Chapter 52  Local Administered Projects

This chapter is used for NHS and non-NHS routes by Local Agencies operating under Certification Acceptance (CA) and choosing to administer construction contracts themselves. In the sequence of project development, this follows Chapter 46.

Local Agencies whose construction contracts are administered by the Washington State Department of Transportation (WSDOT) should refer to Chapter 51.

Title 23 USC and 23 CFR provisions apply to all NHS Federal aid projects regardless of federal funding source or approval authority. State standards may be used on non-NHS projects, except for federal requirements pertaining to contracts (bid proposal content including Davis Bacon and DBE) and procurement procedures (competitive bidding and Brooks Act).

52.1 General Discussion

WSDOT is responsible for the proper expenditure of FHWA funds on Local Agency projects. Local Programs will consult and work with Local Agencies as needed and will perform systematic project management reviews to ensure that proper procedures are followed.

Except for this chapter, construction shall be administered and materials inspected, in accordance with the Construction Manual M 41-01. For exceptions to the Construction Manual, see Appendix 52.107. In case of conflicting guidelines, this chapter governs the Construction Manual. Agencies may choose to use their own forms provided the same information is included on the agency forms as is shown on the WSDOT forms used for the same purposes. For an understanding of WSDOT documentation requirements, use Chapter 10 of the Construction Manual as a guide.

All FHWA projects are subject to Disadvantaged Business Enterprise (DBE), on the Job Training (OJT) and Equal Employment Opportunity (EEO) compliance reviews by WSDOT.

The Standard Specifications for Road, Bridge, and Municipal Construction M 41-10 and APWA GSP 1-01.3 define the major elements for construction contracts.

52.2 Preconstruction Conference

After a contract is awarded, the Local Agency should arrange a conference with the contractor. The Local Agency Engineer shall notify the Region Local Programs Engineer of the time and place of the conference.

On large, complex projects, a preconstruction conference should be held before each construction phase. It may be desirable to hold separate conferences for some specialized construction items such as paving, roadside planting, or electrical work. The preconstruction conference may include a partnering session, if appropriate. For a conference agenda example, refer to Appendix 52.101.

The meeting should be documented and copies of the minutes transmitted to the Region Local Programs Engineer and each agency, organization, and firm that has involvement or interest in the project (see Appendix 52.102).
52.3 Quality Control

The quality of materials and workmanship on a project must conform to the contract specifications so that the public funds expended will have purchased a safe, economical, and fully functional transportation facility.

.31 General – The source for each type of material must be approved by the Local Agency prior to use. There are two submittal processes allowed by Standard Specifications Section 1-06.1 for material approval in Washington State, the Qualified Product List and the Request for Approval of Materials (RAM). Contractors are encouraged to use one of these tools to request material approval or, if an agency has their own process established, to follow that.

The Qualified Product List (QPL) is compiled by the WSDOT Materials Laboratory (Mats Lab) Documentation Section and can be accessed at www.wsdot.wa.gov/biz/mats/QPL/QPL.cfm.

The Request for Approval of Material (DOT Form 350-071 EF) is a form distributed by WSDOT. Contractors may use this form to submit requests for approval for materials not found in the QPL. Some agencies have a similar form that is also acceptable.

Local Agencies requesting a Record of Materials (ROM) from WSDOT’s Mats Lab should submit their request as soon as possible to avoid delaying the contractor. The average processing time is approximately four to eight weeks.

Reimbursement of FHWA funds may be denied for work done contrary to, or in disregard of, the contract documents.

Local Agencies making improvements to National Highway System (NHS) routes with federal funding must comply with the FHWA approved qualified tester program. If a Local Agency is not certified to perform the tests, they can contact a qualified testing laboratory or their Region Local Programs Engineer to make arrangements for WSDOT to perform the testing on the project.

.32 Qualified Tester Requirements – For local agencies the guidelines below apply:

1. Construction Projects on Non-NHS Highway System – There is no requirement for qualified testers on the non-NHS highway system. Construction projects that have FHWA funds must follow the requirements contained in this manual.

2. Construction Projects on the NHS Highway System With No FHWA Funds – There is no requirement for qualified testers on the NHS highway system that do not have FHWA funds in the construction phase.

3. Construction Projects on the NHS Highway System With FHWA Funds – Qualified Testers are required for construction projects that on the NHS highway system that have FHWA funds in the construction phase.
Agencies have several options for meeting the qualified tester requirements:

- Contract with WSDOT to perform the required tests.
- Local agency may pursue tester qualification through WSDOT for agency personnel.
- Agencies may use any AMRL R-18 laboratories qualified to test as defined by AASHTO test methods appropriate to the material. Employees of AMRL R-18 laboratories are considered qualified via the laboratory certification process. WAQTC testers may also work on NHS projects.
- Agencies may also use laboratories that are accredited by the Laboratory Accreditation Bureau, L-A-B for Construction Materials Testing or accredited by the Construction Materials Engineering Council’s (CMEC’s) ISO 17025 program. These laboratories are considered to meet the quality assurance requirements in 23 CFR 637.209(a) (2), (3), and (4).

