

<p><i>New Jersey Department of Transportation</i> 1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600</p> <p><i>Baseline Document Change Announcement</i></p>	
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ANNOUNCEMENT: BDC13S-14

DATE: January 24, 2014

SUBJECT: Buy America
- Revision to Subparts/Subsections 106.03, 106.07, 904.01.02, 904.01.06, 904.02.02, 904.02.06, 904.03.02, 904.03.06, 904.04.02, 904.04.06, 905.01, 909.02.01, 909.02.02, 913.01.01, 913.01.02, 913.01.03, 913.01.04, and 913.01.05 of the 2007 Standard Specifications for Road and Bridge Construction.

Subsections 106.03, 106.07 and various Subsections/Subparts of Division 900 of the 2007 Standard Specifications have been revised to comply with the FHWA’s new policies on enforcement of the “Buy America” requirements.

The following revisions have been incorporated into the Standard Input SI2007 as of January 24, 2014.

SECTION 106 – CONTROL OF MATERIAL

106.03 FOREIGN MATERIALS

1. Wholly State-Funded Projects

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FOR A WHOLLY STATE-FUNDED PROJECT WHICH HAS FEDERAL FUNDS IN AN ASSOCIATED PROJECT COVERED BY THE SAME NEPA (NATIONAL ENVIRONMENTAL POLICY ACT) DOCUMENT, INCLUDE THE FOLLOWING:

SME CONTACT – PROJECT MANAGER

THE ENTIRE TEXT IS CHANGED TO:

Due to the requirements of MAP-21 (Moving Ahead for Progress in the 21st Century Act), comply with the Federal Aid Project requirements specified under Subpart 2.

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106.07 CERTIFICATION OF COMPLIANCE

THE ENTIRE TEXT IS CHANGED TO:

106.07.01 Certification of Compliance

Submit manufacturer’s Certifications of Compliance stating that the materials and/or assemblies fully comply with the

requirements of the Contract when required by the Contract or requested by the Department.

Ensure that Manufacturer's Certification of Compliance contains the following information:

1. Project Name.
2. Name of the Contractor.
3. Material description.
4. Quantity of material represented by the certification.
5. Means of identifying the consignment, such as label marking or seal number.
6. Date and method of shipment.
7. A statement that the material conforms to the Contract material requirements and that representative samples have been sampled and tested.
8. If the submission is for an assembly of materials, a statement that the assembly conforms to the Contract.
9. Signature of a person having legal authority to bind the supplier.
10. Typed or printed name of the person who signed the certification.

Before incorporating the materials into the Project, obtain 3 copies of the manufacturer's Certifications of Compliance for materials, components, and manufactured items that are accepted by certification. Retain 1 copy and submit 2 copies to the RE. With the Certification of Compliance, provide a transmittal identifying the Item for which it is submitted. For products that contain steel or iron, attach additional documents as required by the certification procedures as specified in 106.07.02. The Contractor may submit the Certifications of Compliance electronically to the RE in a scanned document. Include the transmittal and all backup documentation in the scanned document.

The Department has the right to sample and test materials or assemblies accepted on the basis of Certifications of Compliance at any time. The Department will reject materials or assemblies, whether in place or not, if found not to be in conformance with the Contract requirements.

The Department will not make payment for an Item for which material is accepted on the basis of a Certification of Compliance until the RE has received the required Certification of Compliance and has inspected and accepted the material or assembly.

