

Materials Procedures Committee Regular Meeting

Meeting Time/Date: May 15th, 10:00 AM

Meeting Location: MCS&T (Conference Rm.) - 190 Dry Branch Drive, Charleston, WV 25306
Charleston WV, 25301

Online Meeting: Google Meet Video Conference

Online Link - (<https://meet.google.com/apa-rvti-ndx?authuser=0>)

Files Available on ProjectWise for DOT users – See Invite or Follow P/W path:

[WVDOH ORGS\MCS&T \(0077\) - FM\Materials Procedure Committee\MP Committee Meeting Files\2024\2024 05 15 MP Meeting](#)

Files Available on Webpage:

<https://transportation.wv.gov/highways/mcst/Pages/MP-Committee-Page.aspx>

Materials Procedures – Approved at Last Meeting

1. 717.04.21 - Guide for Quality Control of Compaction
2. 106.10.50 - WVDOH Buy America Acceptance Guidelines
3. 711.03.23 - Mix Design for Portland Cement Concrete

Materials Procedures - Old Business

*Note – Going Forward MCS&T will be using either SI units or Combined English and SI Units. Guidelines are established in the pending updates to MP 100.00.00.

Number	Champion	Title	Description
1* - 109.00.21	Brayack	Basis For Charges for Non-Submittal of Sampling & Testing Documentation by The Established Deadline	Removal of the ability for contractor to request an “opt-out” of material entry.
2* - 106.00.02	Brayack	Procedure for Evaluating Products for Use in Highway Construction	Adds the ability to accept material for purchase order materials. Removes “No APL” letter.
3&- 106.10.51	Brayack	WVDOH Buy America Waiver Guidelines	Splitting out from 106.10.50 due to length and complexity. Outlines waiver process for Buy America Materials. Still waiting on review from FHWA
4& - 106.03.50	Brayack	General Information Guide for Technician and Inspector Certification Program (TICP)	Updating board members, removing the Implementation Committee and removing the Attachment (incorporating into the MP itself). Pending comments from previous meeting.

Materials Procedures – Editorial Edits

None on Agenda		
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Materials Procedures - New Business with Significant or Process Updates

None on Agenda			
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Note 1:  Denotes this MP is up for Vote

Note 2: & Denotes this MP is not up for Vote

Comments

Comments due May 8th, so the Champion may review and address them. Submit comments to Adam Nester (Adam.W.Nester@wv.gov)

Next Meeting

New or Updated MPs due to the MP Chair 2-weeks before the next meeting: June 4th

Meeting Time/Date: 1:00 PM, Tuesday - June 18, 2024

Meeting Location: MCS&T Conference Room

Online Meeting: Google Meet Video Conference (Link TBD)

Additional MP Committee Meeting Information

For details of previous meetings, please visit the MCS&T MP Committee Webpage
<https://transportation.wv.gov/highways/mcst/Pages/MP-Committee-Page.aspx>

Tentative MP Committee Dates for 2024:

July 17, August 21, September 18

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

MATERIALS CONTROL, SOILS AND TESTING DIVISION
MATERIALS PROCEDURE

BASIS FOR CHARGES FOR NON-SUBMITTAL OF SAMPLING &
TESTING DOCUMENTATION BY THE ESTABLISHED DEADLINE

1. PURPOSE

- 1.1 To provide a unit cost per test to be assessed to the Contractor when testing documentation or samples are not submitted by the Contractor by the established deadline. Periodic updates of this Attachment shall be the responsibility of the Director of Materials Control, Soils and Testing Division or their designee (Director).

2. SCOPE

- 2.1 This procedure is applicable to circumstances where a construction item's testing documentation or samples are not submitted by the deadline established in this document. In the case of a general item, this timeframe is seven (7) days from the sampling date. The timeframe for special-case items such as gradations and cylinder breaks is noted in Attachment 1.
- 2.1.1 All of the following requirements shall be met to meet the above-defined timeframe:
- 2.1.1.1 Documentation submission includes: (A) generating the sample in the Division Approved Sampling and Testing software (SiteManager, AASHTOWare Projects, etc.), (B) entering all data into this system, (C) presenting the data to the District for review and (D) providing all testing documentation.
- ~~2.1.1.2 The Contractor may request to the Project, in writing a waiver for the requirements of A-D. This must be done before any material is sampled or tested. If approved, the Project will be responsible for entering the testing data.~~
- 2.2 The penalty for an infraction as described in Section 2.1 is \$700 per test. In the instance where a single test comprises of a prescribed series of sub-tests (typically 5), the cost of each infraction will be the standard rate divided by the total number of required sub-tests. This is only applicable in the certain circumstances as noted in Attachment 1.
- 2.2.1 This procedure is not limited to tests listed in Attachment 1, but applicable to any material test required by the Standard Specifications and/or Materials Procedures. For this case, the Director will establish the timeframe for the test or may utilize the standard timeframe as described in Section 2.1. The rate shall follow Section 2.2.

3. ABSENT TESTING DOCUMENTATION OR FAILURE TO TEST

- 3.1 In no case shall this Materials Procedure allow for the acceptance of non-tested material. In the case where no testing was performed, or no documentation was submitted for material, the resolution for the acceptance of the material shall be in accordance with the applicable section(s) of the Standard Specifications and Materials Procedures.

Additionally, and regardless of the outcomes of this resolution, a price assessment in accordance with Attachment 1 shall also be assessed.

