



NORTH CAROLINA
Department of Transportation

CAPA – NCDOT Asphalt Pavement Workshop

Contract Administration Breakout Session

Brian Skeens, PE

Kipp Turner, PE

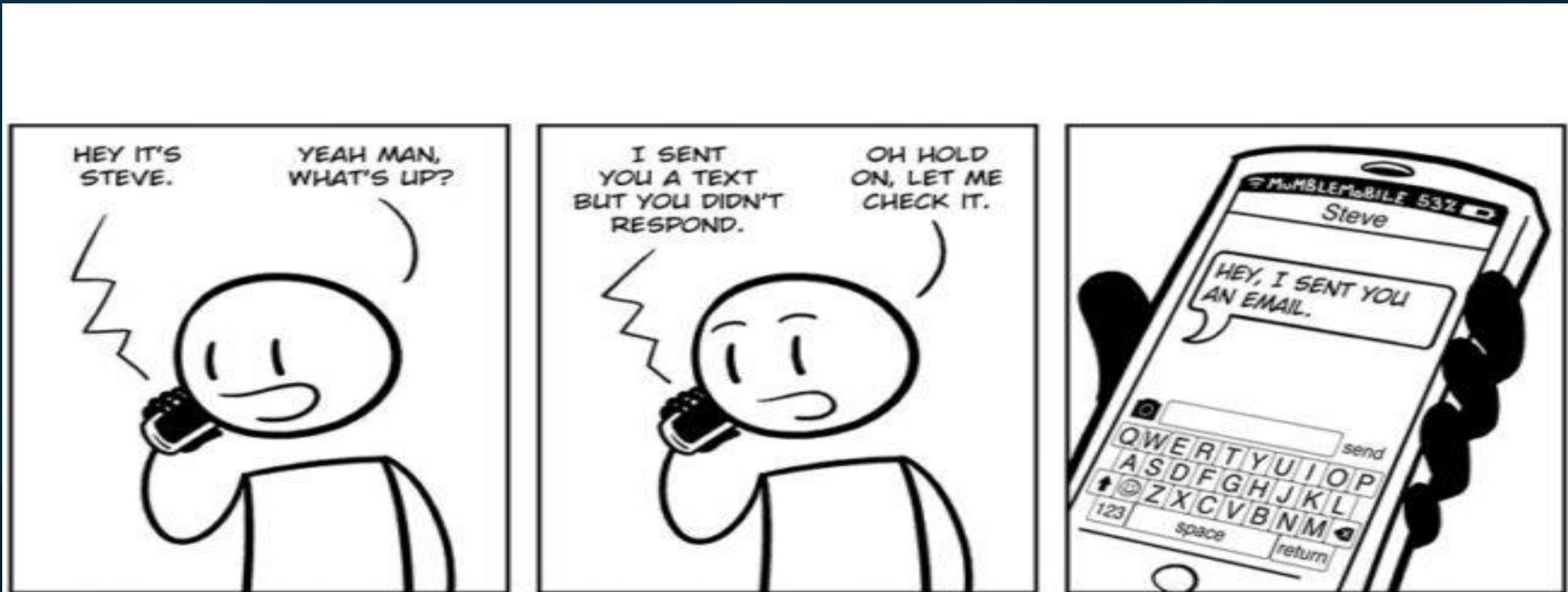
Lloyd Royall, PLS

January 30 – 31, 2023

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina



Communication



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IF YOU WANT A RESPONSE WITHIN...



- **30 MINS OR LESS - CALL**
- **2 HOURS - TEXT**
- **1 DAY OR LATER - EMAIL**

Milling Changes

- Variable depth milling is intended for cross-slope situations. It is not intended for butt joints.
- Turn Lanes less than 500 feet in length will be paid as incidental milling.
- Re-milling of areas directed by the Engineer will be paid as incidental milling.