106.07.02 Certification for iron and steel

- A. Precast Concrete Steel and Concrete Pipe Certification of Compliance.** For precast concrete and concrete pipe items, a Buy America Compliance Plan is required to confirm that the material meets the Buy America requirements as specified in 106.03. The ME will periodically audit compliance with the program at the precast plant. If the precast concrete item is not inspected by ME, submit a Certification of Compliance for the precast concrete item as required in 106.07.01. When a Certification of Compliance is submitted, ensure that the Certification of Compliance contains a statement that the reinforcing steel used in the precast concrete item complies with the Buy America requirements as specified in 106.03
- B. Incidental Steel or Iron Components and Manufactured Products.** Incidental steel and iron components such as lifting hooks, tie wire, chairs, nuts, bolts and screws are not required to be certified for compliance with Buy America requirements. For manufactured products that are not made predominantly of steel, the steel components are not required to be certified for compliance with Buy America requirements.
- C. Step Certification of Compliance.** For products that contain steel or iron components and are not covered in 106.07.02.A or 106.07.02.B, step Certification of Compliance is required to confirm that the item meets the Buy America requirements as specified in 106.03. A step certification is a process under which each handler (e.g., supplier, fabricator, manufacturer, processor, coating facility) of the iron and steel components certifies that the steel and iron components were of domestic origin and that their step in the process was domestically performed.

Every step in the process from melting to coating must be performed in the United States in order for the steel or iron component to be considered domestic and must be documented by step certification. If a domestic source for a steel or iron component cannot be found, submit a request for waiver to the Department. Do not purchase non-domestic steel or iron components without the express written consent of the Department.

Ensure that 3 copies of the Contractor's Certification of Compliance (Form DC-17) and the step Certifications of Compliance are provided for items containing steel or iron. Retain 1 copy and submit 2 copies to the RE. The Contractor may submit the DC-17 and the step certifications electronically in a scanned document.

Ensure that step Certifications of Compliance contain the following information:

1. Name of the Company supplying the material.
2. Name and location of the Company the material was shipped to.
3. Material description.
4. Quantity of material represented by the Certification.
5. Means of identifying the consignment, such as label marking or seal number.
6. Date and method of shipment.
7. A statement that the material conforms to the Contract material requirements and to the Buy America requirements in 106.03.
8. A statement that all steel or iron components in the material or assembly were “melted and manufactured in the US”, unless there is non-domestic steel or iron in the material or assembly.
9. If there is non-domestic steel or iron in the assembly, describe in detail the non-domestic steel or iron material and the quantity. Attach a copy of the Department’s approval for the use of non-domestic steel or iron components.
10. Signature of a person having legal authority to bind the supplier.
11. Typed or printed name of the person who signed the certification.

The Department will not make payment for work containing steel or iron materials until the RE has received the required DC-17 and step Certifications of Compliance and has inspected and accepted the material or assembly.

SECTION 904 – PRECAST AND PRESTRESSED CONCRETE

904.01.02 Fabrication

THE ENTIRE SUBPART IS CHANGED TO:

Fabricate precast concrete at a plant as specified in 1011.01 and listed on the QPL.

1. **Placing Reinforcement Steel.** Before placing the concrete, place reinforcement steel in position as shown on the approved working drawings and as specified in 504.03.01. Firmly tie the reinforcement to prevent displacement during placing of the concrete.
2. **Placing Concrete.** Place concrete as specified in 504.03.02.D and 504.03.02.E. Before placing concrete, ensure that reinforcement steel and any other embedded materials are free of loose rust, frost, dirt, oil, or contaminants that may prevent a bond with the concrete. Consolidate concrete with internal vibrators. The fabricator may use external vibration to supplement internal vibration. If using SCC, minimize or eliminate the use of vibrators to prevent segregation.

904.01.06 Quality Control and Acceptance Requirements

THE FOLLOWING IS ADDED AFTER THE SECOND PARAGRAPH:

Follow the Department approved Buy America Compliance Plan. Provide documentation of compliance when requested by the ME.

904.02.02 Fabrication

THE SECOND SENTENCE IN THE FIRST PARAGRAPH IS CHANGED TO:

Fabricate precast concrete at a plant as specified in 1011.01 and listed on the QPL.

904.02.06 Quality Control and Acceptance Requirements

THE FOLLOWING IS ADDED AFTER THE SECOND PARAGRAPH:

Follow the Department approved Buy America Compliance Plan. Provide documentation of compliance when requested by the ME.

904.03.02 Fabrication

THE FIRST SENTENCE IN THE FIRST PARAGRAPH IS CHANGED TO:

Fabricate precast concrete at a plant as specified in 1011.01 and listed on the QPL.

