

NORTH CAROLINA

Department of Transportation

















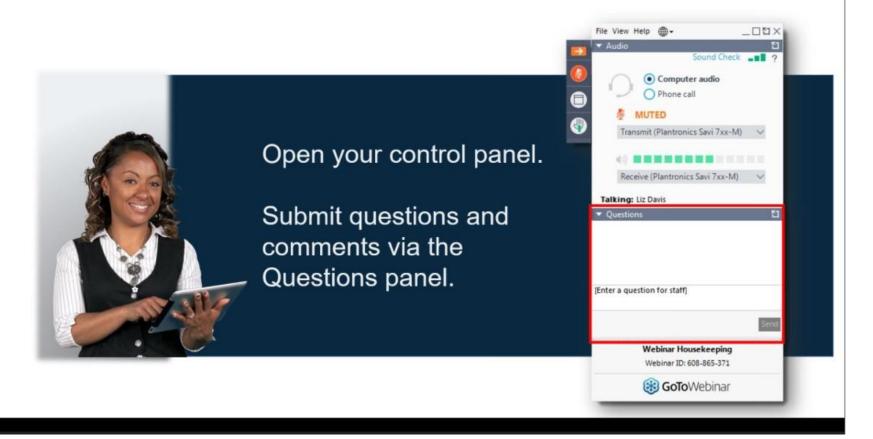


Material Escalation Price Adjustment Request Submittal Process

Wiley W. Jones III, PE

August 4, 2022

Participating in the Q&A Session



Today's Webinar Topics

- NC General Assembly, Session Law 2022-74
- July 12, 2022 Memorandum from Chief Engineer
- Material Price Escalation Claim Form
- Examples of Documentation needed
- Answering some common questions



NC General Assembly, Session Law 2022-74 Time Limited Cost Escalation Adjustment

- The General Assembly's Budget Bill provided for a Time-Limited Cost Escalation Adjustment.
 - Intent is to assist the road and highway construction industry to maintain resilience as it is confronted with extreme rise in construction material costs

NC General Assembly, Session Law 2022-74 Time Limited Cost Escalation Adjustment

- Funds shall be used based upon increased construction material cost, if all of the following are met:
 - Department Awarded contract on or before March 1, 2022, and either Contract performance was not completed, or Final estimate of the total contract cost was not completed by this date.
 - 2. Vendor makes claim, on form developed by the Department, within 60 days of enactment of this act.

September 10, 2022

Chief Engineer's Memo



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER J. ERIC BOYETTE

July 12, 2022

Memorandum To: NCDOT Prequalified Bidders, Subcontractors, and Suppliers

rom: C.A. Peoples, PE

Subject: Material Price Escalation Requests

Due to the recent volability of materials, the North Carolina General Assembly, under Session Law 2022-74, has appropriated funding to support price adjustments for materials on NCDOT contracts. Price adjustments will be considered for materials that have been or will be permanently incorporated into the work on contracts awarded on or before March 1, 2022, where either contract reperformance was not completed, or the final estimate was not paid by this date.

Requests for price adjustments on contracts meeting the criteria above should be submitted by the prime contractor. Subcontractor and/or suppliers should submit price adjustment requests, along with supporting information, to their respective prime contractors. Requests submitted to NCDOT by subcontractors and/or suppliers will not be considered. Requests should be submitted as a single submittal per contract.

All requests for a price adjustment shall be submitted by no later than close of business on September 10, 2022. Any requests submitted after close of business on September 10, 2022, will not be considered.

The following conditions shall apply:

- Adjustments shall only apply to materials purchased after July 1, 2020.
- Adjustments shall only apply to materials that have been or will be permanently incorporated into the work.
- For materials that <u>have been</u> permanently incorporated into the work, an adjustment will be made based upon the invoice pricing at the time of purchase compared to the material pricing at the time of bid.
- For materials that <u>will be</u> permanently incorporated into the work, an adjustment will be made based upon the current quotes, invoices, or purchase orders compared to the material pricing at the time of bid.
- Adjustments shall be considered for materials only, and shall not include labor, transportation charges, etc.
- Adjustments shall not include profit or other markups.