Adjustment of Oversized Manholes

Manholes with a frame and cover top diameter greater than 30 inches and/or frame height greater than 12 inches shall be measured and paid as *Adjustment of Oversized Manholes*.



Adjustment of Catch Basins, Manholes, Drop Inlets, Meter Boxes, and Valve Boxes

Where any catch basin, drop inlet, manhole, meter box or valve box is adjusted more than once because of milling operations, each adjustment will be measured and paid.



Patching

Effective with August 2022 Letting, furnishing asphalt binder will be paid as provided in Article 620-4 for Asphalt Binder for Plant Mix for each grade required.



Shoulder Reconstruction

Method of Measurement:

- Shoulder Reconstruction – Shoulder Mile
- Aggregate Shoulder Borrow - Ton



Project Completion

- Final Pavement Markings and Markers
- Timely Removal of Work Zone Signs
- Final Inspections
- Timely Completion of Punchlist

Project Closeout

- Identify quantity and claim issues throughout the life of the project. This should include conversations with subs.
- Don't wait for final quantities letter from Division prior to identifying final closeout issues
- Upon receipt of final quantities, make formal request to Division for closeout conference (if needed). Identify topics of conversation
- Documents required to pay final estimate:
 - Final Claim Letter (No Claim Letter if no issues)
 - Consent of Surety (if applicable)
 - Affidavit
 - Any other required documents (certifications, certified payrolls, etc)
- NCDOT should strive to get final quantity letter to contractor in timely manner.

Title VI Posters and Non-Discrimination

REMINDER

- Post NCDOT's Notice of Nondiscrimination and Contractors' own Equal Employment (EEO) Policy on all jobsite and field office boards for **FEDERAL-AID** and **STATE-FUNDED** projects
- **STATE-FUNDED** Projects: Physically ***incorporate*** (not attach) the Title VI and Nondiscrimination Assurances into all tier level subcontracts
- **FEDERAL-AID** Projects: Physically ***incorporate*** (not attach) the Title VI and Nondiscrimination Assurances **AND** the FHWA-1273 "Required Contract Provisions", in its entirety, into all tier level subcontracts

TITLE VI AND NONDISCRIMINATION

The provisions of this section related to United States Department of Transportation (US DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) part 21, 23 United States Code (U.S.C.) 140 and 23 CFR part 200 (or 49 CFR 303, 49 U.S.C. 5332 or 49 U.S.C. 47123) are applicable to all North Carolina Department of Transportation (NCDOT) contracts and to all related subcontracts, material supply, engineering, architectural and other service contracts, regardless of dollar amount. Any Federal provision that is specifically required not specifically set forth is hereby incorporated by reference.

NCDOT Title VI Assurance (1050.2A, Appendices A & E)

i. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

(a) withholding payments to the contractor under the contract until the contractor complies; and/or
(b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in

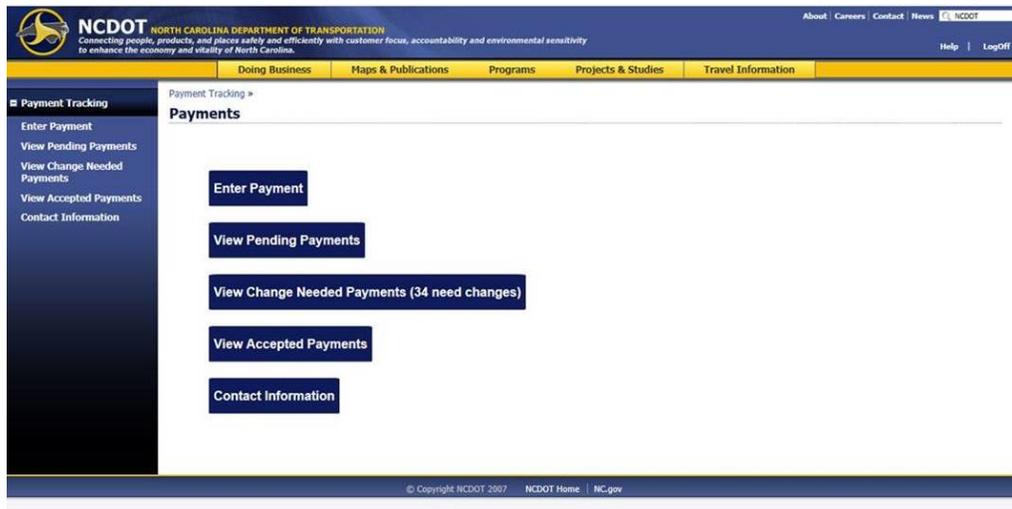
every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ii. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired, because of Federal or Federal-aid programs and projects).
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12111-12119) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and