Ronald L. Stanevich, PE
Director
Materials Control, Soils & Testing Division

MP 109.00.21 Steward – Materials Control Section
RLS:B
ATTACHMENT

Cost Penalties Per Test

Material Category	Test and Rate	Testing Time Frame (Days)	#Cost/Ea	Cost
Soil and Aggregate	In-Place Density (5 tests)	*T	0.2 (*Rate)	*Rate
	Gradation (Each Test)	14	-	*Rate
	Liquid and Plastic Limits	*T	-	*Rate
	Crushed Particle Analysis	14	-	*Rate
Asphalt	Asphalt Mixture Test	*T	-	*Rate
	In-Field Density Testing	*T	0.2 (*Rate)	*Rate
Chip Seal	Gradation (Each Test)	*T	-	*Rate
Concrete	Abar	14		*Rate
	Optimized Gradation	14		*Rate
	Cylinder Test	35		*Rate
	Rapid Chloride Permeability	*T		*Rate
	Air and Slump (1 test)	*T		*Rate
Grout	Grout Break Report (Each Test)	*T		*Rate
	Grout Strength Report	*T		*Rate
CLSM	Cylinder Test	35		*Rate
	Flow Test	35		*Rate

*T - Standard timeframe as described in Section 2.1

*Rate - Standard rate as described in Section 2.2

#Cost/Ea - Unless there is rate in this column, each infraction results in the full rate

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
MATERIALS CONTROL, SOILS AND TESTING DIVISION

MATERIALS PROCEDURE

PROCEDURE FOR EVALUATING PRODUCTS FOR USE
IN HIGHWAY CONSTRUCTION

1. SCOPE

- 1.1 New products are frequently presented to the Division by various manufacturers, suppliers and/or producers (MS&Ps) with a request that they be considered for use in our highway program. To facilitate handling of such requests in a uniform and expeditious manner, this Materials Procedure outlines the steps necessary for such product submittal and evaluation. This Procedure covers the addition of approved submitted products to the Division's Approved Product List (APL).
- 1.1.2 This Materials Procedure outlines the review of materials for use outside of standard bid contract work. This applies to District Purchase Order Projects and outlines a path for the addition of materials to the Division's Qualified Purchase Order Materials (QPOMs).

2. REFERENCE DOCUMENTS

- 2.1 MP 106.00.03: Guidelines for Establishing and Maintaining Approved Product Lists of Materials, Systems and Sources.
- 2.2 MP 106.10.50: WVDOH Buy America Acceptance Guidelines.

3. DEFINITIONS

- 3.1 MCS&T Reviewing Entity: The applicable Section Supervisor at MCS&T who is responsible for the review and acceptance of a new product.
- 3.2 Non-MCS&T Reviewing Entity: A subject matter expert at a WVDOH division separate from MCS&T.
- 3.3 Project: For this Materials Procedure, this term means a traditional bid contract.
- 3.4 QPOM: Qualified Purchase Order Material.
- 3.5 QPOS: Qualified Purchase Order Submittal
- 3.23.6 PO Project: Purchase Order Project.

4. SUBMISSION OF PRODUCT

- 4.1 Consideration for ~~new~~ product evaluation shall be requested through completion by the MS&Ps of ~~WVDOH~~ Form HL-468, "Preliminary Information for New Product Evaluation". Once completed, DOH Form HL-468 shall be submitted to the MCS&T) via email to the New Products Evaluation email address: DOHNewProducts@wv.gov .

- 4.1.1 The HL-468 Form can be found on the MCS&T Division's Materials Procedures [Webpage](#)¹. A sample of this form is shown in Attachment 1. An online form may also be used to meet this requirement.

5. REVIEW OF SUBMITTED PRODUCT

- 5.1 Upon receipt of the completed Form HL-468, the ~~Materials Control, Soils and Testing~~MCS&T Division shall distribute to applicable MCS&T Reviewing Entity for preliminary evaluation.
- 5.1.1 Within 30 calendar days of receipt, the MCS&T Reviewing Entity shall review the submittal in accordance with the applicable material requirements and decide if the product is acceptable.
- 5.1.2 This MCS&T entity shall ultimately be responsible for ~~the approving the review~~ of the new product, though they may reach out to Non-MCS&T Reviewing Entities for additional approving criteria.
- 5.1.3 A Non-MCS&T Reviewing Entity shall be given 7 calendar days to review the submission before making a final decision. If the entity does not respond within that time, their affirmation for the approval will be assumed by the MCS&T Entity.
- 5.2 If the preliminary review indicates that the product may be accepted without further evaluation, the Product shall be considered accepted and added to the APL.
- ~~5.3~~ If the reviewing entity determines that the WVDOH does not currently have any specifications for the submitted product, ~~a "No APL" letter shall be issued~~this product shall be classified as a QPOS. Further review shall be done to indicate if the QPOS performs as specified by the manufacturer. If this product meets those criteria, a QPOM letter shall be issued. The issuance of this letter does not mean the product cannot be used on a contract project, but rather, another acceptance method may be used to accept the material on those projects.
- ~~5.3.1~~ If a QPOS is submitted, has been tested by another entity and appears on the AASHTO Product Evaluation and Audit Solutions UP3 portal, this testing data may be used to evaluate and approve the material for the QPOM list.
- ~~5.2-15.3.2~~ If the review of the QPOS indicates that the product does not meet those criteria, a non-approval letter shall be issued.
- ~~5.3-15.4~~ 5.4 If the preliminary review indicates that additional information is needed, the MS&P shall be notified to submit additional information. This may include but not be limited to: samples, product specifications, certified test data, or product demonstrations. Product testing shall be coordinated by the MCS&T Division with the results of any further testing/evaluation being submitted to all appropriate evaluating parties. In the case where additional information has been requested or additional testing is required, the 30-day timeframe shall be reset to the date when the additional information is provided, or the testing has been completed.
- ~~5.3-15.4.1~~ 5.4.1 If the MS&P fails to submit the request information within 30-days, the reviewing entity may reject the request. Discretion may be given if the information request requires testing or evaluation that would exceed this time frame.

