

**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION**

**ADDENDUM NO. 2**

for

**INSTALLATION OF PAVEMENT PRESERVATION STRATEGIES AND  
SURFACE TREATMENTS AT VARIOUS LOCATIONS  
ISLAND OF HAWAII  
FEDERAL-AID PROJECT NO. STP-0100(077)**

The following amendments shall be made to the Bid Documents:


**A. TABLE OF CONTENTS**

1. Replace Table of Contents dated r7/9/18 with the attached Table of Contents dated r7/11/18.

**B. SPECIAL PROVISIONS**

1. Replace Special Provision Section 106 dated 3/27/06 with the attached Special Provision Section 106 dated r7/11/18.

Please acknowledge receipt of this Addendum No. 2 by recording the date of its receipt in the space provided on page P-4 of the Proposal.

  
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JADE T. BUTAY  
Director of Transportation

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1                   **SECTION 106 – MATERIAL RESTRICTIONS AND REQUIREMENTS**

2  
3       Make the following amendments to said Section:

4  
5       **(I)**       Amend **106.04 – Material Sample** by revising lines 42 to 48 to read as  
6               follows:

7  
8       **“106.04       Contractor Sampling and Testing.** Acceptance Sampling and  
9       Testing by Contractor with Verification by District or County, or their designated  
10       agents.

11  
12               **(A)       Contractor Sampling and Testing.**

13  
14               The Contractor shall provide to the Department a testing plan for  
15       each material. The testing plan shall be submitted prior to the beginning  
16       of production or placement of the material.

17  
18               The laboratory the contractor uses for testing needs to be  
19       AASHTO resource (Formerly AMRL) accredited in the test methods used  
20       for the testing and documentation showing the accreditation needs to be  
21       submitted to the HDOT Construction office responsible for the project and  
22       Materials Testing and Research Branch (MTRB) before any testing  
23       occurs.

24  
25               **(1)**       Project specifications shall specify minimum quantity of  
26       tests required for Contractor Sampling and Testing. Except as  
27       otherwise specified, minimum sampling and testing shall be in  
28       accordance with the requirements shown on the most current  
29       Sampling and Testing Guide for Acceptance and Verification  
30       (Appendix 3). Sampling location shall be as indicated on the  
31       Sampling and Testing Guide for Acceptance and Verification.

32  
33               **(2)**       Project specifications shall require the Contractor to  
34       designate a Quality Control (CQC) Manager, who shall be  
35       responsible for managing, controlling, and documenting all  
36       activities to ensure material compliance with the contract plans and  
37       specifications.

38  
39               **(3)**       Project specifications shall require the Contractor to prepare  
40       and submit a Quality Control Plan for projects over \$1,000,000.

41  
42               **(4)**       Samples shall be selected by the random sampling method  
43       according to ASTM D 3665, Random Sampling of Construction  
44       Materials.

(5) The Project Engineer shall transmit the Design Contractor's test results with the yellow sample card (Form MTRB CJC 2 or CJC-2a — Appendix 2) to MTRB.

**(B) Verification Sampling and Testing.**

(1) To validate product quality, Verification Sampling and Testing shall be performed by qualified sampling and testing personnel employed by the State or County or its designated agent, excluding qualified sampling and testing personnel employed by the Contractor. When the Contractor and State or County test results differ by more than the allowable standards established by MTRB, dispute resolution procedures shall be followed.

(2) Frequency of Verification Sampling and Testing shall be a minimum of 10 percent of the Contractor Sampling and Testing requirements. Frequency may be increased by the State or the County based on a history of dissimilar test results between Contractor and Verification testing.

(3) Verification samples shall be random samples (ASTM D 3665) taken at the same general location of the Design-Contractor's sample.

(4) Verification samples or test data shall be transmitted with the blue sample card (Form MTRB VJC-3 or VJC 3a — Appendix 2) to MTRB.

**(C) Dispute Resolution Procedures.** Conflicts between the Engineer and the Contractor, resulting from discrepancies in testing or non-test-related material quality disputes, shall be resolved by using the steps outlined below. Non-test-related disputes may include such items as segregation, workmanship, flushing, open joints, non-uniform mats, and other issues. If mutually agreed to by the disputed parties, other forms of resolution may be used. Any deviations from the following procedures shall be agreed to in writing.

**(1) Case I: Test Related Disputes:**

**(a) Step I: Project Investigation.**

Personnel responsible for the Contractor Sampling and Testing and Verification Sampling and Testing shall review sampling procedures, testing procedures, testing equipment, and computations. The intent of this investigation is to ensure that

proper procedures are followed, equipment used is properly calibrated and functioning, and computational errors are ruled out. If problems are found, corrective action shall be taken.

If Step I does not resolve conflict, procedures in Step II shall be followed.

**(b) Step II: Third Party Investigation.**

Third party shall be the MTRB or a non-Highways Division laboratory designated by the Engineer. The MTRB shall be viewed as an "unbiased" third party, although technically not totally independent. The designated non-Highways Division laboratory shall be accredited in the applicable test by the AASHTO Accreditation Program or a comparable laboratory accreditation program approved by Federal Highway Administration (FHWA), with testing personnel qualified under the Personnel Qualification Program. The non-Highways Division laboratory third party shall not, in any way, be involved in the Contractor Sampling and Testing, Verification Sampling and Testing, or IA Sampling and Testing on the disputed project.

Designated third party shall examine the following:

(i) Past similar/dissimilar comparisons for the disputed item to identify any particular trends.

(ii) Results of the project-level investigation.

(iii) Results of the Independent Assurance Program.

A sample shall be split among the Contractor, Engineer, and third party to compare test results. Third party may perform additional verification testing, at the project-level investigation, as necessary.

Results obtained from split samples or new samples and verification testing shall be evaluated to

140 decide whether initial test results obtained by the  
141 Contractor or the Engineer more accurately represent  
142 the particular material property. Third party shall  
143 submit a written report describing dispute, all  
144 subsequent actions, and final recommendation.

145  
146 If this investigation shows that the Engineer's  
147 tests are correct, the Contractor shall pay for the cost  
148 of the third party investigation. Similarly, if the  
149 investigation shows that the Contractor's tests are  
150 correct, the Engineer will pay the cost of the third  
151 party investigation.

152  
153 **(2) Case II: Non-Test Related Disputes:**

154  
155 **(a) Step I: Project Investigation.**

156  
157 The Contractor and the Engineer will jointly  
158 quantify the dispute (e.g., the area of segregation,  
159 etc.), its severity, and impact on facility performance.  
160 When testing is required to assist in dispute  
161 resolution, all parties shall agree to the sampling and  
162 testing plan, testing agency, and disposition of these  
163 findings before starting.

164  
165 If Step I does not resolve dispute to the  
166 satisfaction of all parties within a previously agreed  
167 time, procedures in Step II shall be followed.

168  
169 **(b) Step II: Third Party Investigation.**

170  
171 Resolution shall be arbitrated by an unbiased  
172 third party designated by the Engineer. Third party  
173 shall submit a written report describing dispute, all  
174 subsequent required actions, and final  
175 recommendation.

176  
177 When disputes are resolved by an unbiased  
178 third party, the Engineer and the Contractor shall  
179 share cost of third party investigation. Conclusions  
180 and recommendations made by any unbiased third  
181 party shall be binding.

182  
183 **(D) Submittals.** Acceptance, Contractor, and Verification Test data, and  
184 any Dispute Resolution reports shall be submitted to MTRB. MTRB will  
185 review all project test data to ensure that materials incorporated in  
186 construction work conform to approved plans and specifications. Based



