p>1. The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. After adequate notice by the Contractor, if any DBE is unable to perform, the Contractor shall inform the Engineer the reasons why a DBE will be unable to complete the work for which they were committed. The Contractor shall document their efforts to have another DBE perform the work the original DBE was to perform. Any request for substitution of a DBE subcontractor shall be made to the Engineer and approved by the Contracts Engineer.</p> <p>2. The Contractor is allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from their expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance shall be short-term and involve only equipment, or workers that function as trainers. Before offering the assistance, the Contractor shall notify the Engineer and obtain the written approval of the Contracts Engineer.</p> <p>3. Brokering of work by DBEs is not allowed and is a contract violation. A DBE firm involved in brokering of work may be decertified. Any firm involved in brokering of work, that engages in willful falsification, distortion, or misrepresentation with respect to any facts related to the project shall be referred to the U. S. Department of Transportation's Office of the Inspector General for prosecution under Title 18, U. S. Code, Section 100.20.</p> <p>F. Post Construction Requirements.</p> <p>Prior to receiving final payment, the Contractor shall provide to the Engineer certification of the dollars paid to each DBE firm, using Form 102116, Certification Of DBE Accomplishment. This form shall be submitted on all Federal-aid contracts, whether or not the contract had a DBE goal, and list the actual dollar amounts paid to all DBE firms on the contract. The certification shall be dated and signed by a responsible official legally representing the Contractor. Falsification of this certification will result in suspension of bidder qualifications according to Article 1102.03.</p> <p>If the contract contained a DBE commitment, the Engineer will verify that the dollars paid and the goal.</p> <p>The penalty for failure to meet DBE commitments will then be reduced by the following amount:</p> <p>1. Underruns or deletion of contract items which were subcontracted to DBE firms.</p> <p>2. Designated work that the DBE failed to perform and concurrence to waive this work was received from the Department.</p> <p>Failure to meet the specified DBE commitment to each DBE firm will result in a penalty of an amount equal to the difference between the actual DBE dollars paid and the Contractor's adjusted DBE commitment to that DBE firm</p> <p>G. Required Records.</p> <p>The Contractor and subcontractors shall retain, for a period of not less than 3 years after final acceptance of a project, copies of canceled checks or other documentation that substantiates payments to DBE firms. These records shall be available at reasonable times and places for inspection by authorized representatives of the Department and Federal Agencies</p>		

H. Sanctions for Failing to Comply with the Intent of the DBE Regulations

1. DBE Firms -The ability to be eligible to receive DBE Goal work is a privilege made available to a select group of firms. Firms that abuse this privilege may have their ability to be counted towards the DBE goal restricted if the firm fails to perform their work consistent with common industry practices. Examples of not performing work consistent with common industry practice include, but are not limited to:

- Patterns of failing to perform a commercially useful function for work quoted to meet a DBE goal
- Patterns of failing to complete the work with their own organization for work quoted to meet a DBE goal
- Patterns of failing to pay for all labor and materials for the work they have subcontracted to meet a DBE goal
- Patterns of failing to perform the work they have subcontracted
- Patterns of failing to notify the prime contractor in a timely manner when their work schedule makes it impossible for them to begin subcontract work at the requested time.
- Patterns of failure to furnish documents (e.g. certified payrolls, material test reports, etc.) within the timeframes allowed by the specifications.

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee, with representatives from the Office of Contracts, the Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

2. Prime Contractors - Contractors who show a pattern of non-compliance with the DBE requirements of the contract may be suspended from bidding on contracts that have DBE goals. Examples that would indicate a lack of good faith effort to comply with the DBE requirements include, but are not limited, to:

- Patterns of performing work with their own organization, or having another company perform work, which was committed to a DBE firm to meet a DBE goal.
- Patterns of not keeping the DBE firms posted on the status of their projects, and not providing advance notification to the DBE when their subcontract work will be available to the DBE firm
- Patterns of not promptly paying DBE firms for completed work in accord with Specification 1109.05
- Not treating DBE firms as they would any other subcontractor on the project

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee, with representatives from the Office of Contracts, the Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined on the severity of the violation and the number of prior suspensions of the contractors for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the contractor's treatment of DBE firms has extended beyond contracts assigned DBE goals.