¹ <https://transportation.wv.gov/highways/mcst/Pages/MP-100s.aspx>

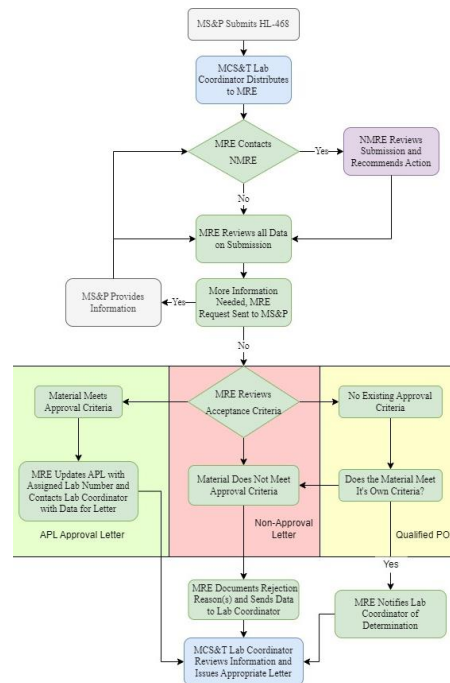
5.45.5 If the evaluation indicates that the product is not acceptable, the Manufacturer/Supplier shall be notified by MCS&T. The MS&P shall not submit the same product for evaluation during the same calendar year.

5.55.6 In the instance where a product has significant approved usage, the Director (or their Designee) of MCS&T may add a product to either a new or existing APL as per MP 106.00.03. If a product is a candidate for being added to the APL in this manner, the MCS&T Lab Coordinator shall contact the MS&P prior to the addition of the product to the APL to request completion of the required HL-468.

5.65.7 Sample language for submission responses is shown in Attachment 2.

5.75.8 A flow chart for the process is provided in Figure 1

Figure 1: Flow Chart for Approved Products List Process.



Key:

MRE: MCS&T Reviewing Entity

NMRE: Non-MCS&T, WVDOH Reviewing Entity

MS&P: Manufacturers, Suppliers and/or Producers

6. DOCUMENTATION OF **APPROVED-REVIEWED** PRODUCTS

6.1 MCS&T shall maintain a directory on the [Division's APL Webpage](https://transportation.wv.gov/highways/mcst/Pages/APL_By_Number.aspx)² listing all the current approved products.

6.1.1 Additionally, MCS&T may evaluate the product listing after one year to determine if the performance or functionality of the product/process meets the desired results,

² https://transportation.wv.gov/highways/mcst/Pages/APL_By_Number.aspx

goals, or intentions of the DOH. Any such evaluation may result in the product being removed from the Approved Product List.

- 6.2 All products which appear on the Division's APL are approved for use on PO Projects.
- 6.3 MCS&T shall maintain a directory on the Division's QPOM Webpage³ listing all products in this category.
- 6.3.1 Additionally, MCS&T may evaluate the QPOM listing after one year to determine if the performance or functionality of the product/process meets the desired results, goals, or intentions of the DOH. Any such evaluation may result in the product being removed from the list.

7. REMOVAL OF PRODUCT FROM APL

- 7.1 If, at any time the reviewing entity determines that a previously approved product no longer meets the specifications, the product shall be removed from the MCS&T approved product list.
- 7.2 In this instance, the reviewing entity shall notify the MS&P.

8. BUY AMERICA

- 8.1 Each HL-468 submission must include whether the product meets the Federal and State Buy America requirements of Section 106.1 of the Specifications. If the MS&P indicates that their product meets Buy America requirements, the company shall produce a notarized Certificate of Compliance (CoC) signed by a company official with knowledge and authority to certify the product is compliant with applicable Buy America requirements.
- 8.1.1 In the event where the source of materials is changed and is no longer Buy America compliant, the MS&P must notify MCS&T in writing.
- 8.1.2 Under no circumstance shall the CoC described above be used for Buy America compliance on a project. Each project must submit a CoC as described in MP 106.10.50 "WVDOH Buy America Acceptance Guidelines."
- 8.2 A notarized CoC shall contain the following information:
- 8.2.1 Title: Certification of Buy America compliance for Source Approval.
- 8.2.2 The Name, Address and Contact Information for the Company.
- 8.2.3 The date of the application
- 8.2.4 A company statement that demonstrates compliance with Buy America.
- 8.2.5 The name of the material and/or material code reference in the CoC. This material name shall be a clear, common name of the material that is comparable to the [AWP Material Name](#)⁴. Part Numbers etc. may also be on the document if the company wishes.
- 8.2.6 Signature of the Company Official and date.

³ https://transportation.wv.gov/highways/mcst/Pages/APL_By_Number.aspx

⁴ See "AWP Material Codes" at <https://transportation.wv.gov/highways/mcst/Pages/tbox.aspx>

- 8.3 The document must be notarized.
- 8.4 A sample of this CoC document is provided in Attachment 3.

Ronald L. Stanevich, PE, Director
Materials Control, Soils & Testing Division

MP 106.00.02 Steward – Lab Support Section
RLS:B
ATTACHMENTS

ATTACHMENT 1 - SAMPLE HL-468 FORM

~~PLACEHOLDER~~ FOR COMMITTEE SHOWN AFTER ATTACHMENT 2

Attachment 2: Sample APL Response Language

1. NO APL RESPONSE:

The West Virginia Division of Highways (WVDOH) has evaluated your submittal of <Product Name>, <Product Material> as per Materials Procedure MP 106.00.02. This Division is not approving your material at this time for the Approved Product List; the WVDOH does not currently have a Specification or Materials Procedure which applies to your product.

This product has been evaluated and meets the provided criteria. This material has been added to the Qualified Purchase Order Material List, which is available on the Division's Webpage.

The inclusion of the material into a contract project's designs does not rest with this Division, though it may be specified at the discretion of WVDOH Designers or requested to be used by Contractors. If a contractor would propose to use it on a WVDOH project, or if the product is specified in Contract Documents, this product may be used, pending an individual evaluation on that project.

