



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

November 16, 2010

MEMO TO: Jay Bennett, Jonathan Bivens, Stuart Bourne, Ken Cates, Joe Coleman, Judith Corley-Lay, Ron Hancock, Berry Jenkins, Ben Lanier, Don Lee, Michael Manning, Gerhard Pilcher, Ian Scott, Lamar Sylvester, Michael Taylor, Kevin Thomas, Brian Webb, and Dennis Wofford

FROM: R. A. Garris, PE  
Contract Officer

SUBJECT: AGC/Roadway Subcommittee Meeting Minutes

The subject committee met on October 21, 2010 at 9:30 a.m. in the Riverwood Conference Room at the Century Center with the following in attendance:

Jay Bennett, PE	Phillip Johnson, PE	Natalie Roskam, PE
Taylor Byrd	Ben Lanier	Ian Scott
Ken Cates	Dan Lenzen	Ted Sherrod, PE, CPESC, CPSWQ
Joe Coleman	Michael Manning	Michael Taylor
Randy Garris	Vlad Mitchev, PE	Dennis Wofford
Berry Jenkins	Gerhard Pilcher	

**1. RECENT VIOLATIONS TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

Mr. Sherrod reported that the Department was issued the first Notice of Violation (NOV) on its NPDES permit for a bridge project. Sediment loss from the project impacted 150 feet of an adjacent stream. The investigation following the NOV found issues with the Contractor's record keeping and equipment maintenance. The Department's corrective action has been to provide refresher courses throughout September and October reviewing the requirements of the NPDES permit. The refresher course material is available on the Department's Roadside Environmental website ([http://www.ncdot.org/doh/operations/dp\\_chief\\_eng/roadside/soil\\_water/](http://www.ncdot.org/doh/operations/dp_chief_eng/roadside/soil_water/)). Webinars are available upon request.

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
CONTRACT STANDARDS AND DEVELOPMENT UNIT  
1591 MAIL SERVICE CENTER  
RALEIGH NC 27699-1591

TELEPHONE: 919-250-4128  
FAX: 919-250-4119

WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

LOCATION:  
CENTURY CENTER COMPLEX  
ENTRANCE B-2  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC

Mr. Taylor attended a class detailing these requirements and noted the complexity. He agreed that putting the Stormwater Discharge Outfalls (SDOs) on the plans would assist Contractors and inspectors in identifying recordkeeping requirements. Mr. Sherrod stated that marking SDOs on the plans is being investigated. The simple definition of SDO is the last discharge point where project runoff enters waters of the state.

Recent rain events of up to 26 inches generated several topics for discussion. The sediment control device designs are based on a 10 year rain event. These devices failed during the heavy downpour. In one scenario, the Contractor was issued an Immediate Corrective Action (ICA) at a time when work was being done to fix the sediment control device in the rain. Four issues were noted from the discussion: the limitations of the sediment control device design, the criteria for issuing ICAs, the severity of the ICA for Design Build firms versus non-Design Build firms, and how to pay for extensive off site silt reclamation.

Mr. Sherrod agreed to highlight ICA criteria with the Roadside Environmental staff in an upcoming conference call. Mr. Lee noted the Department is focusing more attention to water quality. There are discussions on whether ICAs should have punitive damages associated with them. One division has already added damages to the specifications. Regulators are moving towards “no discharge” on public projects. Mr. Johnson noted that ICAs are very important to the Resident Engineers because they are part of their performance evaluation. The Engineer may issue a shut down notice if there is an ICA issued.

## **2. PAVEMENT MARKING SHORTAGE**

Mr. Johnson reported that the memo from Mr. Nance waiving damages due to the shortage of pavement marking materials was for work completed through October 1<sup>st</sup> with waivers not to be extended past November 1<sup>st</sup>. The thermoplastic supplies are still limited, and projects impacted are being reviewed on a case by case basis.

## **3. REVISION TO THE PAVEMENT MARKINGS WORK CODES**

Currently, there are work codes for pavement markings and pavement markers. Mr. Johnson reported that the Construction Unit is investigating adding work codes specific to paint and epoxy, thermoplastic, and polyurea. Equipment requirements are different for each application. The subdivision of work codes will assist in categorizing availability.

## **4. NEW SUBCONTRACT APPROVAL FORM**

Mr. Johnson presented the new subcontractor approval form to consolidate RS1-A, B, C, and D. The form is available in Excel on the Construction Unit website so calculations can be done in the spreadsheet. Mr. Taylor requested format edits to help the Contractors copy downloaded data from Bid Express directly into the new form.

