

# What's New?

*Some things are the same, and some things are different in the 2014 Standard Specifications*

# Section 104 – Scope of Work

## Section 104.03 A.2, “Record Keeping”

- New concept
- Requires the Contractor to keep track of work related to issues where NOI's are submitted

## Section 104.04 B, “Dispute Resolution”

- Allows for meeting between the Contractor, Project Engineer, District Engineer, and Executive Office staff to attempt to resolve issues before claims are filed
- Optional – Triggered by Contractor request
- Must follow NOI process in order to request this meeting

## 104.05 E, “Conditions Precedent to Subcontractor Claims”

- New section created to ensure prime contractor involvement in NOI's and Claims made by subcontractors

# Section 105 – Control of Work

## Section 105.07, “Conformance with the Contract Requirements”

- New term – Contract Price Adjustments
  - This term should be used instead of “deduct”
  - Some sections have prescribed adjustments (302 & 430 are examples of this)
  - **The following items are not new:**
    - Most sections do not have prescribed adjustments. It is up to the Engineer to determine whether or not work that doesn’t meet the Specifications can be accepted or should be replaced
    - Work that is accepted but does not meet the specifications requires justification from the Engineer for the acceptance and the adjustment
      - The adjustment can technically be zero, but the justification is still required
      - Adjustment and acceptance take the form of a contract revision (Change Order)
      - Stating that the work is accepted “According to Section 105.07” is not adequate

## Section 105.08, “Work Drawings”

- New term in place of both “shop drawings” and “work drawings”

# Section 105 – Control of Work, Cont.

## 105.13, “Protection of the Work”

- This section was drastically revised
- Now accurately reflects how things were being applied in practice under the old specifications
  - Applies varying degrees of liability between the Contractor and the Department
  - Depends on when damage occurs

# Section 107 – Legal Relations and Responsibilities

## 107.06 – Discoveries

This section was revised to only discuss the Contractor's responsibilities

- It outlines what the Contractor is required to do, under the contract, if the listed items are encountered during construction
- If something is identified during prosecution of the work, the Engineer should enforce these requirements and contact the Central Office (generally ETS) to determine how to proceed

## 107.17, "Removed Material"

- Revised content, but not revised requirements
- Small issue in this section that will be fixed:
  - The NDDoH doesn't issue approval of these forms
  - This will be revised with a Supplemental Specification for next season

# Section 108 – Prosecution and Progress

## Section 108.01, “Subletting of Contract”

- Not new, just moved
- Used to be section 104.02
- DBE requirements paragraph:
  - Old:

*When a project contains a Disadvantaged Business Enterprise (DBE) Goal, a subcontract is required with any DBE firms used to meet the goal; unless the DBE firm is classified as an oil hauler, supplier, broker, vendor, regular dealer or manufacturer.*

- New:

*When the contract specifies a DBE Goal, execute a subcontract with all firms approved through the Department’s Good Faith Effort process. If the Department classifies the firm as an oil hauler, supplier, broker, vendor, regular dealer, or manufacturer, no subcontract is required, but the firm must be used to perform the work.*

# Section 108 – Prosecution and Progress, Cont.

## 108.02, “Preconstruction Conference”

- Old section was a single paragraph that didn't say much at all
- New section contains that same paragraph but also contains a list of items that should be submitted before the meeting takes place

# Section 155 – Concrete Equipment

155.03 A, “Stationary Mixers” and 155.03 B, “Truck Mixers”

- Require National Ready Mix Concrete Association certifications for certain types of concrete construction
- Does not apply to 155.03 C, “Mobile Mixers”

# Section 203 – Excavation and Embankment

## 203.04 C, “Subcut”

- Added moisture and density controls to backfill material (aggregates)
- Don't currently have compaction requirements for aggregate bases under 302, however this was done here as this material replaces the subgrade, which does have moisture and density controls
- Think of it like pipe backfill requirements

## 203.04 G, “Guardrail Embankment”

- Changed compaction requirements from Type C to Type A
- These areas are typically part of the roadway embankment

# Section 302 – Aggregate Base and Surface Course

## 302.04 A, “Acceptance of Aggregate”

- Why are the sampling and testing frequencies here?
  - When the lot sizes are tied to the contract price reductions we included them in the specifications as a matter of disclosure
  - Yes, this could lead to issues down the road if the frequencies are revised, but Technical Services and Materials & Research will need to be in communication and make a coordinated effort to make those updates simultaneously

