

0060400, Defective Materials
Comments from Industry Review

Tom Byron
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Comment:

The first sentence of the second paragraph doesn't make sense to me – but that's not one of the edits. Regarding the edits, if the Department is willing to sit on defective materials for 75 days than it should work. That just strikes me as a long time to let it hang – but it is at least at the Engineer's discretion.

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Comment:

I think the sentence highlighted below should indicate that the specialty engineer must sign the report. In addition the specialty engineer should be licensed in the state of Florida.

6-4 Defective Materials.

Materials not meeting the requirements of these Specifications will be considered defective. The Engineer will reject all such materials, whether in place or not. Remove all rejected material immediately from the site of the work and from storage areas, at no expense to the Department.

Do not use material that has been rejected and the defects corrected, until the Engineer has approved the material's use. Upon failure to comply promptly with any order of the Engineer made under the provisions of this Article, the Engineer will remove and replace defective material and deduct the cost of removal and replacement from any moneys due or to become due the Contractor.

As an exception to the above, within 30 calendar days of the termination of the LOT or rejection of the material, the Contractor may submit a proposed scope of work to the Engineer for an engineering or independent laboratory (as approved by the Engineer) analysis to determine the disposition of the material. A Specialty Engineer, who is an independent consultant or the Contractor's Engineer of Record as stated within each individual Section shall perform any such analysis. Upon the Engineer's approval of the above request, the engineering analysis must be completed and the report must be submitted to the Engineer in 45 calendar days. **The report must be signed and sealed by a Professional Engineer licensed in the State of Florida.** The Engineer will determine the final disposition of the material after review of the information submitted by the Contractor. No additional monetary compensation or time extension will be granted for the impact of any such analysis or review.

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Comment

Question 1. In second paragraph, how is the Engineer supposed to accomplish removing and replacing the defective material? Question 2. In the changed language, when does the 45 days begin?

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Comment:

I suggest changing the following sentence in the last paragraph. I have used quotations to identify the changes, but not to be included in the actual rewrite of the spec: Upon the Engineer's approval of the "scope of work", the engineering analysis must be completed and the report must be submitted to the Engineer "within" 45 calendar days.

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Comments:

First paragraph 2nd & 3rd sentence -

"The Engineer will reject all such materials, whether in place or not. Remove all rejected material immediately from the site of the work and from storage areas, at no expense to the Department". This sentence is a conflict with the 30 day EAR process and an inexperienced CEI office will require this material to be removed (yes it has gotten that bad).

Second paragraph 1st sentence -

"Do not use material that has been rejected and the defects corrected, until the Engineer has approved the material's use". IDENTIFY THE ENGINEER! Some construction offices thinks its them, the DMO thinks its them, & some think its the SMO. There is way to much conflict within the Department over this one. My personal belief is that it should be the DMO since they receive there guidance from the SMO and that its "defective materials" not "defective construction". This also keeps the variance out of doing things different from office to office (Local CEI & Construction Offices). Keeping it open stating that its the State Materials Engineer and the authority is passed down, has not worked.