Reason for Revision: Modify the "Good Faith Effort" requirements to replace a DBE, eliminate the "running tally" and address contractors and DBE firms who do not follow the intent of the DBE program.

County or City Input Needed (X one)			Yes	No X	
Comments:					
Industry Input Needed (X one)			Yes X	No	
Industry Notified:	Yes X	No	Industry Concurrence:	Yes	No
Comments: To be discussed at August 5 AGC/DBE/IDOT Task Force Meeting					
SPECIFICATION SECTION USE ONLY					
Specification Section Recommended Language:					
1102.17, E, 1,					
Replace the entire Article:					
<p>1. The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. After adequate notice by the Contractor, if any DBE is unable to perform, the Contractor shall inform the Engineer the reasons why a DBE will be unable to complete the work for which they were committed. The Contractor shall document their efforts to have another DBE perform the work the original DBE was to perform. Any request for substitution of a DBE subcontractor shall be made to the Engineer and approved by the Contracts Engineer.</p>					
1102.17, E, 2,					
Delete the entire Article:					
1102.17, E, 3					
Re-letter the Article and Add the word 'written' as noted:					
<p>2. The Contractor is allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from their expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance shall be short-term and involve only equipment, or workers that function as trainers. Before offering the assistance, the Contractor shall notify the Engineer and obtain the written approval of the Contracts Engineer.</p>					
1102.17, E, 4					
Re-letter the Article:					
<p>3. Brokering of work by DBEs is not allowed and is a contract violation. A DBE firm involved in brokering of work may be decertified. Any firm involved in brokering of work, that engages in willful falsification, distortion, or misrepresentation with respect to any facts related to the project shall be referred to the U. S. Department of Transportation's Office of the Inspector General for prosecution under Title 18, U. S. Code, Section 100.20.</p>					
1102.17, F, Post Construction Requirements.					
Replace the second sentence of the first paragraph:					
<p>This form shall be submitted on all Federal-aid contracts, whether or not the contract had a DBE goal, and list the actual dollar amounts paid to all DBE firms on the contract.</p>					
Replace the last paragraph:					
<p>Failure to meet the specified DBE commitment to each DBE firm will result in a penalty of an amount equal to the difference between the actual DBE dollars paid and the Contractor's adjusted DBE commitment to that DBE firm</p>					

1102.17, H, Sanctions for Failing to Comply with the Intent of the DBE Regulations.

Add a new article:

H. Sanctions for Failing to Comply with the Intent of the DBE Regulations.

1. DBE Firms.

The ability to be eligible to receive DBE goal work is a privilege made available to a select group of firms. Firms that abuse this privilege may have their ability to be counted towards the DBE goal restricted if the firm fails to perform their work consistent with common industry practices. Examples of not performing work consistent with common industry practice include, but are not limited to:

- a. Patterns of failing to perform a commercially useful function for work quoted to meet a DBE goal.
- b. Patterns of failing to complete the work with their own organization for work quoted to meet a DBE goal.
- c. Patterns of failing to pay for all labor and materials for the work they have subcontracted to meet a DBE goal.
- d. Patterns of failing to perform the work they have subcontracted.
- e. Patterns of failing to notify the prime contractor in a timely manner when their work schedule makes it impossible for them to begin subcontract work at the requested time.
- f. Patterns of failure to furnish documents (e.g. certified payrolls, material test reports, etc.) within the timeframes allowed by the specifications.