## 302.04 D, “Limitations”

- Revised the time a windrow can be in place from 72 to 48 hours
  - Prevents leaving them in place over a weekend
  - Length of windrow remained at 3 miles

# Section 306 – Full Depth Reclamation

## Section 306.04 B.3 “Compaction”

- This section is for material that is blended in place
  - Two stages (this is the same as before), *however*
    - Stage one now has a requirement for the depth of penetration of the roller feet is 0.5 inch or less
    - Stage two is no displacement under pneumatic rollers (same as before)

## Section 306.04 C.3 “Compaction”

- This section is for material that removed and relayed
- Single stage of compaction
  - 6 inch lifts
  - No displacement under pneumatic rollers

# Section 411 – Milling Pavement Surface

## Section 411.04, “Construction Requirements”

- Old (was in 411.03 A, “Milling Pavement Surface”):

*The Contractor shall place the pavement overlay within five calendar days of milling the pavement surface. **The Contractor will be responsible to repair any breakups or damage that occurs to the roadway after it is milled and prior to paving.** The materials and methods used to make the repairs shall be approved by the Engineer. The cost of such repairs will be the responsibility of the Contractor and shall be included in the bid item “Milling Pavement Surface.”*

- New:

*Place the pavement overlay within 5 calendar days of milling the pavement surface.*

- This was changed because we cannot hold the Contractor responsible for damage that occurs to a roadway with public traffic on it, so long as the specification was followed
- After the 5 days is up, any additional damage that occurs is the Contractor’s responsibility, but that doesn’t need to be said because they are out of compliance with the contract requirements.

# Sections 421 & 422 – Microsurfacing and Slurry Seals

A number of revisions were made to these sections

- Updates to reflect newer ISSA standards
- Put a time frame on the test strip construction (6 am – 9 am)
- Defined “excessive streaking” so that there was a way to determine what is considered of specification

# Section 430 – Hot Mix Asphalt (HMA)

The 2008 Specifications contain the following paragraph:

*The Contractor may elect to take a check sample, at the Contractor's expense, whenever the average density of a subplot is 89 percent or less than the Theoretical Maximum Density. A check sample shall be a set of cores taken within two feet of the location of the failing set of cores. The average density of the check sample cores will be the result used to determine the Unit Price of the hot bituminous pavement.*

The contents of that paragraph no longer exist, in any form, within the 2014 Specifications.

# Section 430 – HMA, Cont.

There are multiple reasons for removing this paragraph

- It's simply bad policy. The tests should stand regardless of the outcome. These types of provisions don't exist for other tests that can result in a contract unit price reduction
- FHWA said we couldn't do it. Their reasoning was basically the same as the first item.
- It shouldn't have existed as long as it did anyway.

# Section 430 – Hot Mix Asphalt (HMA)

Here is that old paragraph again:

*The Contractor may elect to take a check sample, at the Contractor's expense, **whenever the average density of a subplot is 89 percent or less than the Theoretical Maximum Density**. A check sample shall be a set of cores taken within two feet of the location of the failing set of cores. The average density of the check sample cores will be the result used to determine the Unit Price of the hot bituminous pavement.*

# Section 430 – HMA, Cont.

This is the table that was originally published in the 2008 Specifications

## **PAVEMENT DENSITY ADJUSTMENT OF UNIT BID PRICE PER LOT**

<b>Pay</b>	<b>Average Pavement</b>
<b>Factor A</b>	<b>Density</b>
1.00	91% or greater
0.99	90.0% - 90.9%
0.975	89.0% - 89.9%
0.95	88.0% - 88.9%
0.925	87.0% - 87.9%
*	Less than 87.0%
<b>Pay</b>	<b>Lowest Density of</b>
<b>Factor B</b>	<b>any Sublot</b>
1.00	89% or greater
0.99	88.0% - 88.9%
0.98	87.0% - 87.9%
0.97	86.0% - 86.9%
0.96	85.0% - 85.9%
*	Less than 85.0%

# Section 430 – HMA, Cont.

That table was replaced in February 2009 with the following tables:

## PAVEMENT DENSITY ADJUSTMENT OF UNIT BID PRICE PER SUB LOT

**Table 1:**

<b>Superpave FAA 40-43 Class 27, 29</b>	
<b>Percent Payment</b>	<b>Avg. Pavement Density</b>
1.00	≥ 91.0%
0.98	90.0% - 90.9%
0.95	89.5% - 89.9%
0.91	89.0% - 89.4%
0.85	88.5% - 88.9%
0.70	88.0% - 88.4%
**	< 88.0%

