

DATE: July 31, 2007 424-07-03

SUBJECT: Approval Authority for Accepting Failed Material at a Reduced Payment

TO: District Executives  
Attention: Assistant District Engineers – Construction

FROM: Richard H. Hogg, P.E., /s/  
Deputy Secretary for Highway Administration

This policy will make an improvement in project delivery time by eliminating a level of review that is required to obtain approval to allow failed material to remain in place at a reduced payment.

Publication 408, Section 110.10(d) 1.a ; Section 401.4(a) 2; and Section 409.4(a) 4 contain language requiring the concurrence of the Chief Engineer to allow defective concrete and bituminous paving material to remain in place at a reduced payment.

Effective immediately, this concurrence will be delegated to the Director, Bureau of Construction and Materials. The specification sections referenced above will be updated with the next change to Pub. 408 to implement these changes.

To help the Districts expedite this change, attached is a previously distributed draft letter for such requests with the necessary modifications. Questions regarding this matter should be directed to Joseph S. Robinson, P.E., Chief, Quality Assurance East Division, at 717-787-4794.

Attachment

4240/JSR/ec

cc:

R. H. Hogg, P.E., Deputy Secretary for Highway Administration

S. J. Grimme, P.E.

C. Reilly

R. W. Harner

Eric Madden, Policy Officer

J. J. Robinson, Esq., Office of Chief Counsel

R. T. Kuntz, Esq., Office of Chief Counsel

Highway Administration Bureau Directors

Assistant District Executives-Construction

Construction and Materials Division Chiefs

Associated Pennsylvania Constructors

Pennsylvania Asphalt Producers Association

Federal Highway Administration

PA Turnpike Commission

DATE: "[Click here and type date]"

SUBJECT: [Click **here** and type subject]

TO: David J. Azzato, P.E., Acting Director  
Bureau of Construction and Materials

FROM: [Click **here** and type name]  
District Executive  
Engineering District XX-0

INSERT DETAILS OF MATERIAL FAILURE, INCLUDING:

- The location of the material failure and lot specifics
- The District's analysis of the laboratory report
- The District's plan of assurance that material will perform adequately
- Reference to any documents that support the District's recommendation for allowing material to remain in place at 50% payment

(Example)

We are requesting approval to allow a defective lot of bituminous pavement to remain in place at 50% payment on the subject project.

- 862.77tons of 9.5mm wearing course were placed. The lot was divided into three equal sublots. One subplot failed gradation of the #200 sieve.
- The gradation of the #200 sieve failed on the upper limits. The JMF allowed 8.0 and the original test was 8.1. A retest was performed and the result was 8.2. All compaction tests were passing and two of the three sublots were within limits.
- This is a low volume road with an estimated ADT of 289. The material was placed in the Fall of 2004 and has been progressively monitored by construction personnel.

INSERT THESE PARAGRAPHS

A review of this pavement was performed by (Names/Positions) on XXXX XX, 20XX and revealed no significant problems in pavement performance. Based on the poor test results the pavement will most likely have a reduced performance life. However, due to economic considerations and the cost to the traveling public, we feel that the pavement will likely give us enough performance to warrant leaving it in place at the reduced payment.

If you have any questions on this matter or require any additional data, please contact, (Name), District Materials Engineer at XXX-XXX-XXXX.

Recommended by: [Click **here** and type name]  
Chief, Quality Assurance Div., West/East

Concurrence by: [Click **here** and type name]  
Director, Bureau of Construction and Materials