2. NON-APPROVAL RESPONSE (APL)

This material was submitted to the West Virginia Division of Highways for consideration in accordance with Materials Procedure 106.00.02.

This letter is to notify you that the Division has elected to not approve this product currently. As per Section <XXX> of the Standard Specifications Roads and Bridges, "<Description of Non-Approval Reason>."

3. NON-APPROVAL RESPONSE (QPOM)

This material was submitted to the West Virginia Division of Highways for consideration in accordance with Materials Procedure 106.00.02.

This letter is to notify you that the Division has elected to not approve this product currently. As per the provided criteria, this material <description of failure>."

3.4. APPROVAL RESPONSE

West Virginia Division of Highways (WVDOH) Laboratory Approval Numbers 2XXXXXXX has been issued to your company <Name of Company>, for the above-mentioned product. The approval number, effective Date Month Day, 20XX, must appear on all shipping documentation for said product supplied to the Division of Highways projects.

ATTACHMENT 3: SAMPLE COMPLIANCE FORM
**Certification of Buy America, Build America Compliance
For Source Approval**

Acme Manufacturing Company
123 Main Street
Charleston, WV
25302

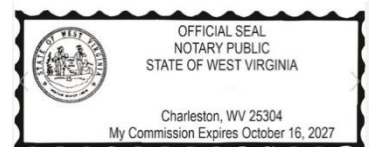
HL 468 Submission Date: 10/31/2022

The below listed materials and products meets all the requirements of all Federal and State Laws for Buy America, including but not limited to: Chapter 5, Article 19 and Chapter 5A, Article 3 Section 56 of the West Virginia Code; 23 U.S.C. 313 Buy America, 23 CFR 635.410 Buy America Requirements, and Build America, Buy America Act, Section 70914.

This Certification of Compliance is for the material listed below:

526.003.004 - Widget, Part Qi
596.003.004 - Widget, Part Hr

Jonathan Doe, Quality Assurance Manager



WVDOH Use Only

Reviewed by:

Reviewed Date:

Status:

HL-468-22

ATTACHMENT 1 - SAMPLE HL-468 FORM

PAGE 1 OF 3

WEST VIRGINIA DIVISION OF HIGHWAYS

PRELIMINARY INFORMATION FOR TECHNOLOGY/PRODUCT EVALUATION

1 TRADE NAME _____

MANUFACTURER _____

ADDRESS _____ APPLIED FOR? _____
City State Zip

2 REPRESENTATIVE _____

ADDRESS _____ PHONE _____
City State Zip

3 PRODUCT CATEGORY _____

4 EXISTING MATERIAL CODE: _____

5 BUY AMERICA BUILD AMERICA COMPLIANT? _____ NO _____ YES

5A IF 5 IS YES, SIGNED AND NOTARIZED CERTIFICATE OF COMPLIANCE
PROVIDED IN ACCORDANCE WITH MP 106.00.02 _____ YES

6 RECOMMENDED USE - PRIMARY

7 RECOMMENDED USE - ALTERNATE

8 ANY KNOWN OR PROBABLE ADVERSE AFFECT ON PRESENTLY USED OR
INSTALLED MATERIALS, STRUCTURES OR EQUIPMENT

9 PLAN DRAWING, PICTURE, OR SKETCH FURNISHED BY MANUFACTURER?

_____ YES _____ NO

<-OTHER

NO

NO

AT SITE

NO

NO

NO

NO

CONDITIONS?

19 BACKGROUND DESCRIPTION OF COMPANY AND ITS PRODUCT

20 ADDITIONAL INFORMATION

PAGE 3 OF 3

21 THE FOREGOING INFORMATION IS FURNISHED BY

NAME/TITLE: _____

EMAIL ADDRESS: _____

EMAIL COMPLETED FORMS TO:

DOHNewProducts@wv.gov

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
MATERIALS CONTROL, SOILS AND TESTING DIVISION

MATERIALS PROCEDURE

WVDOH BUY AMERICA WAIVER GUIDELINES

1. PURPOSE

- 1.1 To set forth instructions for Waivers for Buy America Materials.
-

2. REFERENCED DOCUMENTS

- 2.1 PUBLIC LAW 117–58—NOV. 15, 2021, Infrastructure Investment and Jobs Act.
2.2 23 U.S.C. 313 and 23 CFR 635.410 Buy America Requirements.
2.3 Build America, Buy America Act (BABA).
2.4 2 CFR part 184 Buy America Preferences for Infrastructure Projects.
2.5 M-22-11 Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.
2.6 M-24-02 Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.
2.7 Chapter 5, Article 19 and Chapter 5A, Article 3, Section 56 of the West Virginia Code, entitled “West Virginia American Steel Act of 2001.”
2.8 MP 106.10.50 – WVDOH Buy America Acceptance Guidelines.
-

3. OVERVIEW OF BUY AMERICA WAIVERS

- 3.1 In certain circumstances, waivers may be applied to materials exempting them from both Federal and State Buy America requirements.
3.2 For each type of material as described in MP 106.10.50, a separate process is described.
-

4. BUY AMERICA WAIVERS AND EXCEPTIONS FOR STEEL AND IRON

- 4.1 Both Federal and State laws require waivers for Buy America. These waivers are independent of each other. Compliance and acceptance of one waiver does not in any way shape or form demonstrate compliance with the other waiver.
4.1.1 As provided for in 23 CFR 635.410(c)(1), WVDOH may request a waiver from Federal Buy America requirements for steel and iron materials if: (1) the application of Buy America requirements would be inconsistent with the public interest; or (2) steel and iron materials/products are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality.
4.2 Federal Minimal Use Waiver: Steel and Iron Materials.
4.2.1 As provided for in 23 CFR 635.410(b)(4), an exception from Federal Buy America requirements exists for the minimal use of steel and iron materials “if the cost of such

materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For the purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project”.