904.03.06 Quality Control and Acceptance Requirements

THE FOLLOWING IS ADDED AFTER THE SECOND PARAGRAPH:

Follow the Department approved Buy America Compliance Plan. Provide documentation of compliance when requested by the ME.

THE FOLLOWING IS ADDED AFTER THE LAST PARAGRAPH:

If the ME does not inspect the precast concrete item, submit certifications of compliance as specified in 106.07.

904.04.02 Fabrication

THE FIRST SENTENCE IN THE FIRST PARAGRAPH IS CHANGED TO:

Fabricate prestressed concrete at a plant as specified in 1011.02 and listed on the QPL.

904.04.06 Quality Control, Quality Assurance, and Acceptance Requirements

THE FOLLOWING IS ADDED AFTER THE SECOND PARAGRAPH:

Follow the Department approved Buy America Compliance Plan. Provide documentation of compliance when requested by the ME.

THE FOLLOWING IS ADDED AFTER THE LAST PARAGRAPH:

If the ME does not inspect the precast concrete item, submit certifications of compliance as specified in 106.07.

SECTION 905 – REINFORCEMENT METALS

905.01 REINFORCEMENT STEEL

THE ENTIRE SUBPART IS CHANGED TO:

Provide reinforcement steel manufactured at an AASHTO NTPEP (National Transportation Product Evaluation Program) certified mill. For a list of NTPEP certified mills, see the following webpage: <http://data.ntpep.org/Module/REBAR/Overview.aspx> .

For reinforcement steel, submit a certification of compliance as specified in 106.07. Attach copies of the mill certifications for each heat of reinforcement steel. The ME will randomly sample and test heats of reinforcement steel for quality assurance. The ME will randomly inspect and sample galvanized and epoxy coated reinforcement steel for quality assurance.

SECTION 909 – DRAINAGE

909.02.01 Reinforced Concrete Pipe

THE FOLLOWING IS ADDED BEFORE THE FIRST SENTENCE:

Manufacture reinforced concrete pipe at a plant listed on the QPL.

THE LAST PARAGRAPH IS CHANGED TO:

Follow the Department approved Buy America Compliance Plan. Provide documentation of compliance when requested by the ME.

For concrete pipe that is less than 60 inches in diameter, submit a certification of compliance as specified in 106.07. The ME will randomly inspect and test small-diameter concrete pipe for quality assurance.

For concrete pipe that is 60 inches or more in diameter, notify the ME at least 2 weeks before shipping pipe to the Project. The ME will inspect and approve large-diameter pipe in the supplier's yard after manufacture. Perform 3-point loading in the supplier's yard as directed by the ME. If the ME does not inspect the concrete pipe, submit certifications of compliance as specified in 106.07.

909.02.02 HDPE Pipe

THE SECOND PARAGRAPH IS CHANGED TO:

Use HDPE pipe from a manufacturer who is an AASHTO NTPEP (National Transportation Product Evaluation Program) certified manufacturer. For a list of NTPEP certified manufacturer, see the following webpage: <http://data.ntpep.org/Module/PIPE/Overview.aspx> .

SECTION 913 – GUIDE RAIL, FENCE, AND RAILING

913.01.01 Rail Element

THE SECOND PARAGRAPH IS CHANGED TO:

Submit a certification of compliance as specified in 106.07.

913.01.02 End Treatments

THE SECOND PARAGRAPH IS CHANGED TO:

Submit a certification of compliance as specified in 106.07.

913.01.03 Posts and Blockouts

THE FOURTH PARAGRAPH IS CHANGED TO:

Provide certifications of compliance, as specified in 106.07.

913.01.04 Rub Rail

THE SECOND PARAGRAPH IS CHANGED TO:

Submit a certification of compliance as specified in 106.07.

913.01.05 Miscellaneous Hardware

THE SECOND PARAGRAPH IS CHANGED TO:

Submit a certification of compliance as specified in 106.07. The ME may randomly inspect hardware for quality assurance.

Implementation Code R (ROUTINE)

Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for an addenda or postponement of advertisement or receipt of bids.

Recommended By:

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