## **5. COST SAVING IDEAS**

Mr. Garris solicited cost reduction ideas from the subcommittee to help reduce the State budget deficit. The Department is investigating downloadable plans and bid addenda. Mr. Garris stated

that there would still be a plan holders list. Mr. Jenkins offered notes from previous cost containment meetings. Mr. Taylor cited a recent project where noise wall designs were specified and lower cost noise walls were available.

## **6. WARRANTY WORK/RECLAMATION PLAN**

A concern was mentioned where a Contractor disagreed with the work requested under the 12 month warranty guarantee special provision. The question asked was where to appeal after appealing to the Chief Engineer regarding warranty work. Bridge joint replacement was mentioned as common under warranty work. Subcontractors are being required to hold contract bonds for an additional year because of the warranty.

Another issue mentioned involved returning to a project after a year to comply with the reclamation plan. In one instance, the Contractor completed the work to fix the identified issue but the project had been closed. The Contractor was told that the reclamation work was incidental to the project; the intent of the reclamation program was to be compensatory.

## **7. PAVEMENT REHABILITATION**

Recent issues with pavement rehabilitation in the Raleigh area were reported. The divisions are being directed to mill first, mark where patching is required, then patch as a cost savings instead of marking, milling and patching. On a series of projects, the milling was completed according to specification but left open for several weeks. Vehicles slowed at the milled transitions causing traffic delays. The project created nearly fifty tort claims. The concern was that the potential cost savings might be mitigated by tort claims and public perception.

## **8. WORK ZONE TRAFFIC CONTROL SUBCOMMITTEE**

Mr. Taylor reported on the activities of the Work Zone Traffic Control (WZTC) subcommittee. Starting in July 2011, Contractors will need at least one person on staff who has completed work zone supervisor training. Every employee that works in work zone traffic control will need to have training in basic requirements. WZTC Rodeo training in November and December will meet the upcoming basic knowledge requirement. The current flagging procedures will be changed to remove a reference that workers “shall stand on the shoulder.” Procedures are being produced for flagging in a four lane work zone.

The next meeting will be held on **Thursday, December 16th**, at **9:30 am** in the **Riverwood Conference Room** at the **Century Center, Building B**.

CC: Victor Barbour, PE  
Andy Gay, PE

## Subcontract Approval Form (Form SAF)

1. Complete the "Subcontractor Approval Form" (Form SAF) for the Subcontractor and 2<sup>nd</sup> Tier Subcontractor on one form. Additional items of work can be entered on the "Subcontractor Approval Form Attachment". If there is more than one 2<sup>nd</sup> Tier Subcontractor, it should be listed on the Subcontract Approval Form - Additional 2<sup>nd</sup> Tier" (SAF-1 Additional 2<sup>nd</sup> Tier).
2. If retainage is being withheld for the Subcontractor or 2<sup>nd</sup> Tier Subcontractor a place an "X" in the box to the right of "RETAINAGE "
3. When the proposed Subcontractor or 2<sup>nd</sup> Tier Subcontractor is a certified DBE, MBE, or WBE Subcontractor, place an "X" in the box to the right of the appropriate designation. When the proposed Subcontractor is not a certified DBE, MBE, or WBE Subcontractor, place an "X" in the box to the right of "NONE." One of the four spaces shall be marked with an "X".
4. When a Subcontractor is to perform all the work involved in the contract item, then the unit price for the subcontracted item must be the same as the contract unit price. When only a **portion** of the quantity of an item is to be sublet, the item should be indicated by the symbol (●). The physical limits of the sublet quantity shall be identified. The unit price for the item of work shall be the same as the Department's contract unit price.  
**Portion of an item - the Subcontractor performs all work associated with the item, but only performs the work for a part of the contract quantity. (Example: Grading from Station 225+00-L- to end of project.)**
5. When only a **partial** amount of the work for an item is to be sublet, the unit price may be less than the contract unit price and the item should be indicated by the symbol (♦). The part of the contract item to be performed by the Subcontractor shall be identified.  
**Partial item of work - the Subcontractor performs part of the work associated with the contract item. (Example: Trucking Subcontractor hauling asphalt or incidental stone.)**
6. The negotiated Subcontract Unit Price or lump sum price must be the actual price agreed upon between the Contractor and the Subcontractor. In the event the subcontract unit of measure differs from that in the Department's contract, the unit of measure shown on the Subcontract Approval Form shall be the same as those shown in the Department's contract. Any conversions necessary to satisfy this requirement shall be the responsibility of the Contractor. The Converted Price (CP) shall be denoted with an asterisk (\*). **(Examples of converting units of measure can be found in the HiCAMS User Guide, Chapter 2, Section 8A. Use the following link to view the examples.)**  
[http://www.ncdot.org/doh/operations/dp\\_chief\\_eng/constructionunit/formsmanuals/UserGuide/Index\\_User\\_Guide.html](http://www.ncdot.org/doh/operations/dp_chief_eng/constructionunit/formsmanuals/UserGuide/Index_User_Guide.html)
7. The Total Subcontract Amount is the Subcontract Unit Price multiplied by the Quantity.
8. The Subcontract Total is the amount of the subcontract. This total is calculated by summing the Total Subcontract Amount of the line items listed for the Subcontractor. Any items listed on the Attachment sheet for the Subcontractor is also included in the Subcontract Total. The lines items for the 2nd Tier Subcontractor are are not included.
9. When any items requested to be sublet have been previously included in an approved subcontract, the following statement shall be included above the listing of these items: "The following items are being deleted from "Subcontract Request Number \_\_\_\_\_"
10. The Contractor, Subcontractor, and 2<sup>nd</sup> Tier Subcontractor (when applicable) shall sign the original Subcontract Approval Form and the Contractor shall submit the form to the Resident Engineer.