Mailing Address: NC DEPARTMENT OF TRANSPORTATION OFFICE OF THE CHIEF ENGINEER MAIL SERVICE CENTER 1336 RALEIGH, NC 27699-1536 Telephone 919-707-2500 Fax: 919-733-9428 ustomer Service: 1-877-368-4968 Location: 1 SOUTH WILMINGTON STREET RALFIGH, NC 27601

Website: www.ncdot.gov

Requests should be submitted using the attached Microsoft Excel Spreadsheet titled 2022
Material Price Escalation Claim Form. The form can be downloaded from the following website:
https://connect.ncdot.gov/projects/construction/Pares/Construction-Resources.aspx. Please save a copy of the form using one of the following appropriate naming conventions:

C20XXXX_Material_Price_Escalation_Request_2022-MM-DD.xls or DXXXXXX_Material_Price_Escalation_Request_2022-MM-DD.xls

The form, along with all supporting documentation, should be emailed to NCDOTMaterialEscalationRequest@ncdot.gov. Please use the naming convention shown above in the subject line.

Requests will be reviewed by the Department and a supplemental agreement will be executed to add a lump sum price adjustment to the contract. The lump sum price adjustment will be paid based upon the actual progress of the line items associated with the materials. Prime contractors receiving a price adjustment for work performed by a subcontractor/supplier shall distribute such price adjustments for the applicable work in accordance with Article 109-4(B) of the 2018 Standard Specifications for Roads and Structures.

Questions should be submitted to NCDOTMaterialEscalationRequest@ncdot.gov.

Attachment

CC: M.L. Sylvester, PE M.T. Gibbs PE G.W. Burns, PE Division Engineers Division Construction Engineers Resident Engineers E.B. Tharrington, PE B.C. Skeens, PE W.W. Jones, III, PE M.H. Gaddy, PE Area Construction Engineers A V Farwood PF Victor Barbour, PE Ellis Powell, PE John Sullivan, PE Brad Hibbs, PE

- All requests for price adjustments shall be submitted by no later than close of business on September 10, 2022.
- Requests should be submitted by the prime contractor and should be submitted as a single submittal per contract.
 - Subcontractors and/or supplier should submit price adjustment price adjustment requests, along with supporting information, to their respective Prime Contractors.

Eligibility Requirements

- Contracts awarded on or before March 1, 2022, where either contract performance was not completed, or the Final Estimate was not paid by this date.
- Material Adjustment Requirements
 - Material must be purchased after July 1, 2020
 - Material must have been or will be permanently incorporated into the work
 - Adjustments are for materials only
 - Does not include labor, equipment, transportation charges, profit, markup, etc.

Work Already Performed

- For Materials that <u>have been permanently incorporated</u> into the work, an adjustment will be made based on
 - Invoice pricing at the time of purchase
 - Material pricing at the time of bid

Work To Be Installed

- For Materials that will be permanently incorporated into the work, an adjustment will be made based on
 - Current quotes, invoices, or purchase orders
 - Material pricing at the time of bid

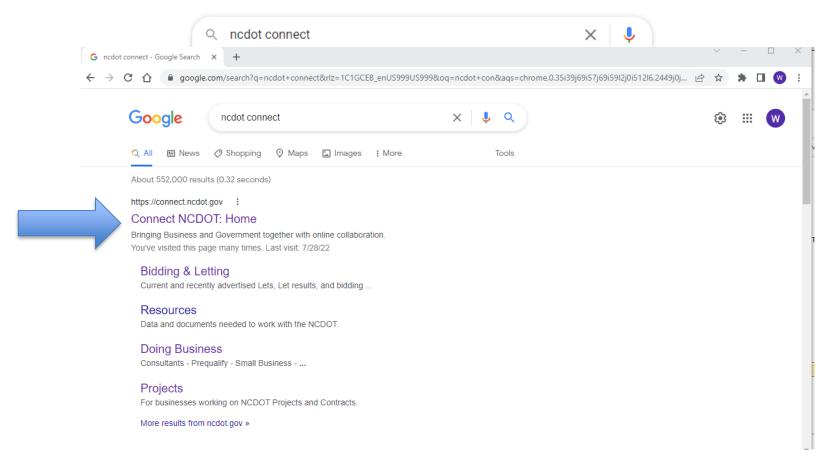
- Requests should be submitted using excel spreadsheet
- Excel spreadsheet can be downloaded at:

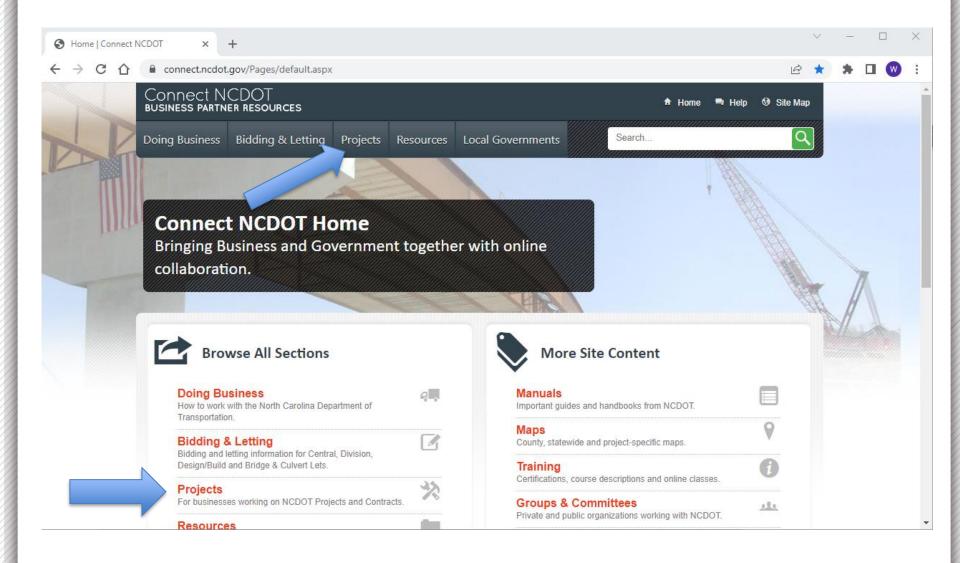
https://connect.ncdot.gov/projects/construction/Pages/Construction-Resources.aspx

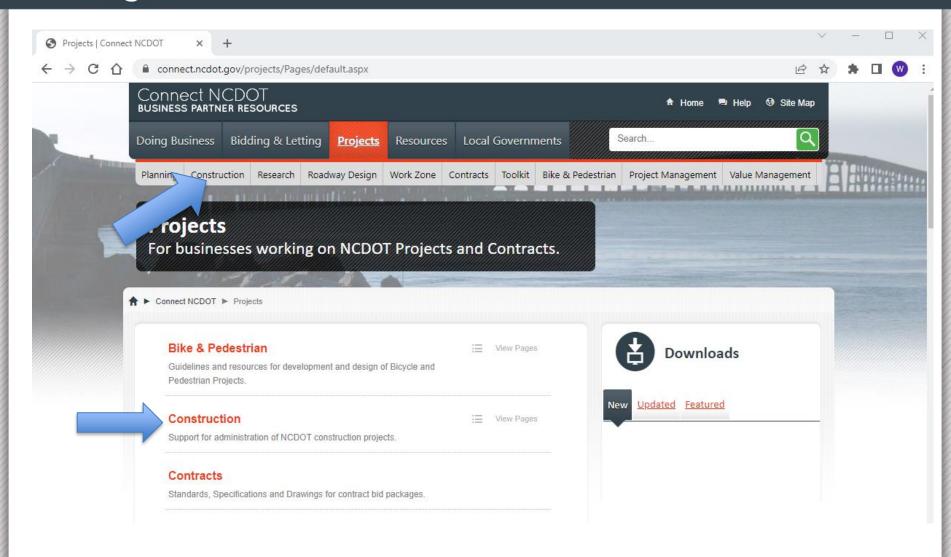
- Should be named using one of the following approved conventions:
 - C20XXXX_Material_Price_Escalation_Request_2022-MM-DD.xls or
 - DXXXXXX _Material_Price_Escalation_Request_2022-MM-DD.xls