.33 Quality Assurance Program for Qualified Testers – For work on an NHS Highway System local agencies must develop a quality assurance program which will assure that the materials and workmanship incorporated into each federal-aid highway construction project is in conformity with the requirements of the approved plans and specifications, including approved changes. The program must meet the criteria in FHWA regulation for Quality Assurance Procedures for Construction (23 CFR 637).

The Quality Assurance Program includes the following:
- Qualified Tester Program
- Equipment Calibration/Standardization/Check and Maintenance Program
- Qualified Laboratory Program
- Independent Assurances (IA) Program

There are three ways an agency can meet the IA on-site evaluation requirements. They are as follows:
- Contract with WSDOT ‘s Region Materials Lab
- Contract with a qualified local agency
- Contract with a qualified testing firm.

HMA Testing – Qualification is required for the following test methods:
- **AASHTO T 168** – Sampling Bituminous Paving Mixtures
- **AASHTO T 308/ASTM D 6307** – Asphalt Content of Hot Mix Asphalt (HMA) by the Ignition Method (may substitute other AASHTO or ASTM extraction methods). Use of Ignition Method must include furnace correction factor for each mix tested.
- **AASHTO T 209/ASTM D 2041** – Rice Density
- **AASHTO T 27/T 11** – Sieve Analysis of Fine and Coarse Aggregates
- **AASHTO T 255** – Total Evaporable Moisture Content of Aggregate by Drying
- **WAQTC TM 6** – Moisture Content of HMA

HMA Density Testing – Qualification is required in the following test method:
- **WAQTC TM 8** – In place Density of Bituminous Mixes Using the Nuclear Moisture-Density Gauge
Concrete testing can be performed by testers qualified by AMRL R-18 qualification in the following test methods:

- **AASHTO T 23** – Making and Curing Concrete Test Specimens in the Field
- **AASHTO T 119** – Standard Test Method for Slump of Hydraulic-Cement Concrete
- **AASHTO T 152** – Air Content of Freshly Mixed Concrete by the Pressure Method
- **AASHTO T 141/ASTM C 172** – Sampling Freshly Mixed Concrete
- **AASHTO T 309** – Temperature of Freshly Mixed Portland Cement Concrete

Laboratories must meet the AASHTO Standards for Moist Cabinets, Moist Rooms, and Water Storage Tanks and be qualified to Cure, Cap, and perform compression testing of test specimens.

Testers with current ACI grade 1 Concrete Testing Certification can also perform concrete field testing on NHS projects with federal funding.

Aggregate testing can be performed by laboratories qualified by AMRL R-18 in the following test methods:

- **AASHTO T 2** – Sampling of Aggregates
- **AASHTO T 27/T 11** – Sieve Analysis of Fine and Coarse Aggregates
- **AASHTO T 176** – Determination of the Plastic Fines in Graded Aggregate by Use of the Sand Equivalent Test
- **AASHTO T 248** – Reducing Field Samples of Aggregates to Testing Size
- **AASHTO T 255** – Total Moisture Content of Aggregate by Drying
- **AASHTO TP 61** – Determining the Percentage of Fracture in Coarse Aggregate

Laboratories offering Embankment and Base Density field testing must be qualified to perform the following test methods:

- **AASHTO T 272** – Family of Curves – One-Point Method
- **AASHTO T 310** – In-Place Density and Moisture Content of Soil and Soil Aggregate by Nuclear Method
- **AASHTO T 99** or other approved test method of determining – Moisture Density Relations of Soils

The following is a breakdown of materials and how they will be accepted.

**List of Materials to Test**

1. **Structural Concrete**
   - Slump
   - Air
   - Temp
   - Compression Testing
   - Aggregate

2. **Asphalt in the roadway**
   - Density
   - Hot Mix
   - Aggregate
3. Surfacing under roadway and bridge approaches
   Density
   Gradation and SE

4. Base material under roadway, embankments, bridge approaches
   Density
   Gradation and SE

5. Structural Grout
   Compression Testing

6. High Strength Nuts Bolts and Washers*
   Manufacturer’s Certificate of Compliance
   Certificate of Material Origin

List of Materials to Certify

1. Steel
   Manufacturer’s Certificate of Compliance
   Certificate of Material Origin*

2. Iron
   Certificate of Material Origin*

3. Liquid Asphalt Products
   Manufacturer’s Certificate of Compliance

4. Construction Geosynthetics
   Manufacturer’s Certificate of Compliance

5. Guardrail Items
   Certificate of Material Origin for steel components*

6. Bridge Bearing Assemblies that are not welded
   Manufacturer’s Certificate of Compliance
   Certificate of Material Origin**

List of Material to Accept With Visual Inspection or Catalog Cut

1. Traffic marking – paints and thermoplastics
2. Electrical items and accessories
3. Fencing
4. Landscaping or irrigation items
5. Drainage Items
6. Rebar Tie Wire
7. Backer Rod under RCS Expansion Joints
8. Rebar Chairs and Dobie Blocks

*See Standard Specifications Section 9-06.5.
**Agencies must document the sources of steel and iron by having a “Certification of Materials Origin” on file. For further clarification of Manufactured Products under Buy America, see Appendix 52.108.
9. Temporary Items
10. Compost
11. Street furniture etc.
12. Monument Case and Cover
   Certificate of Material Origin is required

List of Materials That Require Fabrication Inspection
1. Structural Steel Beams or Fabricated, Welded items
2. Structural Precast Concrete Items
3. Bridge Bearing Assemblies that are welded
4. Signs
5. Sign Bridges
6. Cantilever Sign Structures

52.4 Progress Payments

Progress payments must be based on measurements of work performed so that the contractor can be fairly compensated and so that public funds will not be expended on work that has not yet been done.