# SUBCONTRACT APPROVAL FORM

Contract No.: \_\_\_\_\_ F.A. No.: \_\_\_\_\_  
 WBS Element: \_\_\_\_\_ T.I.P. No.: \_\_\_\_\_

Subcontract Request Number: \_\_\_\_\_  
 County: \_\_\_\_\_

APPROVAL IS REQUESTED TO SUBLET THE FOLLOWING ITEMS OF WORK ON THIS PROJECT TO:

Subcontractor Name and Address \_\_\_\_\_

Vendor No. \_\_\_\_\_

2<sup>nd</sup> Tier Subcontractor Name and Address \_\_\_\_\_

Vendor No. \_\_\_\_\_

Retentionage  DBE  MBE  WBE  NONE   
 Retentionage  DBE  MBE  WBE  NONE

Line Code Number	Item Description	(●) or (◆)	Sub or 2 <sup>nd</sup> Tier	Quantity	Unit	CP *	Contract Unit Price	Subcontract Unit Price	Total Subcontract Amount
<b>Subcontract Total:</b>									

Indicates a Portion of the Item (●)

Indicates a Partial Item (◆)

### SUBCONTRACT CERTIFICATION (applies only to Federal projects)

The Contractor / Subcontractor certifies that the subcontract is in writing and that FHWA 1273, "Required Contract Provisions," have been included in the subcontract / 2<sup>nd</sup> tier subcontract in its entirety.

Contractor: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

2<sup>nd</sup> Tier Subcontractor: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_ Resident Engineer \_\_\_\_\_ Date \_\_\_\_\_

Approved with the understanding that the Contractor will be responsible for the satisfactory performance and completion of the work in compliance with the terms of the contract and that all payments will be made directly to the Contractor.





**SUBCONTRACT APPROVAL FORM**

Contract No.: \_\_\_\_\_ F.A. No.: \_\_\_\_\_ Subcontract Request Number: \_\_\_\_\_  
WBS Element: \_\_\_\_\_ T.I.P. No.: \_\_\_\_\_ County: \_\_\_\_\_

**APPROVAL IS REQUESTED TO SUBLET THE FOLLOWING ITEMS OF WORK ON THIS PROJECT TO:**

2<sup>nd</sup> Tier Subcontractor Name and Address \_\_\_\_\_ Vendor No. \_\_\_\_\_ Retainage  DBE  MBE  WBE  NONE   
3<sup>rd</sup> Tier Subcontractor Name and Address \_\_\_\_\_ Vendor No. \_\_\_\_\_ Retainage  DBE  MBE  WBE  NONE

Line Code Number	Item Description	(●) or (◆)	Sub or 2 <sup>nd</sup> Tier	Quantity	Unit	CP *	Contract Unit Price	Subcontract Unit Price	Total Subcontract Amount

Indicates a Portion of the Item (●) Indicates a Partial Item (◆)

**SUBCONTRACT CERTIFICATION** (applies only to Federal projects)  
The Contractor / Subcontractor certifies that the subcontract is in writing and that FHWA 1273, "Required Contract Provisions," have been included in the subcontract / 2<sup>nd</sup> tier subcontract in its entirety.

Contractor: Signature: _____ Title: _____ Date: _____	<b>APPROVED:</b> Resident Engineer _____ Date _____
Subcontractor: Signature: _____ Title: _____ Date: _____	Approved with the understanding that the Contractor will be responsible for the satisfactory performance and completion of the work in compliance with the terms of the contract and that all payments will be made directly to the Contractor.
2 <sup>nd</sup> Tier Subcontractor: Signature: _____ Title: _____ Date: _____	