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

2. Prime Contractors.

Contractors who show a pattern of non-compliance with the DBE requirements of the contract may be suspended from bidding on contracts that have DBE goals. Examples that would indicate a lack of good faith effort to comply with the DBE requirements include, but are not limited, to:

- a. Patterns of performing work with their own organization, or having another company perform work, which was committed to a DBE firm to meet a DBE goal.
- b. Patterns of not keeping the DBE firms posted on the status of their projects, and not providing advance notification to the DBE when their subcontract work will be available to the DBE firm.
- c. Patterns of not promptly paying DBE firms for completed work in accord with Article 1109.05.
- d. Not treating DBE firms as they would any other subcontractor on the project.

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The Contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the Contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the Contractor for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the Contractor's treatment of DBE firms has extended beyond contracts assigned DBE goals.

Comments:

SPECIFICATION COMMITTEE ACTION

Final Approved Text:

1102.17, E, 1,

Replace the first sentence:

The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. After adequate notice by the Contractor, if any DBE is unable to perform, the ~~DBE shall provide to Contractor shall inform~~ the Engineer ~~a signed statement saying why they are the reasons why a DBE will be~~ unable to complete the work for which they were committed.

1102.17, E, 2,

Delete the entire Article:

~~2. Each month all certified DBE firms shall submit to the Contracts Engineer a list of projects and the dollar amounts they have been paid on each during the prior month. This information is necessary to compute the volume of Federal-aid contract dollars being paid to DBE firms.~~

1102.17, E, 3 and 4

Re-number Article 1102.17, E, 3 and 4, to Article 1102.17, E, 2 and 3, respectfully.

1102.17, E, 2

Replace the last sentence:

Before offering the assistance, the Contractor shall notify the Engineer and obtain the ~~written~~ approval of the Contracts Engineer.

1102.17, F, Post Construction Requirements.

Replace the second sentence of the first paragraph:

This ~~form~~ certificate shall be submitted on all Federal-aid contracts, ~~whether or not the contract had where a DBE goal performed work and shall list the dollar amounts paid to all DBE firms on the contract.~~

Replace the last paragraph:

Failure to meet the specified DBE commitment ~~to each DBE firm~~ will result in a penalty of an amount equal to the difference between the actual DBE dollars paid and the Contractor's adjusted DBE commitment ~~to that DBE firm. For the repeated failure to meet the DBE commitment, the Contractor may have limitations imposed on its bidder qualifications in accordance with Article 1102-12.~~

1102.17, H, Sanctions for Failing to Comply with the Intent of the DBE Regulations.

Add a new article:

H. Sanctions for Failing to Comply with the Intent of the DBE Regulations.

1. DBE Firms.

The ability to be eligible to receive DBE goal work is a privilege made available to a select group of firms. Firms that abuse this privilege may have their ability to be counted towards the DBE goal restricted if the firm fails to perform their work consistent with common industry practices. Examples of not performing work consistent with common industry practice include, but are not limited to:

- a. Patterns of failing to perform a commercially useful function for work quoted to meet a DBE goal.

- b. Patterns of failing to complete the work with their own organization for work quoted to meet a DBE goal.
- c. Patterns of failing to pay for all labor and materials for the work they have subcontracted to meet a DBE goal.
- d. Patterns of failing to perform the work they have subcontracted.
- e. Patterns of failing to notify the prime contractor in a timely manner when their work schedule makes it impossible for them to begin subcontract work at the requested time.
- f. Patterns of failure to furnish documents (e.g. certified payrolls, material test reports, etc.) within the timeframes allowed by the specifications.

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

2. Prime Contractors.

Contractors who show a pattern of non-compliance with the DBE requirements of the contract may be suspended from bidding on contracts that have DBE goals. Examples that would indicate a lack of good faith effort to comply with the DBE requirements include, but are not limited, to:

- a. Patterns of performing work with their own organization, or having another company perform work, which was committed to a DBE firm to meet a DBE goal.
- b. Patterns of not keeping the DBE firms posted on the status of their projects, and not providing advance notification to the DBE when their subcontract work will be available to the DBE firm.
- c. Patterns of not promptly paying DBE firms for completed work in accord with Article 1109.05.
- d. Not treating DBE firms as they would any other subcontractor on the project.

