

EXPECTED IMPLEMENTATION JULY 2016

338 VALUE ADDED ASPHALT PAVEMENT. **(REV 11-4-15) (FA 1-11-16) (7-16)**

ARTICLE 338-3 is deleted and the following substituted:

338-3 Responsible Party.

Prior to any Value Added Asphalt Pavement being placed on the project, the Contractor shall designate a Responsible Party to accept responsibility for maintaining the Value Added Asphalt Pavement, when remedial work is required. When the scope of the asphalt work is only milling and resurfacing, and there is no construction of the embankment, subgrade or base below the pavement included in the Contract, the Responsible Party may be either the Contractor or the Department approved subcontractor performing the Value Added Asphalt Pavement work. When the construction of the embankment, subgrade or base below the pavement is included in the Contract, in addition to the construction of the Asphalt Concrete Structural Course and Asphalt Concrete Friction Course, the Contractor shall be considered as the Responsible Party.

When the Responsible Party is a subcontractor, the subcontractor must be pre-qualified with the Department in the category of asphalt, and such designation must be made to the Department by the Contractor. The proposed subcontractor must execute and submit to the Department a form, provided by the Department, prior to or concurrent with the Contractor's request to sublet any Value Added Asphalt Pavement work, stipulating that the subcontractor assumes all responsibility as the Responsible Party for the Value Added Asphalt Pavement within the three-year warranty period. Failure to timely designate the Responsible Party will result in the Contractor being the Responsible Party unless otherwise agreed to in writing by the Department.

Upon final acceptance of the Contract in accordance with 5-11, the Contractor's responsibility for maintenance of all the work or facilities within the project limits of the Contract will terminate in accordance with 5-11; with the sole exception that the obligations set forth in this Section for Value Added Asphalt Pavement will continue thereafter to be the responsibility of the Responsible Party as otherwise provided in this Section.

SUBARTICLE 338-5.1 is deleted and the following substituted:

338-5.1 General: The Department's Pavement Condition Survey Program, along with observations by the Engineer, will be used as the basis for determining the extent and the magnitude of the pavement distresses occurring on the project. In the event the level of distress exceeds any of the threshold values defined below, remedial work as described in 338-5.5 by the Responsible Party will be required.

The Department will monitor the pavement for distresses and may require remedial action at any time. For evaluation purposes, the project will be subdivided into LOTs of 0.1 mile per lane. When the segment is less than 0.1 mile, the segment will be called a partial LOT. For purposes of threshold values and remedial work, partial lots and lots will be treated as lots. The Department may conduct a Pavement Condition Survey of the value added pavement following the final acceptance of the project, and at intermediate times throughout the warranty period with findings provided when considered by the Department to be the obligation of the Responsible Party.

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D The final survey, if determined by the Engineer to be necessary, will be conducted before the end of the warranty period with results provided to the Responsible Party for those conditions exceeding contract threshold values requiring remedial action that the Department believes to be an obligation of the Responsible Party. The Department will be responsible for all costs associated with the surveys.

If the survey findings, intermediate or final, are to be disputed by the Responsible Party, written notification must be submitted to the Engineer within 30 calendar days of the date of receipt of the information from the Department.

R During the warranty period, the Responsible Party may monitor the project using nondestructive methods and may participate with the Department in the Pavement Condition Surveys upon request. The Responsible Party shall not conduct any coring, milling or other destructive methods without prior approval by the Engineer.

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