- 4.2.2 Authority for determining applicability and issuance of a minimal use exception for steel and iron materials has been delegated to the West Virginia Department of Transportation through its Stewardship and Oversight Agreement with the FHWA West Virginia Division Office.
- 4.2.3 Procedure for granting a minimal use exception from Federal Buy America requirements for the minimal use of steel and iron materials.
 - 4.2.3.1 The Contractor shall submit a letter to the District Construction Engineer requesting a minimal use exception for the use of foreign steel or iron materials. The letter shall demonstrate that the cost of the foreign steel or iron materials to be incorporated into the project do not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. Attached to the letter shall be documentation (e.g., invoices) which demonstrates that the cost of the foreign steel or iron materials requested to be used is the cost of the materials as they are delivered to the project.
 - 4.2.3.2 If the District Construction Engineer determines a minimal use exception is applicable and appropriate, they will respond to the Contractor via letter granting a minimal use exception.
 - 4.2.3.3 All documentation related to the granting of a minimal use exception shall be maintained in the project files.
- 4.3 State Minimal Use Waiver: Steel Products.
 - 4.3.1 As provided for in Chapter 5A, Article 3 Section 56 of the West Virginia Code, an exception from West Virginia domestic steel preference requirements exists for the minimal use of foreign steel products, when authorized in writing by the director of Purchasing Division, if “The cost for each contract item used does not exceed one tenth of one percent of the total contract cost or \$2,500, whichever is greater. For the purposes of this section, the cost is the value of the steel product as delivered to the project.”
 - 4.3.2 Procedure for granting a minimal use exception from West Virginia domestic steel requirements:
 - 4.3.2.1 The Contractor shall submit a letter to the District Construction Engineer requesting a minimal use exception for the use of foreign steel products. The letter shall demonstrate that the cost of the foreign steel products to be incorporated into the project do not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. Attached to the letter shall be documentation (e.g., invoices) which demonstrates that the cost of the foreign steel products requested to be used is the cost of the materials as they are delivered to the project.
 - 4.3.2.2 If the District Construction Engineer determines a minimal use exception is applicable and appropriate, they will draft a letter to the director of Purchasing Division requesting the minimal use exception. The letter shall demonstrate that the cost of the foreign steel products to be incorporated into the project does not exceed

one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. Attached to the letter shall be documentation (e.g., invoices) which demonstrates that the cost of the foreign steel products requested to be used is the cost of the materials as they are delivered to the project.

- 4.3.2.3 If approved by the director of Purchasing Division, the District Construction Engineer will respond to the Contractor via letter granting a minimal use exception.
- 4.3.2.4 All documentation related to the granting of a minimal use exception shall be maintained in the project files.

5. BUY AMERICA WAIVERS AND EXCEPTIONS FOR MANUFACTURED PRODUCTS

- 5.1 There is a long-standing, historic waiver for Manufactured Products.
- 5.2 There are currently no additional exceptions for Federal Buy America Requirements for Manufactured Products.

6. BUY AMERICA WAIVERS AND EXCEPTIONS FOR CONSTRUCTION MATERIALS.

- 6.1 There are currently no additional exceptions for Federal Buy America Requirements for Construction Materials.

7. BUY AMERICA WAIVERS

- 7.1 Unless delegated by the West Virginia FHWA, the following paragraphs apply for the issuance of Buy America Waivers.¹
- 7.2 Pursuant to Section 70914(b) of BABA and 2 CFR 184.7, the head of a Federal agency may waive the application of a Buy America preference under an infrastructure program in any case in which the head of the Federal agency finds that:
 - 1. Applying the Buy America preference would be inconsistent with the public interest (a “public interest waiver”);
 - 2. Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or
 - 3. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).
- 7.3 Federal agencies are responsible for processing and approving all waivers, including waivers requested by recipients and on behalf of subrecipients consistent with the procedures in 2 CFR 184.7. Every waiver must be reviewed by the MIAO. To the

¹ M-24-02: Memorandum for the Heads of Executive Departments and Agencies, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, Page 6.

greatest extent practicable, waivers should be targeted to specific products and projects.

- 7.4 A request for a Buy America waiver, accompanied by supporting information, must be submitted in writing to the FHWA West Virginia Division Administrator for consideration.

Ronald L. Stanevich, P.E.

Director

Materials Control, Soils & Testing Division

MP 106.10.51 Steward – Materials Control Section

RLS:B

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
MATERIALS CONTROL, SOILS AND TESTING DIVISION

GENERAL INFORMATION GUIDE FOR TECHNICIAN AND INSPECTOR
CERTIFICATION PROGRAM (TICP)

1. PURPOSE

- 1.1 The purpose of the West Virginia Division of Highways (WVDOH) Technician and Inspector Certification Program is to improve the quality assurance of embankments, subgrades, base course, asphalt and Portland cement concrete by the certification of industry and WVDOH. This procedure is to establish guidelines for this purpose.

2. GENERAL

- 2.1 It is the WVDOH's intent to conduct a cooperative program of training, study, and examination so that personnel of the producer, contractor, and the WVDOH will be able to better assure, by their increased technical knowledge, the level of quality required by the governing Specifications.

3. SCOPE

- 3.1 This procedure is applicable to all requirements, guidelines, and other support documents of the WVDOH that reference conditions, methods, and levels of qualification specific to the WVDOH Training and Certification Program.

4. POLICIES AND ADMINISTRATION

- 4.1 ~~Board of~~ Certification Board - The Certification Program will be carried out in accordance with general policy guidelines established or approved by the Chief Engineer. They will be advised by a Board composed of the following members:

1. Chief Engineer
2. ~~Human Resources Director~~ Deputy General Counsel
3. Materials Control Soils and Testing (MCS&T)'s Director
4. Quality Assurance Training Program Administrator
5. Applicable MCS&T Supervisors

- 4.1.1 The Certification Board will meet upon call of the MCS&T's Director.