.41 General – Progress estimates should be prepared on a pre-selected date each month and payment made to the contractor. Measurement and payment for all acceptably completed bid items of work will be in accordance with Standard Specifications Section 1-09. Source documents used to support payments must be complete, stand alone documents that fully support the payment being made. Documentation to support payment shall be in accordance with Construction Manual Chapter 10. Agencies that have integrated computer programs for Inspector Daily Reports and payment source documents shall include all the information shown on the WSDOT forms used for those purposes. Progress estimates should be prepared promptly and may be forwarded to the contractor for review and signature.

.42 Statement of Intent to Pay Prevailing Wages – The contractor and subcontractors of every tier shall submit form LI 700-29 to Washington State Department of Labor & Industries (L&I) for approval of the wage rates they intend to pay. Each statement must be accompanied by the filing fee established by L&I and required by RCW 39.12.030 and 39.12.040.

Form LI 700-29 shall be on file with the Local Agency before any payment is made to the contractor. Subcontractors of every tier shall have an approved copy of this form on file with the Local Agency before any payment can be made for their work.
52.5 Changes and Extra Work

Prior to beginning work on a contract, a Local Agency should have a written policy for the approval of change orders to ensure that appropriate procedures are followed. Without a written change order policy delegating approval authority, the designated CA Agreement approval authority must approve all change orders. See item #2, i of the Certification Agreement (Chapter 13).

It is important to distinguish between actual changes to the contract work and normal overruns and under-runs that may occur. No change order work shall be done prior to approval being given by the appropriate authority, verbal or written. Verbal approval requires written documentation including a description of work that adequately describes the extent of the change. Verbal approval must be followed by a written change order. No contract payment shall be made prior to having the written change order approved by the appropriate authority.

Changes to a Condition of Award letter shall be handled in accordance with the GSP (Changes in the Quantity of Work). All change orders affecting the work of DBEs shall be submitted to the Region Local Programs Engineer for concurrence prior to executing the change order.

When changes in the work will alter the termini, character, and scope of an approved project, approval of Local Programs is required prior to the commencement of the physical work. For further information, refer to Chapter 21. All change orders must be numbered in sequence.

Change order documentation is composed of two parts:

1. The approved change order signed by the agency and the contractor.
2. The backup documentation. The backup documentation shall include an explanation in sufficient detail so that everyone involved will understand the need for the change, and how the change will affect the overall contract. The explanation shall include a detailed justification of the cost and/or any adjustment to working days associated with the change. The detailed cost justification shall be documented independent of the contractor’s proposal to substantiate the change.

.51 Administrative Settlement Costs – Administrative settlement costs are costs related to the defense and settlement of contract claims. These will include, but are not limited to salaries of contracting officers or their authorized representatives, attorneys, or members of arbitration boards, appeal boards, etc., that are allowable to the findings and determination of contract claims, but not including administrative or overhead costs.

FHWA funds may participate in administrative settlement costs which are:

- Incurred after notice of claim.
- Properly supported.
- Directly allocable to a specific FHWA project.
- For employment of special counsel for review and defense of contract claims when recommended by the agency’s legal counsel and approved in advance by WSDOT.

When a claim is submitted, the Region Local Programs Engineer should be contacted for advice on how to proceed.
52.6 Termination of Contract

Standard Specifications Section 1-08.10 contains procedures and criteria for termination of a contract. Prior to termination action against a contractor or reassignment of the performance to the surety, the Local Agency must obtain Local Programs concurrence.

52.7 Compliance With Federal Contract Provisions

FHWA requires that all subcontracts at any tier be in writing, per 23 CFR, Section 635.116(b). This includes both contracts between the prime contractor and their subcontractors, and contracts between subcontractors and their agents.

Each of these subcontracts must also physically contain the following documents. None of these documents can be included by reference only.

- The general special provision (GSP) entitled “Required Federal Aid Provisions.”
- Form FHWA 1273 “Required Contract Provisions, Federal Aid Construction Contracts.”
- The minimum wage rates for the contract as required by RCW 39.12 and Title 29 of the Code of Federal Regulations (CFR).

It is the responsibility of the Local Agency to ensure full compliance with the provisions above.

Implementation of the DBE and EEO programs are also federal contract requirements. For information, refer to Chapters 26 and 27.

52.8 Physical Completion of Construction

The Local Agency will carry out the following requirements to terminate the construction contract and ready the project for acceptance by WSDOT and FHWA:

.81 Notice of Physical Completion – Within ten calendar days after physical completion of the work by the contractor, the Local Agency Project Engineer shall notify the contractor by letter that the construction is physically complete, and that the project is subject to inspection, audit, and acceptance by WSDOT. The agency shall diligently pursue closure of the contract.