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The Contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and a district office. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the Contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the Contractor for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the Contractor's treatment of DBE firms has extended beyond contracts assigned DBE goals.

Comments: The first change to 1102.17, E, 1, was requested because currently the Contractor must receive a signed statement from the DBE stating why they will not be able to perform, but the Contractors are not receiving these statements from the DBEs and in some case the DBEs can not be found. Therefore, the specification change will allow the Contractor to give a statement to the Department concerning why the DBE is not, or cannot, perform the duty without getting sign off from the DBE.

The second change to 1102.17, E, 1, was not approved by the FHWA. We proposed that if a DBE could not perform the work that they had subcontracted, that the Contractor must get another DBE to perform that same work. The FHWA will allow the Contractor to review all the areas of work that they were planning to perform themselves and allow a DBE to perform any of those areas.

The change to 1102.17, E, 2, was requested because we are the only state that requires this statement. The Department has worked with the FHWA to assure that the running tally of Federal Regulations will fulfill the necessary information for them.

The change to 1102.17, E, 3, was requested because most of the time the Department receives a written request from the Contractor when they offer construction assistance to a DBE subcontractor in areas where their expertise can benefit the subcontractor or in cases of unforeseen emergencies or natural disasters. This change was requested by the FHWA so that the Department always receives a written request.

The changes to 1102.17, F, were requested to help prevent over-running and under-running of DBE subcontractors from what was originally submitted to the Department. The sentence was changed to clarify that a form is not required if there is not a DBE approved on a contract.

Addition of 1102.17, H was requested to help when Contractors and DBE subcontractors are not working well together.

Deferred:	Not Approved:	Approved Date: 8-14-03	Effective Date: *4-20-04
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* This item will require Administrative Rules Committee approval.

4. Section 2123, Earth Shoulders for Pavements and Bases.

The Office of Contracts requested several changes to Section 2123 that will eliminate the use of the bid item for Earth Shoulder Finishing due to confusion with the use of Earth Shoulder Construction.

Submitted by: Roger Bierbaum	Office: Contracts	Item 4
Submittal Date: July 17, 2003	Proposed Effective Date: April 2004	
Article No.: 2123 Title: Earth Shoulder Construction	SS No.:	Other:

Change (Redline/Strikeout): Eliminate the Earth Shoulder Finishing option for earth shoulders and use "Earth Shoulder Construction" item for all earth shoulders.

2123.01 DESCRIPTION.

~~In general, c~~Construction of earth shoulders for pavements and bases relates to the earthwork above subgrade elevation, adjacent to the sides of pavement or base, but may involve minor or major reshaping and replacement of embankment material. The work shall consist of construction or finishing of earth shoulders by placement and consolidation of suitable materials adjacent to a previously constructed pavement or base, as shown in the contract documents, and placing in an acceptable condition any other sections of right-of-way disturbed by operations of the Contractor.

On all projects for which an appreciable quantity of shoulder work or regrading adjacent to pavement is involved, an item ~~or items~~ for Earth Shoulder Construction ~~or Earth Shoulder Finishing~~ will be provided as described herein. ~~When a small of amount of earth shoulder work is required, the contract documents may identify the quantity, but make the cost of this work incidental to another item on the project.~~

This specification will not apply to Rebuilding Shoulders specified in Article 2213.12 or to Shoulders specified in Article 2302.09.