DBE Payment Tracking



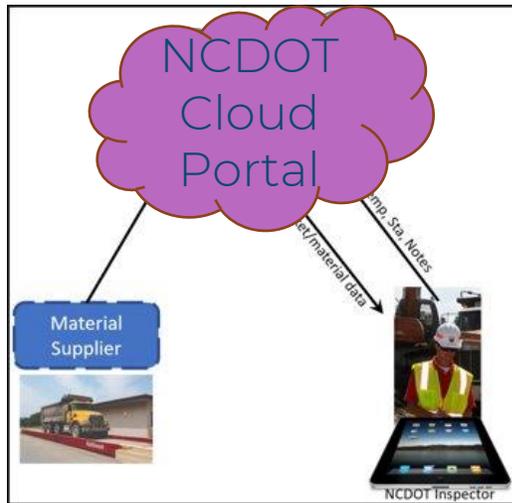
- Prime Contractor should enter payments made to subcontractors on a regular basis. DBE firms are **required**, regardless of commitment.
- NCDOT should review all entries made by prime, regardless of DBE status.
- Prime Contractor is the only one who is authorized to provide payment information. Subs should provide documentation to prime for payments made to 2nd tier subs.
- Must meet a commercially useful function to claim DBE credit
- Meeting DBE goals is contractual requirement. If a committed firm can't be utilized for some reason, DBE Replacement form must be used to document the change.
- Commitments include line-item quantities and unit prices made at bid time.

E-Ticketing Updates

Long Term Goal: Completely move to E-Ticketing

Method 1 - Preferred

E-Ticketing Sent to NCDOT E-Ticketing Portal



API for Supplier Connect to NCDOT Portal
Vendor assistance – Still in Procurement

Inspector WebApp – **Ready in March**

- View Tickets / Inspector notes
- Ticket Book Summaries
- Review/Approve/Send to Hicams

Lining up Production pilot projects now!

CAPA – NCDOT Asphalt Pavement Workshop
Contract Administration Breakout Session

Method 2 – Limited Data Coverage

QR Code on Physical Ticket – scanned by Inspector

HARRISON Murphy Asphalt Plant
A GOM COMPANY
Murphy, NC

WARNING: SEE BACK OF TICKET FOR SPECIFIC PRODUCT WARNINGS.

TICKET # 38275

Date: 6/16/21 Time: 10:30 am Plant: AS221

Customer: 201818 WNC Paving Inc
PO Box 896
Waynesville, NC 28786-0896

Job: 1902 NCDOT DN00667

Phase: 1

Carrier: 999 None- Pickups

Truck ID: 55

Asles:

PO #: NCDOT DN00667

Zone: 0

Product: 49886 NC S9.5C With Rap

JMF: 18-0797-151

Temp:

*** Simulated Delivery ***

	1/LDS Today	15 /LDS To Date	Max Legal Gross	Gross	Tare	Net
	9.55 Tn	138.43 Tn	56,500 Lb	40000*lb	20900 lb	19100 lb
	8.66 Mg	125.58 Mg	* = Manual Weight	18.14*Mg	9.48 Mg	8.66 Mg

CA1 06/30/2021
CTF8 06/30/2021

Weighmaster: Derrick Stiles 45013

Lab: 06/30/2021

Weighmaster:

Received By:

Proof of concept piloting complete!

