

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

**ADDENDUM NO. 3**

**for**

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

The following amendment shall be made to the Bid Documents:

**A. B. SPECIAL PROVISIONS**

1. Replace Special Provision Section 106 dated r7/11/18 with the attached Special Provision Section 106 dated r7/17/18.

Please acknowledge receipt of this Addendum No. 3 by recording the date of its receipt in the space provided on page P-4 of the Proposal.



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**For JADE T. BUTAY**  
Director of Transportation

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

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3       Make the following amendments to said Section:

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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 re:source (Formerly AMRL) accredited or a comparable  
20       laboratory accreditation program approved by Federal Highway  
21       Administration (FHWA), with testing personnel qualified under the  
22       Personnel Qualification Program, in the test methods used for the testing.  
23       Documentation showing the accreditation needs to be submitted to the  
24       HDOT Construction office responsible for the project and Materials  
25       Testing and Research Branch (MTRB) before any testing occurs.

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

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

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

43  
44               **(4)**       Samples shall be selected by the random sampling method  
45       according to ASTM D 3665, Random Sampling of Construction  
46       Materials.  
47

48 (5) The Project Engineer shall transmit the Design Contractor's  
49 test results with the yellow sample card (Form MTRB CJC 2 or  
50 CJC-2a — Appendix 2) to MTRB.  
51

52 **(B) Verification Sampling and Testing.**  
53

54 (1) To validate product quality, Verification Sampling and  
55 Testing shall be performed by qualified sampling and testing  
56 personnel employed by the State or County or its designated  
57 agent, excluding qualified sampling and testing personnel  
58 employed by the Contractor. When the Contractor and State or  
59 County test results differ by more than the allowable standards  
60 established by MTRB, dispute resolution procedures shall be  
61 followed.  
62

63 (2) Frequency of Verification Sampling and Testing shall be a  
64 minimum of 10 percent of the Contractor Sampling and Testing  
65 requirements. Frequency may be increased by the State or the  
66 County based on a history of dissimilar test results between  
67 Contractor and Verification testing.  
68

69 (3) Verification samples shall be random samples (ASTM D  
70 3665) taken at the same general location of the Design-  
71 Contractor's sample.  
72

73 (4) Verification samples or test data shall be transmitted with  
74 the blue sample card (Form MTRB VJC-3 or VJC 3a — Appendix  
75 2) to MTRB.  
76

77 **(C) Dispute Resolution Procedures.** Conflicts between the Engineer  
78 and the Contractor, resulting from discrepancies in testing or non-test-  
79 related material quality disputes, shall be resolved by using the steps  
80 outlined below. Non-test-related disputes may include such items as  
81 segregation, workmanship, flushing, open joints, non-uniform mats, and  
82 other issues. If mutually agreed to by the disputed parties, other forms of  
83 resolution may be used. Any deviations from the following procedures  
84 shall be agreed to in writing.  
85

86 **(1) Case I: Test Related Disputes:**  
87

88 **(a) Step I: Project Investigation.**  
89

90 Personnel responsible for the Contractor  
91 Sampling and Testing and Verification Sampling and  
92 Testing shall review sampling procedures, testing  
93 procedures, testing equipment, and computations.  
94 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

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

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

154  
155 **(2) Case II: Non-Test Related Disputes:**

156  
157 **(a) Step I: Project Investigation.**

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

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

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

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

189 on this information, MTRB will issue a materials certification to FHWA for  
190 each construction project that is subject to FHWA construction oversight  
191 activities (see Section VII)."  
192

193 **(II) Amend 106.05(B) – Deviation** by revising the third sentence from line 106  
194 to 108 to read as follows:

195  
196 "Any deviations will be subject to Subsection 102.14 – Substitution of Materials  
197 and Equipment Before Bid Opening."  
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200  
201  
202  
203

**END OF SECTION 106**