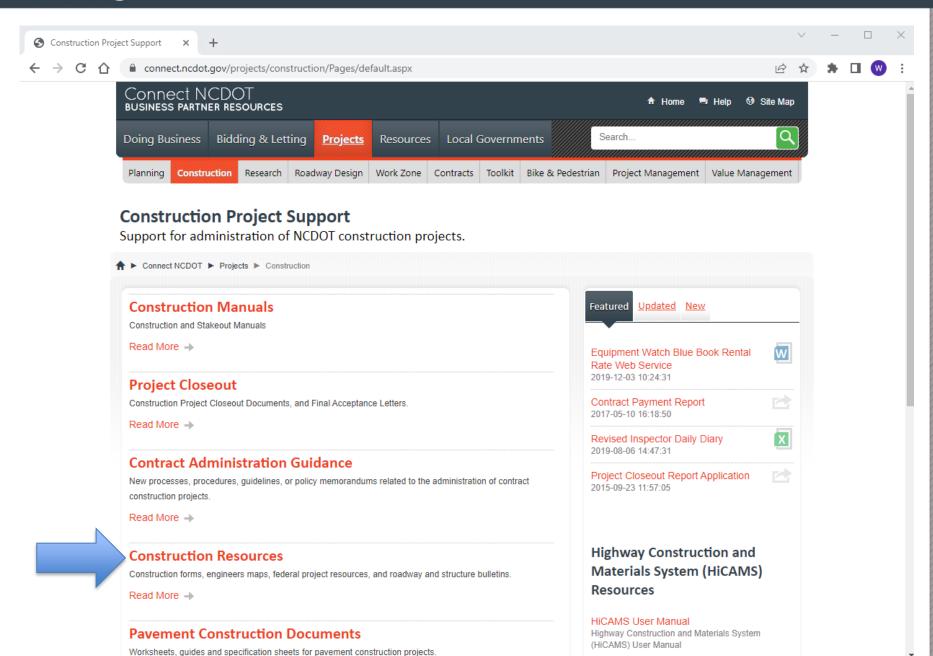
How to find the spreadsheet?