2123.04 METHOD OF MEASUREMENT.

~~Contracts involving shoulder work will contain either items for both excavated material in cubic yards (cubic meters) and earth shoulder finishing or a single item for earth shoulder construction.~~

~~A. Earth Shoulder Finishing.~~

~~The Engineer will compute the length of earth shoulder finishing in stations (meters) by measuring along each shoulder.~~

~~The Engineer will measure material excavated involved with earthwork finishing and shoulders according to Article 2102.13. Unless otherwise provided in the contract documents, overhaul will be measured as provided in the contract documents, overhaul will be measured as provided in Article 2108.02.~~

~~B. Earth Shoulder Construction.~~

~~The Engineer will compute from measurement along each edge of pavement the number of stations (meters) of earth shoulder construction. Excavation and overhaul required for earth shoulder construction will not be measured for payment. However, the plan will provide an estimate of the quantity of excavation required and the location where the material can be obtained from.~~

For shoulders built adjacent to paved, intersecting highways, measurement along the edge of pavement or base will terminate at the point where the intersecting highway shoulder merges with the shoulder of the road under construction. Measurement will then be continued from this merging point along the shoulder line of the intersecting highway and continued to a point where shoulder work under the current contract is terminated. There shall be no overlapping or duplication in these measurements.

Shoulder work in connection with raised, unpaved medians will be measured and computed on the basis of a single measurement for the length of the median.

For work done in conjunction with shoulders adjacent to farm drives, approaches, and unpaved, intersecting roads, additional measurement will not be made for shoulders along

the drive, approach, or intersecting road, nor will any deduction be made in the measurement along the edge of pavement or base.

Shoulder work in connection with unpaved islands will be considered incidental to island construction and will not be measured for payment.

For shoulder work completed in conjunction with paved driveways and entrances, additional measurements will not be made for shoulders built along the drive or entrance unless it is more than 25 feet (8 m) in length. If more than 25 feet (8 m) in length, measurements will be made from edge of pavement to the point of shoulder work termination. The width of drives or entrances along the pavement edge will not be measured for payment. Deductions or additional measurements will not be made for unpaved driveways or entrances.

When all or a portion of the work is done under general traffic, measurements or payment will not be made for traffic control, decreased production, or other items directly related to this traffic.

2123.05 BASIS OF PAYMENT.

For the quantity of ~~earth shoulder finishing~~ or earth shoulder construction, measured as provided above, the Contractor will be paid as follows:

A. ~~Earth Shoulder Finishing.~~

~~For work covered by an item for Earth Shoulder Finishing, the Contractor will be paid the contract unit price per cubic yard (cubic meter) for excavation, as provided in Article 2102.14, A, and per station (meter of Earth Shoulder Finishing. Unless the contract provides otherwise, overhaul will be paid for at the contract unit price per station yard (cubic meter per metric station). These payments shall be full compensation for all work of building shoulders, including any costs caused by traffic.~~

B. ~~Earth Shoulder Construction.~~

~~For work covered by an item for Earth Shoulder Construction, the Contractor will be paid the contract unit price per station (meter). This payment shall be full compensation for all costs including the cost of excavating, hauling, placing, compacting, rebuilding approaches, and the finishing of the earth shoulder work, and costs caused by traffic.~~

Reason for Revision: We continue to have problems with designers being confused by the two options for earth shoulders (e.g. Earth Shoulder Construction or Class 10 Excavation and Earth Shoulder Finishing.)

The Office of Contracts would prefer to consistently use one bid item rather than allow two options for the items the designs can use. We would therefore be consistent and not include any embankment above the template line in the Class 10 Excavation quantity. We also want the designer to note if/where the material will come for the earth shoulder fill since we have had many instances where the designer fails to note anything about the availability of this material.

County or City Input Needed (X one)			Yes	No X	
Comments:					
Industry Input Needed (X one)			Yes	No X	
Industry Notified:	Yes	No	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION SECTION USE ONLY

Specification Section Recommended Language:

2123.01, Description

Delete "In general," from the first sentence of the first paragraph.

Replace the second paragraph with new second and third paragraphs.

On all projects for which an appreciable quantity of shoulder work or regrading adjacent to pavement is involved, an item ~~or items~~ for Earth Shoulder Construction ~~or Earth Shoulder Finishing~~ will be provided as described herein. ~~When a small amount of earth shoulder work is required, the contract documents may identify the quantity, but make the cost of this work incidental to another item on the project.~~

This specification will not apply to Rebuilding Shoulders specified in [Article 2213.12](#) or to Shoulders specified in [Article 2302.09](#).

