

Case 09-09 – Modified Section 792: Dust Palliative

Written comments by City of Mesa:

1. Proposed language to be inserted immediately prior to paragraph 792.2 (A): I suggest deleting the words "with the bid" in the first sentence of the inserted text. Allowing them to submit after bid opening during the shop drawing submittal stage should be sufficient for most projects. I have found that asking for things to be submitted with the bid often causes problems. (E.g., On a large roadway project, the low bidder doesn't submit the dust palliative material with his bid. The second bidder files a protest, even though the dust palliative work is a very small percentage of the overall project. The agency would be just as well served by seeing the submittal after the bid opening.)

Response: There is a dilemma if the product being proposed cannot be evaluated at the time of bid. All dust control/stabilizer products are not created equal. The bid process is the best time to make sure the proposed product meets the specification.

If the dust control work is a small part of the bid or the bid is being submitted by a contractor and work done by a vendor or applicator acting as a subcontractor, evaluating the product after bid award is feasible since the general contractor can be forced to change his vendor or applicator to be in compliance.

Alternately, if the bid is being submitted by the dust palliative vendor or applicator, then the product must be evaluated at the time of bid or there is a risk that the award could go to a contractor that cannot perform. Once the bid is awarded, there is little that can be done toward non-compliance except canceling the contract and starting the bidding over again.

Can the specification be modified to accommodate both scenarios?

2. Proposed language to be inserted immediately prior to paragraph 792.2(B): You refer to "...a local A-7". What is an A-7? Is it referring to soil classification?

Response: A-7 is a type of soil described in the AASHTO soil classification system that is based on soil properties for road construction. A-7 would be a silt-clay with greater than 35% passing the #200 sieve, a liquid limit greater than 40, and a PI greater than 10. This is a very low-end soil that has been used as a marker to determine the effect of soil stabilizer products. The test soil needs to be cohesive to have a base line value to measure against. A better description of the soil properties and classification system will be put in the revision.

3. Proposed language to be inserted immediately after the title in Section 792.3: I suggest saying "Owner" or "Agency" instead of "Buyer". As stated above, I also would eliminate the words "...at time of bid" altogether without replacement.

Response: Agreed that "Owner" and "Buyer" will be changed to "Agency." See response above on bid language.