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Production piloting planned for Spring

AASHTOWare

- NCDOT is utilizing AASHTOWare software. Implementation of Precon went live in June 2022. Civil Rights and Labor is forthcoming.
- CRL will provide NCDOT with the ability to receive electronic certified payrolls
- Will automatically check payrolls submitted by the contractor against the required minimum wage rates.
- Time Savings for RE staff



CRL Phasing

- Currently CCU is working with Contract Standards and IT to set up wage rate determinations in CRL
- Set up exception list – about 40 different things the system can flag. We will choose a couple that meets our needs
- Sample payrolls – work with contractors using existing payrolls to see how the system will flag submittals
- Set up Training – Guidelines, Webinars
- Will need Pilot RE offices and contractors on board (Fall 2023)
- Most likely will start with primes and then bring subs on board
- After pilot program – we will expand to more projects/contractors
- Future – All federal projects will be required to submit payrolls electronically

Division Let Contracts



- Updates and Changes for 2023
- Lloyd Royall, PLS Contract Standards and Development Unit
- January 30 – 31, 2023



- Consistency within the Divisions Contract Offices
- Divisions began using AWP in June 2022
- Now able to Let more Types of contracts electronically by using this system
- SBE Program increased it's project threshold to \$1,000,000
- Banking

Interested Parties List



Must Register by 11:59:59
pm the day before the
Letting!!!!

DOT refreshes AWP the
day before the letting and
the morning of the Letting

ID / IQ

INDEFINITE DELIVERY / INDEFINITE QUANTITY

- NCDOT and the FHWA
- What it means to the Contracting Industry
- Project vs Workorder

AREA CONSTRUCTION ENGINEERS (ACE)

Construction Unit Region And Area Engineers

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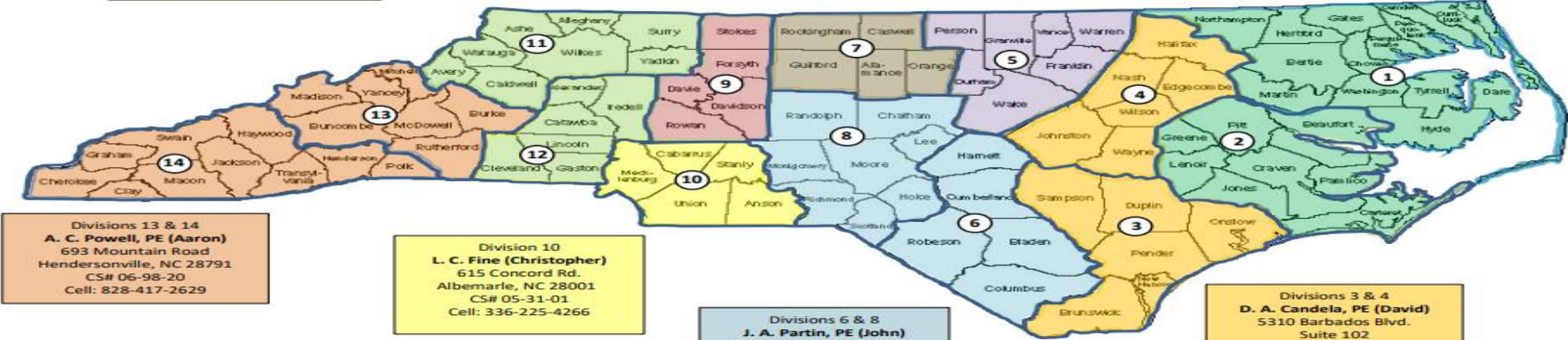
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 Office: 252-514-4759



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Division 10
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 Albemarle, NC 28001
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Divisions 6 & 8
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 Cell: 336-847-1226

Divisions 3 & 4
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12/15/2022

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Thank you!