2123.04, Method of Measurement

Delete the first paragraph.

~~Contracts involving shoulder work will contain either items for both excavated material in cubic yards (cubic meters) and earth shoulder finishing or a single item for earth shoulder construction.~~

2123.04, A, Earth Shoulder Finishing

Delete the title and entire article.

~~A. Earth Shoulder Finishing.~~

~~The quantity of Earth Shoulder Finishing, in stations (meters) along each edge of the pavement, will be the quantity shown in the contract documents.~~

~~The Engineer will measure material excavated involved with earthwork finishing and shoulders according to [Article 2102.13](#). Unless otherwise provided in the contract documents, overhaul will be measured as provided in [Article 2108.02](#).~~

2123.04, B, Earth Shoulder Construction

Delete the title and add a second sentence to the first paragraph.

~~B. Earth Shoulder Construction.~~

The quantity of Earth Shoulder Construction, in stations (meters) along each edge of the pavement, will be the quantity shown in the contract documents. ~~However, the plan will provide an estimate of the quantity of excavation required and the location where the material can be obtained.~~

2123.05, Basis of Payment

Delete the first paragraph.

For the quantity of earth shoulder finishing or earth shoulder construction, measured as provided above, the Contractor will be paid as follows:

2123.05, A, Earth Shoulder Finishing

Delete the title and entire article.

~~A. Earth Shoulder Finishing.~~

~~The Contractor will be paid the contract unit price for excavation per cubic yard (cubic meter), as provided in [Articles 2102.14, A](#); and for Earth Shoulder Finishing per station (meter). Unless the contract provides otherwise, overhaul will be paid for at the contract unit price per station yard~~

~~(cubic meter per metric station). These payments shall be full compensation for all work of building~~

~~shoulders, including any costs caused by traffic.~~

2123.05, B, Earth Shoulder Construction

Delete the title and replace the second sentence.

B. Earth Shoulder Construction.

The Contractor will be paid the contract unit price for Earth Shoulder Construction per station (meter). This payment shall be full compensation for all costs including the cost of excavating, hauling, placing, compacting, rebuilding approaches, finishing ~~of the earth shoulder work, and costs caused by traffic.~~

Comments:

SPECIFICATION COMMITTEE ACTION

Final Approved Text:

Comments: The Office of Design had received comments from some of their Section Engineers but these comments were unavailable at the meeting. The Section Engineers did have concerns about rural shoulders and urban shoulders, and the effect this change will have on those two situations.

In rural areas the shoulder fill is generated from trimming the grade and it would be difficult to predict this quantity. A source might be able to be determined for the entire quantity and then the quantity generated from the trimming could be deducted.

The current method of construction of rural shoulders creates dams along the roadway and is causing problems when it rains. The Office of Construction requested that the entire process be reviewed.

It was recommended that a change in terms might be beneficial to clarifying the process and the different situations.

It was also recommended that a small quantity might be allowed to be incidental. A definition of "small quantity" would have to be determined.

Deferred: X

Not Approved:

Approved Date:

Effective Date:

Deferred to a future meeting to allow for input from designers and review the impact of shoulders behind the curb, granular shoulders, earth shoulders, impact of the damming, define what could be incidental, and review the SUDAS manual.

5. Article 2213.01, Base Widening

The Specifications Section requested a change to Article 2213.01 that will eliminate the Contractor's option to choose HMA or PCC base widening. The type of material will be designated in the plans.