**Table 2:**

<b>Superpave FAA 44-45 Class 31, 33</b>	
<b>Percent Payment</b>	<b>Avg. Pavement Density</b>
1.00	≥ 92.0%***
0.98	91.0% - 91.9%
0.95	90.5% - 90.9%
0.91	90.0% - 90.4%
0.85	89.5% - 89.9%
0.70	89.0% - 89.4%
**	< 89.0%

# Section 550 – Concrete Pavement

## Section 550.04 N.1, “Contractor Coring”

- Just what it sounds like. We’ve made the contractor responsible for sample collection
  - These cores will be used to determine pavement thickness and in place strength
  - Core locations are determined randomly, however a core will be obtained in areas that are ground under the ride specification

## Section 550.04 N.3, “Determination of Concrete Strength”

- New Section/New Requirement
- Measures the in place strength of concrete
- Uses cores obtained to determine pavement thickness
- Areas with deficient strength are not paid for
  - Exploratory cores are obtained to determine the deficient area
  - The Engineer determines if the pavement can stay in place or if it must be removed and replaced
  - Replacement pavement will be paid for, provided it meets the specifications

# Section 602 – Concrete Structures

## Old Specification:

Apply wet cure material and start the cure within 30 minutes of concrete placement

## New Specification:

Place the wet cure burlap and start the wet cure within 15 minutes of the passing of the finishing machine.

This change was made so that the cure gets applied faster, but also so that there was less confusion as to *when* the cure has to be applied.

# Section 616 – Structural Steel

## Painting Structural Steel (New Construction)

Old Specification:

**Shop Painting.** All required painting shall meet Section 630.

- From 616

**Field Painting.** Structural steel shall be painted according to Section 630.

- From 616

If there is no bid item for Sandblasting and Painting, this work shall be included in the bid item for “Structural Steel.”

- From 630

# Section 616 – Structural Steel, Cont.

## New Specification:

Everything needed for painting new structural steel is included in Section 616.

- Shop painting
- Field painting (touch ups only)
- Still no bid item for painting under 616
- Painting falls under the umbrella of “Indirect Costs” as defined in Section 109

## Section 630 currently doesn't exist

- Re-painting existing structures is currently being handled by Special Provision
- Still uses the 630 bid items

# Section 704 – Temporary Traffic Control

## Section 704.03 E, “Reflective Sheeting”

- Updated to reflect the new requirements in Section 894
- Grandfather clause for devices and signs fabricated before 04/01/2015, which can meet the 2008 Specifications until they are no longer functional

# Section 704 – Temporary Traffic Control, Cont.

## Section 704.04 A.1 “Requirements Before Sign Installation”

*When submitting a certificate of compliance as specified in Section 106.01 C, “Certificate of Compliance”, include:*

- A certification that category I and II traffic control devices meet NCHRP 350 or MASH Guidelines; and*
- The classification of the installed devices specified in Section 704.04 B, “Traffic Control Device Condition Classifications”.*

Replaces the old language (2008 – Section 704.01, “Description”):

*At the Pre-Construction Conference the Contractor shall provide the Engineer a Letter of Compliance stating that all Category I and II devices are NCHRP Report 350 approved. **The Letter of Compliance shall also include approved shop drawings of the signs and devices.***

# Section 762 – Pavement Marking

## Section 762.04 A.4.c, “Grooves for Epoxy Paint”

- There is a note that modifies the groove depth for these markings
- If a set of plans has Grooved Epoxy Markings, but doesn't contain the note a Change Order should be issued to add the note to the contract
- The note is available on the Plan Preparation Guide Website under “Plan Notes”
- This note will be incorporated into the Supplemental Specifications for 2016 projects

# Section 802 – Portland Cement Concrete

Mix Designs are now produced by the Contractor by default

The aggregate gradations used to be in Section 816. They were moved to this section for ease of use

This section now contains Slump requirements. This didn't exist in the past, the old specifications simply said the test would be performed.

# Section 817 – Salvaged Base Course

This section was both shorted and improved

Attempted to eliminate loopholes and issues that had developed over the last few years

# Section 818 – Bituminous Materials

Simplified by using more AASHTO references and fewer variances/modifications to those requirements