.82 Final Inspection – The Local Agency Project Engineer shall send a request for WSDOT inspection and acceptance to the Region Local Programs Engineer no later than within 15 days of substantial completion of work by the contractor. A copy of the physical completion letter that is sent to the contractor should accompany the request.

.83 Final Reports – A construction project is considered complete when the items listed below have been completed. All certifications and reports shall be retained for at least three years after final acceptance of the project.

1. Final Estimate (Approving Authority File) – When the contractor has a claim pending against the Local Agency and wants to receive a final estimate, a claim must be submitted in writing, detailing the specific items and amounts. When a claim is submitted, immediately contact the Region Local Programs Engineer so that FHWA can be informed of the claim’s details at an early stage. See Standard Specifications Section 1-09.12(2).
2. **Comparison of Preliminary and Final Quantities (Approving Authority File)** –
   This is a listing of items that show the preliminary and final quantities.

3. **Certified Final Bill for Utility Agreement, if applicable, to Region Local Programs Engineer.**

4. **Final Records (Approving Authority File)** – The Local Agency Project Engineer must document the work performed on the contract. Documentation consists of field books, inspector’s record of field tests, Project Engineer’s and inspector’s diaries, all invoices, weigh bills, truck measurements, quantity tickets, receiving reports, field office ledgers, mass diagrams, cross-sections, computer listings, and work profiles. Photographs or video tapes before, during, and after construction could be useful, especially if care is taken to show any unusual conditions, equipment, or procedures.

   Final records shall be retained by the Local Agency for at least three years following acceptance of the project by Local Programs. The Local Agency will receive the administrative review letter showing the starting and ending date of the three-year retention period from the Director, Local Programs Division (OMB Circular A-133).

5. **Record of Material Samples and Tests.**

6. **Materials Certification (Appendix 52.104)** – The intent of the materials certification is to assure that the quality of all materials incorporated into the project are in conformance with the plans and specifications, and thus ensure a service life equivalent to the design life.

   a. This materials certification shall be completed in accordance with *Construction Manual* Section 9-1.5 or Section 52.3 of this manual and is submitted along with the completion letter to the Region Local Programs Engineer.

7. **Affidavit of Wages Paid** – Upon completion of a contract, the prime contractor and every subcontractor or agent shall submit Form LI-700-7, Affidavit of Wages Paid, to L&I for certification of the wage rates paid on the project. Each affidavit must be accompanied by the filing fee established by L&I.

   An L&I certified copy of Form LI-700-7 from the prime contractor, and every subcontractor or agent, must be on file with the Local Agency before the bond will be released.

8. **Release for the Protection of Property Owner and General Contractor.** Form LI-263-83, is no longer furnished by L&I. The new process requires the agency to use the Labor and Industries website at [https://fortress.wa.gov/lni/crpsi/](https://fortress.wa.gov/lni/crpsi/) to verify that the prime contractor and all subs on the project have paid the required industrial insurance and medical-aid premiums. The UBI number for each contractor and sub is required to access the verification. The printed verification statements must be on file with the Local Agency before the retained percentage can be released.
9. DOT Form 422-103 EF, Local Agency Quarterly Report of Amounts Credited as DBE Participation, shall be submitted by the contractor to the Local Agency on all projects that contain DBE goals. This form should also be submitted when a qualified DBE contractor or subcontractor is employed on a project, regardless of whether that DBE is a condition of award or not. This form is submitted on a quarterly basis in January, April, July, and October. See Chapter 26.

.84 Project Acceptance – The approving authority’s approval of the final estimate will be considered as the Local Agency’s acceptance of the project.

52.9 Projects within Interstate Rights of Way

All construction, materials, and quality control requirements contained in the current editions of the Standard Specifications and Construction Manual must be incorporated into the contract. (See Section 14.3 for complete guidance on work within the Interstate Rights of Way.)

52.10 Appendices

52.101 Preconstruction Conference Agenda – Example
52.102 Preconstruction Conference Minutes – Example
52.103 Letter Requesting WSDOT Project, Inspection, and Acceptance – Example
52.104 Materials Certification – Example
52.105 Weekly Statement of Working Days
52.106 Change Order
52.107 Exceptions to the WSDOT Construction Manual M 41-01
52.108 Clarification of Manufactured Products Under Buy America

52.11 Forms

See Construction Manual Chapter 11
FHWA Form WH-347
1. Order of work (Progress Schedule)

2. Utilities and Railroads
   a. Project Engineer prepare list of affected services and representative to be contacted.
   b. Underground services should be located.
   c. Notification time required by organizations.
   d. Insurance required, if any.

3. Subcontractors and Agents
   a. Request for approval must be submitted along with a Statement of Intent to Pay Prevailing Wage and Subcontractor or Agent Certification.
   b. Nature of work to be performed by each.
   c. Subcontractor’s route correspondence via prime contractor.
   d. Prime contractor must have a representative with authority on the job at all times (designated by letter).
   e. DBE subcontract work – indepth discussion including conditions of award if any.