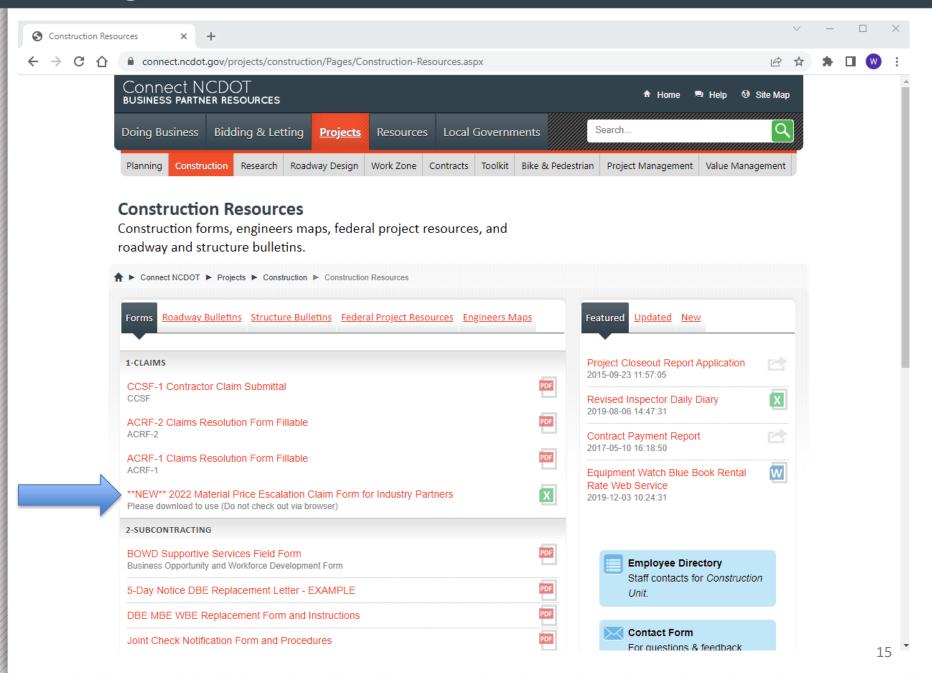












- Excel spreadsheet includes sheet titled 'Instructions' that provides guidance on how to fill out each column included in the form
 - Please do not add columns to the form. Additional rows may be added as necessary to complete the submittal

- Form should be completed by the Prime Contractor and should include all requests received from subcontractors/suppliers
- Columns 1-3
 - Provide the NCDOT Contract Number, the name of the Prime Contractor, and the Date this form is being submitted
- Column 4
 - Provide the name of the subcontractor requesting price adjustments
 - If the request is from the prime, this can remain blank

Column 5

Provide the name of the supplier the materials were purchased from

Column 6

 Enter the Contract Line Item Number the price adjustment is being requested for (Leave Blank for Design-Build contracts)

Column 7

 Enter the Line Item Description for the item the price adjustment is being requested for (Leave Blank for Design-Build contracts)

Column 8

- Enter the materials associated with the Line Item in Column 6
 - Additional rows may be needed if multiple materials are associated with the line Item

Column 9

- Enter the Unit of Measure of the Material in Column 8.
- This is for the <u>material</u>, not the Line Item.
 - For example, if the Line Item is Guardrail, the Line Item Unit of Measure is Linear Feet. However, the Material Unit of Measure could be Each for some of the materials (Posts, Bolts, etc.)

- Column 10
 - Enter the Material unit price at Time of Bid for the material on that row
- Column 11
 - Quantity of material that <u>has been</u> installed and permanently incorporated into the work at the time of the request.
 - No units are necessary in this column
- Column 12
 - Enter the Installed Material unit price for materials that <u>have</u>
 been permanently incorporated into the work.

- Column 13
 - This Column will calculate automatically. There is no need to input any data in this column
- Column 14
 - Quantity of materials that <u>will be permanently incorporated into</u> the work prior to project completion
- Column 15
 - Current Material unit price based on recent quotes/invoices
- Column 16
 - This Column will calculate automatically. There is no need to input any data in this column

Submitting Excel Spreadsheet

- The Excel spreadsheet, along with all supporting documentation, should be emailed to NCDOTMaterialEscalationRequest@ncdot.gov
 - The Subject Line shall have the same naming convention as the excel spreadsheet
- All questions regarding these requests should be directed to
 - NCDOTMaterialEscalationRequest@ncdot.gov