4.2 Administration - The program will be administered by the Director of the MCS&T (hereafter referred to as "Director"), or their Designee. ~~The Director will have the assistance of an Implementation Committee appointed by the Chief Engineer as follows:~~

4.3 ~~Quality Assurance Training Program Administrator~~

4.4 ~~Applicable MCS&T Supervisors~~

4.5 ~~A representative of the WVDOT Human Resources Division.~~

4.5.1 ~~In addition, the Certification Board may jointly select representatives of producers and contractors to work with the Implementation Committee at such times and on such matters as the Director and the representatives mutually agree. These representatives shall not be candidates for certification.~~

4.5.2 ~~The Implementation Committee will meet upon call of the Director, or person authorized by the Director. The board shall have a minimum of three (3) members in order to form a quorum for a meeting.~~

4.5.34.1.2 The Program Administrator shall be appointed by the Director. The Program Administrator will be assigned to assist the Director in administering the program and to handle planning, administration, and coordinating functions as may be delegated within the scope of appropriate WVDOT directives.

5. REQUIREMENTS

5.1 Where applicable, quality control representatives of a contractor or producer will be certified in one (or more) of the certifications listed in Section 6.0 below, depending upon the individual's duties or responsibilities. Responsibilities and qualification requirements are listed in appropriate support documents such as Materials Procedures, Quality Control Plans and others.

5.2 For purposes of the WVDOT Quality Assurance Program, a non- WVDOT certified technician/Inspector represents the company of which he/she is a full-time employee on the WVDOT project, owner, or partner (as defined by the Federal Wage and Hour Legislation). If said company has subsidiary or affiliated organizations, each organization will be required to have its own certified Technicians/Inspectors where applicable unless the Chief Engineer makes an exception. Exceptions will be granted only when it can be proven that the certified Technician/Inspector actually performs the duties of the technician/inspector for all of the subsidiary or affiliated organizations.

5.3 Designated WVDOT personnel will be certified where applicable in one (or more) of the certifications listed in Section 6.0 in this document depending upon the individual's duties and responsibilities.

6. CERTIFICATION CLASSES

6.1 The TICP offers certification classes in the following disciplines:

1. Aggregate Technician
2. Aggregate Sampling Inspector
3. Soils & Aggregate Compaction Technician
4. Portland Cement Concrete Technician
5. Portland Cement Concrete Inspector
6. Asphalt Plant Technician
7. Asphalt Field Technician
8. Asphalt Field & Compaction Technician
9. Radiation safety

EXCEPT AS NOTED HEREIN ALL CERTIFICATIONS ARE VALID FOR A THREE-YEAR PERIOD

5.46.2 All certifications listed in the sections below require written examinations. Some of the listed certifications require a practical examination after successful completion of the written examination. It is the responsibility of the applicant to determine which certification is applicable to ~~his/her~~their assignment. Following is a description of the certifications listing relevant information about each:

5.56.3 Aggregate Certifications

5.5.16.3.1 Aggregate Sampling Inspector - The web-based examination for an Aggregate Sampling Inspector consists of the following areas:

1. Specifications
2. Sampling Fundamentals
3. Sampling Methods and Equipment
4. Gradations
5. T11 Wash Test

5.66.4 The Aggregate Sampling Inspector requires the successful completion of an online examination. Certification as an Aggregate Sampling Inspector qualifies the employee, either Industry or Division, to perform sampling of aggregates relevant to the Quality Control Program or Acceptance Program respectively.

5.6.16.4.1 Aggregate Technician - The written examination for an Aggregate Inspector consists of the following areas:

1. Aggregate Specifications and Procedures
2. Aggregate Fundamentals
3. Sampling, Control, and Inspection of Aggregates
4. Aggregate Testing

5.6.26.4.2 After successful completion of the written examination, the applicant will be required to pass a practical examination consisting of ~~his/her~~their demonstration of testing common to normal aggregate quality requirements. Certification as an Aggregate Inspector qualifies the employee, either Industry or Division, to perform sampling

and/or testing of aggregates relevant to the Quality Control Program or Acceptance Program respectively.

5.76.5 Compaction Certifications

5.7.16.5.1 Soils and Aggregate Compaction Inspector - The written examination for this class ~~Soils and Aggregate Compaction Inspector~~ consists of the following areas:

1. Specifications
2. Soil Compaction Test Procedures
3. Radiation Safety and Nuclear Gauge
4. Test Procedure Problems

5.7.26.5.2 After successful completion of the written examination, the applicant will be required to pass a practical examination demonstrating his/her/their proficiency in using the testing equipment. Certification of the Soils and Aggregate Compaction Inspector qualifies the employee, either Industry or Division, to conduct tests on all Soil and Aggregate construction materials that require compaction testing.

5.86.6 Concrete Certifications

5.8.16.6.1 Concrete Technician - The written examination this class ~~for a Concrete Technician~~ consists of the following areas:

1. Specifications
2. Fundamentals
3. Sampling and Testing
4. Control and Inspection
5. Mix Proportioning and Adjustment

5.8.26.6.2 The Concrete Technician requires only the successful completion of the written examination; no practical examination test is required. Certification of the Concrete Technician qualifies the employee, either Industry or Division, to make plant and mix adjustments, proportioning, and other duties.

5.8.36.6.3 Concrete Inspector - The written examination for this class ~~a Concrete Inspector~~ consists of the following areas:

1. Fundamentals
2. Sampling and Testing
3. Control and Inspection
4. Specifications

6.6.4 After successful completion of the written examination, the applicant will be required to pass a practical examination demonstrating his/her/their proficiency in conducting tests common to concrete quality control. Certification as a Concrete Inspector qualifies the employee, either Industry or Division, to perform sampling and/or testing of concrete relevant to the Quality Control Program or Acceptance Program respectively.