4. Records and Reports
   a. Description of required forms and initial supply should be handed out or mailed to prime contractor.
   b. All reports must be handled through prime contractor’s office.
   c. Record of Materials should be provided and Requests for Approval of Materials Sources (RAM) should be submitted as soon as possible.
   d. Falsework plans, if required.
   e. Certified payrolls must be submitted on time and wage rate interviews will be conducted.
   f. EEO and trainee requirements – indepth discussion.
   g. DBE requirements when the contract contains DBE goals – indepth discussion.
   h. Required job site posters (provided to Prime Contractor).
   i. Davis-Bacon statement regarding the USDOL, WSDOT and local agency’s role in investigations for labor compliance.
   j. ADA requirements.
5. Traffic Control And Safety
   b. Review and discussion of Traffic Control Plan (TCP) including pedestrian and bicycle accommodations.
   c. Safety control on structures.
   d. Flagman should use standard paddle and vest and must be certified with flagman card.
   e. Speed regulation of construction equipment.
   f. Contractor and project engineer designate by name the individual responsible for construction traffic control.
   g. Safety and health requirements.
   h. Request police to report all construction zone accidents to the contracting authority.
   i. Gross legal load limits shall be adhered to.
   j. The local agency will monitor the requirements of RCW 46.61.655 as amended by Substitute House Bill No. 2455 and cooperate with law enforcement agencies in the enforcement as provided in *Standard Specifications* Section 1-07.1. Substitute House Bill No. 2455 deals with covered loads or 6 inches of freeboard.

6. Environmental Considerations
   a. Commitment files.
   c. Contractor responsibility to obtain permits.
   d. Department of Ecology requires registration of rock crushers in accordance with WAC 173-400.
   e. Temporary Erosion and Sediment Control Plan (TESCP).
   f. Spill Prevention, Control, and Containment Plan (SPCCP).

7. Dismiss Disinterested Parties (list those leaving)

8. Reopen with General Construction Discussion
   a. Contractor explains how he plans to pursue the work.
   b. Review of anticipated construction problems.
   c. Conflict resolution – need for partnering.
To: (Contractor)

Agency:
Project Title:
F.A.:
Contract Number:

Date:

Attention: (Contractor’s Representative)

1. Time:
   Location of meeting:

2. Persons attending and organizations represented:

3. Description of work:

4. Discussion items:

Prepared by:

cc: Region Local Programs Engineer

Each agency, organization, and firm who has involvement or interest in the project.
Dear Sir:

For your information, I am sending you a copy of the contract completion letter that was sent to the contractor. I request inspection and acceptance of the project by WSDOT.

Sincerely,

(Date)

Region Local Programs Engineer
Department of Transportation

Contract Number
Contract Name
Federal Aid Number

(Director of Public Works)
(County Engineer)
(City Engineer)
(Local Agency Engineer)
Appendix 52.104  Materials Certification – Example

Materials Certification

Project: ___________________________  Contract Number: _________________

Checklist for Project Certification

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Note: Any “No” answers on this checklist must be fully explained and documented. Attach test reports representing nonspecification material as well as an explanation of the circumstances leading to acceptance of said material. All seven items must be completed before the project can be certified.

Certified Signature: ___________________________  Date: ___________________________  

Approving Authority

Appendix 52.104 Materials Certification  Revised 10/27/2014

WSDOT Local Agency Guidelines  M 36-63.27  Page 52-15
April 2015
# Appendix 52.105  Weekly Statement of Working Days

## WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
WEEKLY STATEMENT OF WORKING DAYS

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Days This Week: 0.00 0.00 0.00 0.00
Days Work Suspended: 0.00
Days Previously Reported: 0.00 0.00 0.00 0.00
Total Days To Date: 0.00 0.00 0.00 0.00

### CURRENT STATUS:
- Days Specified In Contract: 0.00 0.00
- Approved Extension of Time: 0.00 0.00
- Total Authorized Time of Contract: 0.00 0.00
- Less Workable Days Charged: 0.00 0.00
- Working Days Remaining: 0.00 0.00

### SUMMARY OF WEEKS ACTIVITIES:

---

**PROJECT ENGINEER:**

NOTE: The contractor will be allowed 10 days from the date of this report in which to protest in writing the correctness of this statement, otherwise it shall be deemed to have been accepted as correct.

DOT FORM 403-02 (Revised 1991)
### Change Order

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<th>Prime Contractor / Design-Builder</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

- [ ] Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications
- [ ] Change proposed by Contractor/ Design-Builder

### Change Description

- [ ] Approval Recommended
- [ ] Approved

<table>
<thead>
<tr>
<th>Verbal Approval Date</th>
<th>Working Days +/-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

- [ ] Approval Recommended

<table>
<thead>
<tr>
<th>Project Engineer</th>
<th>Approving Authority per C.A. Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th></th>
</tr>
</thead>
</table>

- [ ] Approval Recommended

<table>
<thead>
<tr>
<th>By Prime Contractor</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- [ ] Approval Recommended

<table>
<thead>
<tr>
<th>Date</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DOT Form 140-005 EF
Revised 04/2012

Page 1
<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Contract Title</th>
<th>Change Order Number</th>
</tr>
</thead>
</table>

Change Description Cont.