Submitted by: Donna Buchwald		Office: Specifications		Item 5	
Submittal Date: July 22, 2003			Proposed Effective Date: October 21, 2003		
Article No.: 2213.01 Title: Description		SS No.:		Other:	
Change (Redline/Strikeout): Delete the indented paragraph. <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>The contract documents may designate PCC base widening, HMA base widening, or a Contractor's option of these types. When the option is designated, the thickness of base widening with each material will be shown, and payment will be based on square yards.</p> </div>					
Reason for Revision: In the recent change of pavement items to plan quantity and review of the bid items, this paragraph was reviewed in relation to its bid items. After review with the Office of Contracts and Pavement Management in the Office of Design, it was determined that this paragraph should be deleted. The contract documents will clear state if the base widening is to be PCC or HMA; the Contractor will not be given the option.					
County or City Input Needed (X one)		Yes		No X	
Comments:					
Industry Input Needed (X one)		Yes		No X	
Industry Notified:	Yes	No	Industry Concurrence:	Yes	No
Comments:					
SPECIFICATION SECTION USE ONLY					
Specification Section Recommended Language: See Change language.					
Comments:					
SPECIFICATION COMMITTEE ACTION					
Final Approved Text: See Change language.					
Comments: No comments.					
Deferred:	Not Approved:	Approved Date: 8-14-03		Effective Date: 4-20-04	

6. Article 2527.02 B. 2, Durable Paint Pavement Markings
Article 4183.04, DURABLE PAINT PAVEMENT MARKINGS

The Office of Materials requested several changes to Article 2527.02 and Article 4183.04 that will modify the testing requirements for Durable Pavement Markings.

Submitted by: J. Berger	Office: Materials	Item 6												
Submittal Date: 7/03	Proposed Effective Date: April, 2004													
Article No.: 2527.02 B. 2. & 4183.04 Title: Durable Paint Pavement Markings	SS No.:	Other: Maybe DS 01009												
<p>Change (Redline/Strikeout):</p> <p>2527.02 B.</p> <p>2. Durable Paint Pavement Markings. Durable paint pavement markings shall meet requirements of Section 4183.04.</p> <p>The marking thickness and reflective beads shall be applied according to Materials I.M. 483.04.</p> <p>The contractor shall demonstrate to the engineer at the start of the project the ability to meet the initial retroreflectivity requirements in this article when tested in accordance with Materials I.M. 3XX. The engineer may also require the contractor to demonstrate to the engineer the ability to meet the initial retroreflectivity requirements if there is a change in equipment, materials, or a delay of more than two months in completing the project.</p> <p>Final acceptance will be based on compliance with these specifications. The markings shall meet the following retroreflectivity requirements:</p> <table data-bbox="511 1071 1104 1239"> <thead> <tr> <th></th> <th style="text-align: center;">Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)</th> </tr> </thead> <tbody> <tr> <td>White line, symbols and legends</td> <td style="text-align: center;">300</td> </tr> <tr> <td>Yellow line</td> <td style="text-align: center;">200</td> </tr> </tbody> </table> <p>4183.04 DURABLE PAINT PAVEMENT MARKINGS. Durable paint pavement markings shall meet the requirements of Materials I.M. 483.04.</p> <p>Final acceptance will be based on compliance with these specifications and also retroreflective readings which will be taken in 1 to 2 weeks after installation of the markings. The retroreflectivity will be measured, by the Engineer, with a 30 m geometry retroreflectometer. This instrument has an 88.76 degree entrance angle, and a 1.05 degree observation angle. The markings shall meet the following retroreflectivity requirements:</p> <table data-bbox="511 1501 1104 1669"> <thead> <tr> <th></th> <th style="text-align: center;">Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)</th> </tr> </thead> <tbody> <tr> <td>White line, symbols and legends</td> <td style="text-align: center;">300</td> </tr> <tr> <td>Yellow line</td> <td style="text-align: center;">200</td> </tr> </tbody> </table>				Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)	White line, symbols and legends	300	Yellow line	200		Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)	White line, symbols and legends	300	Yellow line	200
	Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)													
White line, symbols and legends	300													
Yellow line	200													
	Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxhm²)													
White line, symbols and legends	300													
Yellow line	200													
<p>Reason for Revision: Several projects have been let using a DS with the same language. The original specification language with the testing requirements was intended for a statewide project(s). The current specification requires testing to be done within a one-week window of when the marking was placed. With the limited staff and equipment, it isn't possible to test every project and possibly not practical to test every project. An I.M. will be developed that will outline the testing equipment, procedures, evaluation, and reports. Guidelines for monitor testing by either Materials or Maintenance personnel will be added to I.M. 204 Supplemental.</p>														