6.6.5 American Concrete Institute (ACI) Field Testing Grade I certification will be accepted as a portion of the West Virginia PCC Inspector training. However, the applicant must

pass the online West Virginia PCC Inspector written certification test before a certification will be issued.

~~5.96.7~~ Asphalt ~~Mixture~~ Certifications

~~5.9.16.7.1~~ Asphalt Plant Technician - The written examination for ~~an Asphalt Plant Technician~~this class consists of the following areas:

1. Specifications
2. Fundamentals
3. Sampling and Testing
4. Control and Inspection
5. Mix Proportioning and Adjustment

~~5.9.26.7.2~~ After successful completion of the written examination, the applicant will be required to pass a practical examination demonstrating their proficiency in conducting tests common to Asphalt quality control. Certification of the Asphalt Technician qualifies the employee, either Industry or Division, to take asphalt mixture samples, perform quality control or quality assurance testing on plant produced asphalt mixtures, make plant and mix adjustments, aggregate proportioning, and other duties.

~~6.7.3~~ Asphalt Field Technician (AFT) Asphalt Field Technician – The written examination for an Asphalt Field Technician. This class consists of the following areas:

1. Specifications
2. Surface Preparation
3. Mix Delivery and Placement
4. Joint Construction
5. Asphalt Compaction
6. PWL
7. Troubleshooting

~~6.7.4~~ Successful completion of the written examination is required. Certification as an Asphalt Field Technician qualifies the employee, either Industry or Division, to oversee or inspect asphalt pavement construction. In addition, the class hand-out material is a valuable reference tool for each stage of the construction process.

~~5.9.36.7.5~~ Asphalt Field and Compaction Technician (AFCT) Asphalt Field Technician – The written examination for ~~an Asphalt Field Technician~~this class consists of the following areas:

1. Specifications
2. Surface Preparation
3. Mix Delivery and Placement
4. Joint Construction
5. PWL

- 8. Troubleshooting
- 9. Compaction Test Procedures
- 10. Radiation Safety and Nuclear Gauge
- 11. Test Procedure Problems
- 12. Testing Forms

- ~~1. Specifications~~
- ~~2. Surface Preparation~~
- ~~3. Mix Delivery and Placement~~
- ~~4. Joint Construction~~
- ~~5. PWL~~
- ~~6. Asphalt Compaction~~

~~5.9.46.7.6~~ Successful completion of the written examination and a practical examination test is required. Certification as an Asphalt Field and Compaction Technician qualifies the employee, either Industry or Division, to oversee or inspect asphalt pavement construction. In addition, the class hand-out material is a valuable reference tool for each stage of the construction process. The required radiation safety training is included in this class and will certify attendees with a passing score to perform nuclear density testing on asphalt pavements.

~~5.9.4.1~~ Asphalt Field and Compaction Technicians must also be evaluated by qualified District personnel on the first WVDOH paving project in which they perform this testing. The District personnel will make the decision as to whether or not the technician is correctly conducting the nuclear density tests in accordance with the Specifications. The District will also complete an evaluation form and send it to the MCS&T for processing. A technician that does not demonstrate proper nuclear density testing techniques shall not be allowed to continue testing on the WVDOH project. They must be replaced by another qualified technician. Anyone who does not meet the evaluation standards must provide proof of additional WVDOH approved radiation safety training before another evaluation will be conducted.

~~5.9.56.7.7~~ Inertial Profiler Operator- The written examination for the inertial profiler operator covers of the following areas:

1. WVDOH Specifications
2. AASHTO and ASTM Specifications
3. Knowledge of operation and analysis of collected data.

~~5.9.66.7.8~~ This certification covers an employee of either a contractor, consultant, or DOH staff to operate a lightweight/low-speed and high-speed inertial profiler.

~~5.106.8~~ Radiation Safety

~~5.10.16.8.1~~ This certification is required by the Nuclear Regulatory Commission (NRC) before operating a portable nuclear gauge. The training consists of 3 - 4 hours classroom instruction and has a 25-50 question closed book exam. A minimum score of 70 percent is required for passing the course. The course and exam will cover the following areas:

1. Proper storage and security of portable nuclear gauges

2. Transportation of portable nuclear gauges
3. Personal safety while operating a portable nuclear gauge.

7. TESTING PROTOCOL

7.1 TESTING PROTOCOL

7.1.1 The TICP has a testing protocol that must be followed. The protocol includes testing environment, time limits, proctoring exams, etc. The entire protocol will be covered with attendees prior to testing.

7.2 CLASS SUPPLY LIST

7.2.1 We recommend that participants bring the following items with them to the certification classes:

1. Laptop Computer or Tablet (Mandatory)
2. Photo ID
3. Current WV Specification book and the latest Supplemental to the Specification book. You will need this during the test. These are also available in printable PDF format on the WVDOT Webpage.¹
4. Hand held calculator (No electronic devices other than a Hand held calculators are allowed to be used during testing.)
5. Highlighters
6. Sticky Notes
7. Ruler / Straight edge

~~5.11.7.3~~ Special needs and requests:

~~5.11.7.3.1~~ Applicants with special needs should notify the Quality Assurance Training Program Administrator prior to the class to ensure that the training location is prepared to accommodate their needs.

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8. CERTIFICATION AND RE-CERTIFICATION

8.1 Certification

8.1.1 An individual must pass the examination in each level for which they are requesting certification. Unless otherwise noted, to pass the written examinations, the applicant must obtain a minimum score of 70 percent.