Submitting Excel Spreadsheet

 All questions regarding these requests should be directed to

NCDOTMaterialEscalationRequest@ncdot.gov

Examples of supporting documentation

Material Price Escalation Claim Form for Industry Partners

Contract Number (1)	DG00534
Prime Contractor (2)	
Date Submitted (3)	7/18/2022

									Materials Permanently Incorporated Prior to Request			
Subcontractor Name (4)	Name (4) Supplier Name (5) Contract Line Item Number (6) Contract Line Item Description (7)		Material Associated with Contract Line Item (8)	Material Unit of Measure (9)	Material Price at Time of Bid (10)		Installed Material Quantity (11)	Installed Material Price (12)	Additional Compensation (13)	Remaining Material Quantity (14)		
	NUCOR / SKYLINE	65	HP 12X53 STEEL PILE	12X53 STEEL H-PILE	LF	\$	40.47	\$ 91.50	\$ 44.67	\$ 383.83	S - S	
	GUARNTEED SUPPLY COMPANY	62	BRIDGE APPROACH SLAB, STATION ********(STATION 18+95.00-L-	REINFORCING STEEL	LBS	s	0.76	2792	\$ 0.84	s 237.32	s - s	
	GUARNTEED SUPPLY COMPANY		BRIDGE APPROACH SLAB, STATION *******(STATION 18+95.00-L-	EPOXY COATED REINFORCING STEEL	LBS	s	1.32	2046	\$ 1.50	\$ 368.28	s - s	
	GUARNTEED SUPPLY COMPANY	63	REINFORCING STEEL (BRIDGE)	REINFORCING STEEL	LBS	\$	0.76	9400	\$ 0.84	\$ 799.00	S - S	
	GUARNTEED SUPPLY COMPANY	68	1'-**"X*****"CONC PARAPET [1'-2" X 2-10 1/2"]	EPOXY COATED REINFORCING STEEL	LBS	s	1.32	2023	\$ 1.50	s 364.14	s - s	
	GUARNTEED SUPPLY COMPANY	69	1'-*x"X*****"CONC PARAPET [1'-2" X 2'-9 3/4"]	EPOXY COATED REINFORCING STEEL	LBS	\$	1.32	2023	\$ 1.50	\$ 364.14	s - s	
										S -		
										S -		
										S -		
										s -		

Quote Information



Sales Rep: Matt Stephens Phone: (770) 242-9007 Fax: (770) 242-0655

Email: mail: stephens@nucorskyline.com

Address: 3550 Corporate Way Suite E Duluth, GA, 30098

Quote # Q-41377

Project Name	Qu	te Dute	Bid Date	Quote Expiration Date		
NCDOT - DIV. 7 - ORANGE COUNTY - DG00634	Tue 202	eday, November 16,	Thursday, November 18, 2021	Thursday, November 25, 2021		

ALL BIDDING CONTRACTORS - GA

Customer Contact	Billing Address	Shipping Location
ESTIMATING	3550 Corporale Way Suite E DULUTH GA 770 USA	REPLACE BRIDGE #99 OVER NEW HOPE CREEK ON SR 1723 (NEW HOPE CHURCH ROAD) ORANGE COUNTY NO

Quote Totals

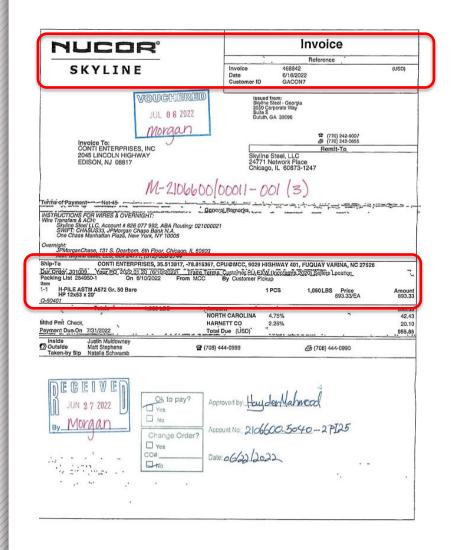
Net Weight	Net Tons	Net Amount
11,452.00 lb	5.73	\$9,548.70

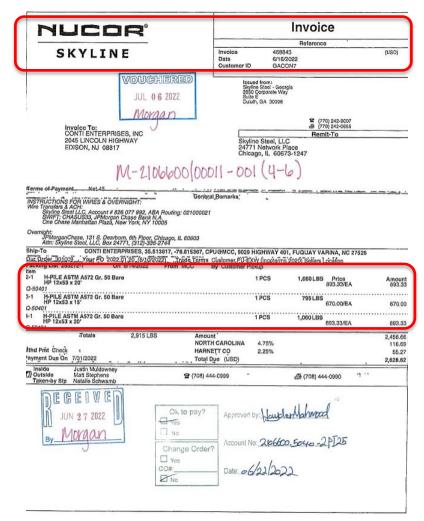
General Remarks

- · Freight Included CPT (Incoterms 2021) Orange County, NC
- Prices do NOT include tax
- Price in effect at time of order placement and/or mill rolling
 All material quoted as New Domostic, Bare Steel and A57250, unless otherwise noted below.
- All material quoted as New Domestic, state offer and AS7200, unless otherwise noted below.
 Prices are based on below material, lengths and quantities. Any change may result in a price revision.
- . It is the customer's responsibility to confirm and verify the below quoted material meets all project s
- and ordering process.
 All Skyline T&C's apply.
- Deschiet Details

