

**New Jersey Department of Transportation
CORRECTIVE ACTION NOTICE**

CAN No. CAN055R

QUALITY MANAGEMENT SERVICES

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Subject: Items Using Non-Standard Specifications
Non-Standard Pay Item Definition and Requirements

Bureau(s) Affected: All CPM Units
All Design Consultants

Description of Issue(s):

In today's fast changing environment, design, construction and maintenance operations of highway facilities necessitate the use of specialized materials, proprietary products and various unique alternatives to maintain and improve services. The use of these types of non-standard items many times offers innovative approaches to highway construction projects and may even lead to faster construction schedules, resulting in reduced congestion and delays to the motoring public. This can include completely new ideas, significant changes to existing standard items and specifications, or project specific specifications for standard items for which no standard exists.

In light of rapid technological changes, and as vendors, innovators, and engineers propose such items, appropriate NJDOT units and Subject Matter Experts (SMEs) are responsible for thoroughly evaluating these products before they are accepted for use in place of applicable standards, to ensure that specific Department needs are met and cost benefits are realized. However, there are many different SMEs as well as Project Managers throughout Capital Program Management approving the use of non-standard items. Some of these items are used with success, while others are not. There is currently no clearinghouse within CPM that serves to track the use of items using non-standard specifications.

Also, the Non-Standard Pay Item definition and certain requirements were inadvertently deleted when BDC99T-004 was superseded by BDC01T-3.

Corrective Action Plan:

I. ITEMS USING NON-STANDARD SPECIFICATIONS

Designers shall adhere to the requirements of **Section 4.2** of the NJDOT Procedures Manual for non-standard work. This requires that the designer provide justification for its use. If an item uses a **non-standard specification** (work not covered by the NJDOT Standard Specifications), the designer shall submit the justification for its use to the appropriate SME. The SME will review the justification and recommend approval or rejection to the Project Manager. If approved by the SME and the Project Manager, **a copy of the non-standard specification to be used (when it is developed) along with the justification shall be forwarded to the New Technologies and Products (NTP) section of the Bureau of Quality Management Services for inclusion into the "Non-Standard Specifications" database.** This requirement will not apply to items that are covered in the NJDOT Standard Specifications, but are assigned a non-standard pay item number for other purposes. The database will serve as a directory of items using non-standard specifications as a reference for future projects.

When appropriate, the NTP Section, with the concurrence of the appropriate SME, may utilize a project as a demonstration project for evaluation of a proprietary or a non-proprietary non-standard specification item. In order for this type of item to be specified for use on any NJDOT project, a request must first be

submitted to the NTP Section of BQMS via the "New Technologies and Products Evaluation Form" which is referenced later in this document. The NTP Section will be responsible for evaluating and developing the final specifications for the item in coordination with the appropriate SMEs. NTP through its product evaluation procedure will determine if the proprietary product is appropriate for use on future Department projects.

The NTP Section currently also serves as the central point of contact to which vendors and manufacturers come for new technology and product evaluations.

The responsibility of each unit to ensure that this directive is carried out shall be as follows:

- **Designers (Consultant/In-House Production Unit)/Project Managers/Subject Matter Experts**
Designers are responsible for submitting a request for the use of items using non-standard specifications, along with the justification for its need on a project, to the SME who will recommend approval or rejection of the proposed items and specifications, to the Project Manager. Designers are not to specify items using non-standard specifications on projects that are currently under design or on any future projects unless approval has been received as stated above. Before proposing a non-standard item, designers should check with the NTP Section directly, or through the web site below to determine if any existing item is already under development that could meet their proposed need.
- **Division Of Project Management/Division of Design Services**
Project Managers/Quality Assurance Review Unit staff are responsible for ensuring that **ALL** items using non-standard specifications are used in accordance with the above. The Project Manager will also be responsible for forwarding the non-standard specification, along with the justification for use to the New Technologies & Products Section of the Bureau of Quality Management Services.
- **Bureau of Quality Management Services - Quality Review and Development Section**
This section is responsible for preparing a Baseline Document Change request to incorporate the above additional requirements in the NJDOT Procedures Manual.

The NTP section maintains a web site that can be accessed from the Capital Program Management home page. Contained in this site are the NTP section contacts, the NTP Evaluation Sheet, and the Approved Products List. It can be accessed by selecting "***Other Information***" then selecting "***New Technologies and Products Spreadsheet***" from the following CPM Home page link:

<http://www.state.nj.us/transportation/cpm/CapitalProgramManagement/>

Items using non-standard specifications will be tracked via NTP's database (to be developed) which may contain specifications and product information. This database will also be available on the above web site.

II. NON-STANDARD PAY ITEM DEFINITION AND REQUIREMENTS

The following text is provided to supplement the definitions relative to Non-Standard Pay Items contained in the "Construction Cost Estimation Preparation Manual for Final Engineer's Estimates" as released by BDC02T-02 dated April 5, 2002:

Designers are urged to utilize Standard Pay Items for projects at all times. When it is not possible to specify a Standard Pay Item, a Non-Standard Pay Item may be used.

Non-Standard Pay Items may include:

- Any revision to a standard specification for any Standard Pay Item, including any changes to the payment clause.

- Proprietary items specifying an exclusive product or manufacturer required for an item of work. Proprietary items may be used in projects when justification for their use has been provided by the designer. The project must be in the best interest and/or health and safety of the public. If a proprietary item is used, which is not an approved Department standard, the designer shall provide at least three approved equals to be included in the specification. If the designer cannot provide three equals, documentation shall be provided, for approval, as to the reason or reasons why the product or manufacturer is necessary for the project. For Federally funded projects, proprietary items must be approved by the FHWA and meet the requirements of 23 CFR Subpart D 635.411.
- An experimental item of work for new materials or construction methods currently under review by the Department.
- Items that have a standard specification, but are treated as non-standard because of different sizes (e.g. odd sizes of pipe).

All Standard Pay Items with an Item Class of MNBR are designated as Maintenance Standard Pay Items. Maintenance Standard Pay Items shall not be used for Design projects, and have been included in the list exclusively for use by the Department's Maintenance forces.

- **Bureau of Program Support Services – Cost Estimating Unit**

This unit will be responsible for preparing a Baseline Document Change request to reflect these instructions in the next revision of the Construction Cost Estimation Preparation Manual for Final Engineer's Estimates.

Until the Configuration Management Unit of the Bureau of Quality Management Services incorporates these provisions into the NJDOT Procedures Manual and the Construction Cost Estimation Preparation Manual for Final Engineer's Estimates, this Corrective Action notice shall be in effect.

Implementation: Immediately