Justification of Cost and Added Working Days
## Checklist

### Change Order

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the change order alter the termini, character, or scope of the work?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, you must have H &amp; LP approval to be eligible for federal funds.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, you must submit a revised Page 1 of the prospectus.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. Is the Change Order over $7,500.00 and outside the scope of work?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, the change cannot be a change order and must be an independent work.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3. Does the Change Order detail all items involved with the change?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4. Does the Change Order include an adjustment in working days?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, the time extension must be stated in the Change Order.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, an independent engineer’s estimate of time must be included to document the extension.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If no, that must be stated in the Change Order.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5. Does the Change Order alter the DBE Condition of Award?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, you must obtain concurrence form Local Programs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, you must obtain the DBE’s signature on the Change Order.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6. Does the Change Order involve a material substitution?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If yes, you must determine if a material credit is appropriate.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7. If Change Order work started prior to it’s execution, prior verbal approval by the Approving Authority must be granted and documented.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8. Has the Change Order been signed by the contractor?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9. Has the Change Order been executed by the Approving Authority?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If you are a “non CA Agency”, you must have the acting CA Authority’s approval.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>10. Has an independent engineer’s estimate justifying the costs and time extensions been completed and documented?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>11. Has a detailed memo outlining the chronology of events, basis of need, costs and working days been prepared and placed in the file accompanying the Change Order?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
The following exceptions to the *Construction Manual* M 41-01 may be used by the local agency.

- The local agency may develop their own Record of Materials (ROM), and approve manufacturers not listed on the approved WSDOT manufacturers list. The ROM is a listing of the construction items, generated by either the State Materials Laboratory or the Local Agency that has been identified from the plans and specifications for each project. The ROM identifies the types and quantities of materials, the standard acceptance methods and the number of acceptance and verification samples required for all material that will be used on the project. The ROM should always be maintained. If material quantities are increased or decreased during the construction of the project the ROM must reflect these changes. This may either increase or decrease the amount of acceptance tests needed. The ROM needs to reference the standard specification or contract provision where the material requirement is defined. The ROM also lists the acceptance requirements for materials requiring other actions, such as fabrication inspection, manufacturer’s certificate of compliance, shop drawing or catalog cuts.

- Asphalt plant inspectors and scalepersons are not required at established commercial sources. This exception does not allow the agency to eliminate acceptance sampling of the materials.

- The following items may be accepted with an approved catalogue cut and documented by visual inspection or a manufacturer’s material certification (provided manufacturer’s certification is based on actual testing):
  - Electrical items and accessories
  - Paving fabrics or construction geosynthetics
  - Fencing of any kind
  - Landscaping or irrigation items
  - Glare screens
  - Traffic buttons or pavement markings
  - Guardrail items
    (Certificate of Material Origin is required)
  - Drainage items
    (Certificate of Material Origin is required)
  - Emulsified Asphalt for HMA Tack Coat and BST (Suppliers Bill of Lading acts as Manufacturer’s Certificate of Compliance)
  - Re Bar Tie Wire
  - Backer Rod under RCS Expansion Joint
  - Rebar Chairs and Dobie Blocks
  - Temporary Items
  - Sandbags, Rope, and Wood Stakes
  - Compost, topsoil
– Monument Case and Cover (Certificate of Material Origin is required)
– PG Binder (Suppliers Bill of Lading acts as Manufacturer’s Certificate of Compliance)
- Sign Inspection (Manufacturer’s Certificate of Compliance is required)
- Concrete Curing (for non-structural items only)

• A Certificate of Material Origin is required for all steel and iron items on federally funded projects.
• Local agencies are not required to have Scaleman’s Daily Reports as long as:
  – The printed ticket contains all of the same information that is on the Scaleman’s Daily Report Form 422-027.
  – You must have an AM and PM tare weight for each truck. The tare weights must be shown on the printed ticket.
  – Local agencies are still required to collect scale certifications at 6-month intervals per Standard Specification 1-09.2(2).

• Local agencies may test their own signal cabinets.
• Local agencies may lower the density testing requirements to 90 percent of the rice density for non structural overlay pavement designs with a thickness of 1.25 to 2 inches (30 to 50 mm). This should be limited to areas or projects with documented foundation problems and on overlay of existing pavements.
• Local agencies are not required to follow the qualified testing program outlined in the Construction Manual M 41-01 if the agencies projects are not on the NHS, or are on the NHS and the project does not contain federal funding AND the acceptance sampling frequencies and test methods are done in accordance with Chapter 9 of the Construction Manual M 41-01 and the exceptions listed above.

In addition to mandatory acceptance sampling, a local agency may choose to do independent assurance sampling. If a local agency elects to do independent assurance sampling, the procedures listed shall be followed.

• Assurance sampling and testing will be done independent of acceptance testing, not utilizing the same testing equipment or performed by the same personnel. Assurance samples of aggregate may be taken by the field inspector and split two ways. One split will be tested by the inspector in the field as an acceptance sample and the other split will be an assurance sample for immediate testing and comparison with field results.
• Assurance sample testing does not reflect on the acceptability of the material involved. Acceptance under the contract is determined by the acceptance testing process. Assurance testing is performed to obtain an independent verification of proper testing procedure and equipment.
Comparison of Assurance and Acceptance Test Results – Assurance sample results will be compared with the acceptance test results of the companion samples.