Product Details						
Product Name	Pinces	Units	Weight	Unit Price	ded Price	Optiona
H PILE - 12X053 - A57250	1	210.00 ft	11,130.C0 lb	\$40,47/ft	\$8,498.70	
OFFERING LENGTHS	UP TO AND	INCLUDING 50	FEET			
H-PILE POINT - 12 PAR12T - A148-96	14	-	322.00 lb	\$75.00/ea	\$1,050.C0	
ADD \$45/EA TO ATTAC	ЭН					
		Total Weight:	11.452.00 lb	Total Price:	\$9.548.70	

Installed Information





Examples of supporting quote documentation



JMS Rebar (the Seller) purposes to furnish:

The necessary reinforcing steel meeting the requirements of ASTM AR15 grade 60 / A815M-898 Grade 420 (latest rov.) steel cut, bont, bundled and tagged, including placing drawings, in accordance with the project plans and specifications, and the CRSI Manual of Standard Practice (latest rov.), delivered in 40,000# functioned quantities to the nearest accessible jobste point, unloading not included.

This quotation is offered for acceptance within 3 days, after which it is subject t after which it is subject to confirmation

Unit Price ASTM/A615 Grade 60 plain rebar at \$0.7595/lb Unit Price ASTM/A775 Grade 60 Epoxy Coated rebar at \$1.3150/lb

Engineering Cost incurred for cancelled, or postponed projects will be invoiced @ \$75.00/ hour

The following are excluded:

- a) Precast Item of any kind, including but not limited to lintels, sills,
- interior tile lintels or masonry dur-o-wal type reinforcing.
- Reinforcing where welded to structural steel.
- c) Side form supports or spacers for poured walls or masonry.
- d) Bar supports to support bottom layer of reinforcing bars or mesh in slabs on grade
- e) Stamp or review of placing drawings by a professional engineer.
- f) Smooth round bars and threading of any kind, unless specifically mentioned above.
- g) Supports for upper layer rebar in concrete slabs more than 4 feet thick.
- h) Cost of any Supply Bonds.
- i) Masonry reinf. detailed in elevation
- i) Sheared Bar Lengths under 2'-0" for bar sizes #6 through #18
- Post Tensioning bars & supports.
- l) Masonry rebar

Due to variations in the World Steel Industry we are forced to quote our prices on a day by day basis. We will adjust prices according to the industry behavior. We suggest that you include this in your contract in order for you to be able to make changes if necessary.

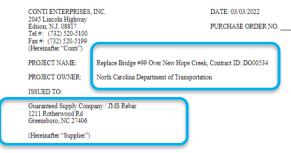
We will invoice according to cost at time of delivery.

SUBJECT TO THE TERMS AND CONDITIONS HEREIN AND THOSE PRINTED UNDER "TERMS AND CONDITION OF SALE," which are hereby referred to and made part of this quotation,

JMS REBAR
(A Subsidiary of Guaranteed Supply Company)
1211 Rotherwood Road, Greensboro, NC 27406 Phone 336-274-7099

Examples of supporting installed documentation

PURCHASE ORDER



SHIP TO

Conti Enterprises, Inc.