County or City Input Needed (X one)			Yes X	No	
Comments: Some agencies have been using the DS					
Industry Input Needed (X one)			Yes X	No	
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No
Comments:					
SPECIFICATION SECTION USE ONLY					
Specification Section Recommended Language:					
2527.02, B, 2, Durable Paint Pavement Markings					
Replace the third and fourth paragraph.					
The Contractor shall demonstrate to the Engineer at the start of the project the ability to meet the retroreflectivity requirements of these specifications when tested in accordance with Materials I.M. 3XX. The Engineer may also require the Contractor to demonstrate the ability to meet the initial retroreflectivity requirements if there is a change in equipment, materials, or a delay of more than two months in completing the project.					
Final acceptance will be based on compliance with these specifications. The markings shall meet the following retroreflectivity requirements:					
Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxh•m²)					
White line, symbols and legends				300	
Yellow line				200	
4183.04, Durable Paint Pavement Markings					
Delete the second paragraph.					
Final acceptance will be based on compliance with these specifications and also retroreflective readings which will be taken in 1 to 2 weeks after installation of the markings. The retroreflectivity will be measured, by the Engineer, with a 30 m geometry retroreflectometer. This instrument has an 88.76 degree entrance angle, and a 1.05 degree observation angle. The markings shall meet the following retroreflectivity requirements:					
Specific Luminance (mcd/sq. ft./ft.-cdl.) (luxh•m²)					
White line, symbols and legends				300	
Yellow line				200	
Comments:					
SPECIFICATION COMMITTEE ACTION					
Final Approved Text:					
2527.02, B, 2, Durable Paint Pavement Markings					
Replace entire article.					
Durable paint pavement markings shall meet requirements of Section 4183.04 .					
The marking thickness and reflective beads shall be applied according to Materials I.M. 483.04 . The Contractor shall supply the Engineer with a copy of the manufacturer's recommendations for applying the marking material. The marking material shall be installed according to the product manufacturer's recommendations. Binder thickness shall be the same as applied on the National					

Transportation Product Evaluation Program (NTPEP) deck with a tolerance of 10%. The bead application rate, bead gradation, and bead coating shall be at the discretion of the Contractor. An appropriate bead package shall be used to consistently meet or exceed the minimum retroreflectivity requirements.

The Contractor shall demonstrate to the Engineer at the start of the project the ability to meet the retroreflectivity requirements of these specifications when tested in accordance with Materials I.M. XXX. The Engineer may also require the Contractor to demonstrate the ability to meet the initial retroreflectivity requirements if there is a change in equipment, materials, or a delay of more than 2 months in completing the project.

Final acceptance will be based on compliance with these specifications. The markings shall meet the following retroreflectivity requirements:

	Specific Luminance (mcd/sq. ft./ft.-cdl.) (lux•m²)	
White line, symbols and legends		300
Yellow line		200

4183.04, Durable Paint Pavement Markings

Delete the second paragraph.

Final acceptance will be based on compliance with these specifications and also retroreflective readings which will be taken in 1 to 2 weeks after installation of the markings. The retroreflectivity will be measured, by the Engineer, with a 30 m geometry retroreflectometer. This instrument has an 88.76 degree entrance angle, and a 1.05 degree observation angle. The markings shall meet the following retroreflectivity requirements:

	Specific Luminance (mcd/sq. ft./ft.-cdl.) (lux•m²)	
White line, symbols and legends		300
Yellow line		200

Comments: The industry should be notified of this change, as they may have to purchase the equipment.

Deferred:	Not Approved:	Approved Date: 8-14-03	Effective Date: 4-20-04
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7. Specification Manual Rewrite to ASSHTO format

This item was deferred.