Reports of the comparison of results will be placed in the project file. The degree of conformance will be determined according to the deviation ranges noted below. Gradation test results will be compared only on specification screens.

<table>
<thead>
<tr>
<th>Test</th>
<th>Normal Range of Deviation</th>
<th>Maximum Range of Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sand Equivalent</td>
<td>±8 points</td>
<td>±15 points</td>
</tr>
<tr>
<td>Fracture</td>
<td>±5 percent</td>
<td>±10 percent</td>
</tr>
<tr>
<td>Asphalt Content (HMA and ATB)</td>
<td>±0.3 percent</td>
<td>±0.6 percent</td>
</tr>
<tr>
<td>Sieve Analysis – All Items:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 4 (4.75 mm) sieve and larger</td>
<td>±5 percent</td>
<td>±8 percent</td>
</tr>
<tr>
<td>No. 6 (3.35 mm) sieve to No. 80 (0.180 mm) sieve</td>
<td>±3 percent</td>
<td>±6 percent</td>
</tr>
<tr>
<td>No. 100 (0.150 mm) and No. 200 (0.075 mm) sieve</td>
<td>±2 percent</td>
<td>±4 percent</td>
</tr>
</tbody>
</table>

In the table above, “Normal Range” indicates an acceptable range of variation between test results and no action is required. Test results which fall in this category will be so indicated by the wording “normal deviation” on the assurance test reports. Test results falling outside of the “Normal Range” but within the “Maximum Range,” will be indicated by the wording “questionable deviation” on the assurance test reports. For deviations falling into this category, the Project Engineer or a representative shall review the original test report form, advise the responsible test operator of the deviation, and review the test procedure at the next opportunity.

Test results exceeding the maximum range will be indicated by the wording “excessive deviation.” For deviations falling in the excessive category, the Project Engineer or a representative will notify the appropriate personnel for corrective action.

Corrective action will include review of sampling procedures, sample splitting procedures, testing procedures, and testing equipment. Actions and results of these investigations will be documented to the project file by a notation. These may include comments or findings by the Lab and testing personnel.
### Independent Assurance Sampling Frequency Guide

<table>
<thead>
<tr>
<th>Item</th>
<th>Test</th>
<th>Assurance Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravel Borrow</td>
<td>Grading &amp; SE</td>
<td>1 – 20,000 Ton</td>
</tr>
<tr>
<td>Select Borrow</td>
<td>Grading &amp; SE</td>
<td>1 – 20,000 Ton</td>
</tr>
<tr>
<td>Sand Drainage Blanket</td>
<td>Grading</td>
<td>1 – 20,000 Ton</td>
</tr>
<tr>
<td>Gravel Base</td>
<td>Grading, SE &amp; Dust Ratio</td>
<td>1 – 20,000 Ton</td>
</tr>
<tr>
<td>CSTC</td>
<td>Grading, SE &amp; Fracture</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>CSBC Grading</td>
<td>SE &amp; Fracture</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Maintenance Rock</td>
<td>Grading, SE &amp; Fracture</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Ballast Grading</td>
<td>SE &amp; Dust Ratio</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Shoulder Ballast</td>
<td>Grading &amp; Fracture</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Backfill for Sand Drains</td>
<td>Grading</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Crushed Coverstone</td>
<td>Grading, SE &amp; Fracture</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Crushed Screening</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/8 – 1/4</td>
<td>Grading &amp; Fracture</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>1/2 – 1/4</td>
<td>Grading &amp; Fracture</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>1/4 – 0</td>
<td>Grading &amp; Fracture</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Gravel Backfill for Foundations</td>
<td>Grading, SE &amp; Dust Ratio</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Walls</td>
<td>Grading, SE &amp; Dust Ratio</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Pipe Bedding</td>
<td>Grading, SE &amp; Dust Ratio</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Drains</td>
<td>Grading</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>PCC Paving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coarse Aggregate</td>
<td>Grading</td>
<td>1 – 10,000 Ton</td>
</tr>
<tr>
<td>Fine Aggregate</td>
<td>Grading</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Completed Mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consistency</td>
<td>Slump</td>
<td>1 – 25,000 SY</td>
</tr>
<tr>
<td>Air Content</td>
<td>Air</td>
<td>1 – 25,000 SY</td>
</tr>
<tr>
<td>Yield</td>
<td>Cement Factor</td>
<td>1 – 25,000 CY</td>
</tr>
<tr>
<td>Test Beam</td>
<td>Flexural Strength</td>
<td>1 – 25,000 SY</td>
</tr>
<tr>
<td>PCC Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coarse Aggregate</td>
<td>Grading</td>
<td>1 – 5,000 Ton</td>
</tr>
<tr>
<td>Fine Aggregate</td>
<td>Grading</td>
<td>1 – 2,500 Ton</td>
</tr>
<tr>
<td>Consistency</td>
<td>Slump</td>
<td>1 – 1,000 CY</td>
</tr>
<tr>
<td>Air Content</td>
<td>Air</td>
<td>1 – 1,000 CY</td>
</tr>
<tr>
<td>Cylinders (28-day)</td>
<td>Compressive Strength</td>
<td>1 – 1,000 CY</td>
</tr>
<tr>
<td>Yield</td>
<td>Cement Factor</td>
<td>1 – 1,000 CY</td>
</tr>
<tr>
<td>Cement</td>
<td>Chemical and Physical Certification (Verification Sample)</td>
<td>1 – 1,000 Ton</td>
</tr>
<tr>
<td>Asphalt Materials</td>
<td>Verification</td>
<td></td>
</tr>
<tr>
<td>Paving Asphalt (AR, AC, PBA)</td>
<td>1 qt. every 3rd shipment</td>
<td></td>
</tr>
<tr>
<td>Liquid Asphalt (Cutback, Emulsion)</td>
<td>1 qt. every other shipment</td>
<td></td>
</tr>
<tr>
<td>Emulsion for ACP Tack Coat</td>
<td>None required</td>
<td></td>
</tr>
</tbody>
</table>
Clarification of Manufactured Products Under Buy America