SR 1723 New Hope Church Road – Replace Bridge #99 Over New Hope Creek Project, Chapel Hill, NC 27516 (Exact Location and/or address to be provided)

(Hereinafter "project site" or "jobsite")

Subject to CONTI's attached Standard Terms and Conditions, which are incorporated herein by reference and are an integral part of this Parchase Order, CONTI hereby orders from Supplier the following Material and/or Equipment for delivery to CONTI's above-referenced project/jostie:

ITEMS TO BE SUPPLIED

	ITEM #	CLIN #	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	EXTENSION
1	1	0063	Reinforcing Steel (BRIDGE) PLAIN REBAR ASTM/A615 GRADE 60	9,588	LB	\$0.8445	\$8,097.066
	2	0068 0069	Reinforcing Steel (CONCRETE PARAPET) EPOXY COATED REBAR ASTM/A775 GRADE 60	4,127	LB	\$1.4950	\$6,169.865
	3	0062	Reinforcing Steel (APPROACH SLAB) PLAIN REBAR ASTM/A615 GRADE 60	2,848	LB	\$0.8445	\$2,405.136
	4	0062	Reinforcing Steel (APPROACH SLAB) EPOXY COATED REBAR ASTM/A775 GRADE 60	2,087	LB	\$1.4950	\$3,120.065
)	0002	Approach Siab Material				
	5.a		TYPE1 FABRIC MIRAFI 140N 12.5'X360'	1	ROLL	\$432.00	\$432.00
	5.b		4"X10'BELL END SCH40 PVC AASHTO M278	8	EA	\$46.00	\$368.00
	5.c		4"X20"BELL END SCH40 PVC	2	EA	\$205.00	\$410.00
	5.d		4" PVC CAPS	2	EA	\$18.00	\$36.00
	5.e		4" 60DEG ELBOWS	2	EA	\$28.00	\$56.00

PO Agreement Conti Enterprises 12/11

ITEM #	CLIN #	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	EXTENSION
6		BRIDGE REBAR ACCESSORIES/SUPPORTS	1	LS	\$430.00	\$430.00
6.a 6.b 6.c		70 LF 3" BB 280 LF 4" SBU 280 LF 5-1/4" CHCU				
7		MISC BRIDGE MATERIAL				
7.a		30# FELT	2	ROLL	\$15.10	\$30.20
7.b		7BOLT GUARDRAIL ANCHOR PLATES WITH (7) 7/8"X16"HDG B/NW	4	SET	\$127.75	\$511.00
7.c		2"X6" BACKER ROD	12	EA	\$2.60	\$31.20
					TOTAL	\$22,096.532

TOTAL PRICE OF ORDER: <u>\$22,096.532</u> (Plus, any applicable taxes)

Enterprises PO Agreement 8.2021 4835-1073-4327, v. 1

Examples of documentation needing more supporting information



July 27, 2022



NCDOT Contract: DG00 Project: Replace bridge # County: Orange

Engineer, C.A. Peoples, PE.

Reference: Material Price Escalation Request for Two Bar Metal Rail

Inc. requests material price escalation in accordance with NCDOT memorandum dated July, 12, 2022 from Chief

Inc. has a subcontract with turnish and install 194.38 linear feet of NCDOT standard two bar metal rail on the new bridge.

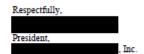
has not installed any materials on the project. will purchase the two bar metal rail system from Structural Materials, Inc.

The original two bar metal rail system price was \$89.40 per linear foot plus NC and County, NC tax at 6.75%, or \$95.44 per linear foot.

The current two bar metal rail system price is \$120.27 per linear foot plus NC and County, NC tax at 6.75%, or \$128.39 per linear foot.

The original line item amount is \$18,551.63
The current line item amount is \$24,956.45
The requested escalation amount is \$6,404.82
The NCDOT provided spreadsheet is attached to this correspondence.

If you have questions, comments, or need more information, please contact project manager, or 704-



Common Questions

What are materials permanently incorporated into the work?

Any material which remains incorporated into the work at the time of project acceptance.

Common Questions

- How to address multiple invoices for the same material?
 - If a material that has been permanently incorporated into the work was purchased separate times at different unit prices, please add rows as necessary to show the quantity purchased and corresponding unit price from each invoice.

Common Questions

- If a subcontractor has completed their portion of the work on an eligible contract, but the Final Estimate has not been paid, Can the subcontractor still submit an escalation request?
 - Yes, The contract is eligible for material escalation requests.
 The Subcontractor should work through the Prime Contractor to submit their request.