



**From:** Cary Hegreberg

**Sent:** Monday, October 31, 2011 5:38 PM

**To:** Boysen, Randy; mdt specifications@mt.gov; Edie Hallford; 'trevor.mtl@gmail.com'; Christensen, Kevin

**Subject:** Comments on proposed spec changes for October

Randy, Kevin,

Thank you for the opportunity to comment on proposed spec changes for October, 2011. On behalf of our member companies, we offer the following:

### **203.01.1 Excavation (E. Muck Excavation)**

As mentioned during the October Highway Technical Committee meeting, MCA members are highly opposed to the adoption of this change as presented. Specifically, use of the term "unsuitable material" is highly subjective and leaves a contractor holding an unacceptable level of risk. A contractor has no way of knowing what is under the topsoil—especially if there is nothing in the core logs. If he is forced to use excavators and trucks instead of scrapers, which was factored into the bid, costs will go up significantly and should be recoverable by the contractor. We are also opposed to the added definition of "muck" as material that "cannot be reworked for use in the roadway." MDT has provided no parameters such as time to coincide with this definition. Some material can be reworked at significant cost and lengthy time delays, and there should be some consideration for a contractor's time and cost to rework material to be "suitable." We are asking that MDT delay implementation of this spec and allow for more discussion about the problem being addressed and potential solutions because we do not believe this is the appropriate solution to the perceived problem.

### **203.03.1 Excavation**

We are concerned again about the subjectivity of changes being proposed in this spec. The proposed change states..."Dispose of the excavated material to the satisfaction of the Project Manager." It is possible that certain contractors might have an extremely difficult time disposing of the excavated material to the satisfaction of certain project managers. There needs to be better parameters around this explanation.

### **409.03.3 Chip Seal Limitations**

While it appeared we came to some agreement during the Highway Technical Committee meeting, the MCA would like to reiterate our comment that the proposed changes do not work for many of MDT's projects involving small paving projects, especially those done in conjunction with a larger project such as bridge ends, etc. It is very common for a contractor to pave one day and chip seal the next day, with bids factored accordingly. If a contractor is held to this new spec for all projects, MDT can expect higher mobilization and traffic control costs, as well as requests for more contract time on these types of projects. We respectfully request that you revise the proposed changes for this spec.

Thank you again for the opportunity to comment.

Cary Hegreberg  
Executive Director