On December 21, 2012, the FHWA sent out a memo to clarify their position with regard to application of Buy America requirements to manufactured products.

The FHWA memo reads in part as stated in italics below, clarifying statements are added in bold:

*The FHWA deems a product to be manufactured predominantly of steel and iron if the product consists of at least 90% steel or iron content when it is delivered to the job site for installation. To clarify; the 90% is a percentage of the total monetary value of the manufactured product. To determine the 90% value, divide the raw steel or iron cost by the total manufactured product cost (without taxes, shipping, handling or other fees applied), and if the percentage is equal to or greater than 90% of the final manufactured product cost then Buy America applies.*

*For purposes of applying Buy America and determining whether a product is a steel or iron manufactured product, the job site includes the sites where any precast concrete products are manufactured. To clarify; in the specific case of "precast concrete products" the casting yard is considered part of the "job site" for Buy America purposes, and therefore the iron or steel materials delivered to precast yard are subject to Buy America. (rebar, grates, etcetera)*

The memo lists several typical "miscellaneous steel or iron components," that are exempted from Buy America. The list is not intended to be all-encompassing, but rather reinforces a concept that the myriad minor iron and steel subcomponents used to assemble products are not subject to Buy America. This exemption applies to manufactured items as well as on site fabrication.

*The miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct the above components (or manufactured products that are not predominantly steel or iron) are not subject to Buy America coverage. Examples include, but are not limited to, cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts (this does not mean high strength bolts), nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, door hinges, and etcetera.*

Typical examples:

• Steel electrical conduit installed at the site
  - 90% rule applies
    * BA criteria applies

• VMS sign
  - 90% rule applies
    * BA would typically not apply

• VMS steel supporting structure
  - Specifically called out in the bulleted list (12/21/12 Memorandum #HIPA-30)
    * BA criteria applies
• Electrical cabinets
  – Exempted as “miscellaneous steel or iron components,”
    * BA typically would not apply
• Off the shelf or special order catch basins,
  – This qualifies as “precast concrete products,”
  – “the job site includes the sites where any precast concrete products are manufactured."
    * Materials are subject to BA criteria
• Standard nuts, bolts, fasteners for mounting signs
  – Exempted as “miscellaneous steel or iron components,”
    * BA typically would not apply
• High strength bolts/anchor bolts,
  * BA criteria applies
• Bridge Expansion Joint,
  – Nuts, bolts fasteners
    * Exempted as “miscellaneous steel or iron components,”
      ◦ BA typically would not apply
    – 90% rule applies as it is delivered to the site
      * BA may or may not apply
• Walls, regardless of type
  – Nuts, bolts fasteners
    * Exempted as “miscellaneous steel or iron components,”
      ◦ BA typically would not apply
  – MSE straps or equivalent
    * BA criteria applies
  – Precast elements
    * See “precast concrete products” criteria
      ◦ Materials are subject to BA
    – Assembled on site
      * Materials as they are delivered to the jobsite,
        ◦ BA criteria applies
• Computers for ITS and Signal Installation
  – 90% rule applies as it is delivered to the site
    * BA typically would not apply
• Street Furniture
  – 90% rule applies
    * BA criteria would typically apply
• Pumps and Motors
  – BA criteria applies
• Steel Beams in Building Construction
  – BA criteria applies
• Bicycle Purchases (bicycles with aluminum frames)
  – 90% rule applies
    * BA criteria typically would not apply

The 90 percent rule applies to items that are manufactured offsite and delivered to the jobsite as a unit (except in the case of precast concrete where the point of manufacture is considered the jobsite.) Walls that are assembled on site are not considered a manufactured item and therefore are not subject to the 90 percent rule as a unit. The individual materials must meet buy America when they are delivered to the job site.

This FHWA memo does not require any change to current specification language concerning Buy America. This memo does not impact the requirement for materials permanently incorporated beyond the exemption of the noted minor items.

You may apply this clarification of the Buy America requirements to your current contracts. Consistent determinations of the application of Buy America are critical to our ability to enforce this requirement statewide. Therefore, if you have unusual items that do not lend themselves to the criteria, contact your Local Programs Engineer for a determination.

Refer to the WSDOT *Construction Manual* M 41-01 Chapter 9-4, Specific Requirements for Each Material, which will address the Buy America documentation requirements for material acceptance.