8.1.2 If an applicant fails to receive a minimum score of 70% on the first exam, they will be given another attempt at a later date to score a 70%. This second attempt shall be a subsequent, scheduled make-up exam. Failure to attend any examination counts as a failed exam.

8.1.3 Upon successfully completing the requirements for certification, applicants may print their certification card from the divisions Webpage. <http://dotftp.wv.gov/materialsdir/>

¹ <https://transportation.wv.gov/highways/contractadmin/specifications/Pages/default.aspx>

8.1.4 This certification is not transferable. A certification is valid for up to Three years and expires December 31, of the 3rd year of certification.

8.2 Re-Certification

8.2.1 The responsibility for obtaining re-certification shall lie with the certified individual.

8.2.1.1 Certification holders are responsible to ensure that their certifications stay current. The West Virginia Division of Highways will no longer mail reminder letters to certification holders.

8.2.2 The renewal of all certifications shall require a written exam and a hands-on practical exam, where applicable.

8.2.3 Applicants will be given two scheduled attempts to pass the recertification exam and one attempt to pass the practical exam (each, respectively). Any applicant that fails to acquire a minimum score of 70% on a recertification exam or who fails the subsequent practical exam will not have their certification renewed. The applicant will be required to take the respective certification classes at the next available time given by MCS&T.

8.2.4 Any failed recertification examination taken prior to the expiration date of the current certification, either practical or written will not result in termination of any current certification prior to the expiration date of that certification.

8.2.5 The certification holder is responsible updating their personal information on the online learning website².

8.2.6 If an applicant seeking recertification disagrees with a recertification decision, they may file a written appeal with the board.

8.3 If certification is not renewed by December 31, the Technician should take the class and shall take the full exam and practical at the next available offering.

9. RECIPROCAL CERTIFICATIONS

9.1 Acceptance of WVDOH Certifications by other state agencies is at the sole discretion of the other agency.

6.10. TRAINING

6.10.1 Training - The Division of Highways, contractors, and producers may sponsor courses of instruction consisting of schools and seminars to help prepare personnel for certification under one or more of these certification programs. To the extent possible, these courses of instruction will be joint efforts of the industry and WVDOH. Nothing in this document shall be interpreted to prohibit any party from conducting courses of instruction for their personnel to assist in preparation for these exams.

6.210.2 The purpose of the schools is to provide helpful information and instruction for people preparing to take the WVDOH Technician/Inspector examinations. These courses are

² <http://www.onlinelearning.wv.gov/student/home.html>

designed to provide instruction for people with a basic foundation in the subject matter.
Work experience in the subject matter is encouraged before attending classes.

7.11. EXAMINATIONS

- 7.1 — ~~Examinations, both written and practical, will be coordinated by MCS&T. The locations and dates of the examinations will be announced on the MCS&T's Webpage³. The examinations may be held on a regional basis when feasible. Most written examinations will be an "open-book" type, with a time limit. Practical examinations require performance of the tests required by the Specifications for the material type involved.~~
- 7.2 — ~~To pass the written examinations, the applicant must obtain a score of at least 70 percent. The Inertial Profiler Operator exam requires a minimum of 75 percent to pass. The applicant will be allowed two attempts within a 12-month period to obtain a passing score per each certification class attended.~~
- 7.3 — ~~After the applicant passes the written examination, the applicant will have two attempts within a 12-month period to pass the practical exam. (Where applicable)~~
- 7.4 — ~~Certificate Non-Transferable — The status of the certification for a Technician or an Inspector is not transferable and is valid only for the quality control procedures designated by the bearer's certificate.~~
- 7.5 — ~~Revocation of Certificate — If at any time a WVDOH, contractor's, producer's, or supplier's Technician or Inspector is found to have altered or falsified test reports or is found to have improperly performed tests or reported their results, the individual's certification may be rendered invalid by the Chief Engineer upon recommendation of the Implementation Committee and/or the Board.~~
- 7.611.1 ~~Renewal and Certification – Certifications shall be renewed as required in the Technician Inspector Certification Program (TICP) handbook~~this document. General guidance and information for renewal will be recommended by the Board as required by the Chief Engineer. All certifications shall terminate on December 31st of the year of expiration. There may be written, and practical examination required for recertification where applicable. ~~More recertification information can be found in the Technician Inspector Certification Program (TICP) handbook available on the MCS&T's Webpage.~~
- 7.6.1 ~~The Implementation Committee or other designated party shall establish internal criteria for renewal. The Technician Certification Handbook with the current rules and requirements shall be posted on the MCS&T's Webpage.~~
- 7.6.211.1.1 ~~Upon obtaining renewal of certification, a renewal card may be printed from the MCS&T Webpage.~~
- 7.711.2 ~~For further information on classes, recertification, schedules, class calendars and other helpful information please visit the MCS&T's Webpage.~~

³ <http://transportation.wv.gov/highways/mest/Pages/teecheert.aspx>

8.12. FUNCTIONS AND RESPONSIBILITIES

- 8.12.1 Contractor or Producer - The producer and contractor will be responsible for product control of all materials during the handling, blending, and mixing operations. The contractor and producer also will be responsible for the formulation of a design mix that will be submitted to the Division for approval.
- 8.12.1.1 Technician/Inspector - A Quality Control representative of a contractor or producer should be a certified Technician/Inspector as outlined in Section 5. and whose responsibilities may include such duties as proportioning and adjusting the mix, sampling and testing the product, and preparing control charts.
- 8.212.2 The WVDOH - The WVDOH is responsible for all acceptance decisions.
- 8.212.2.1 District Materials Supervisor - District Materials activities are the responsibility of the District Materials Supervisor.
- 12.2.2 Division Technicians and Inspectors – The WVDOH Technicians and Inspectors will be assigned as necessary to carry out the required acceptance decision activities. The WVDOH representatives will not issue instructions to the contractor or producer regarding process control activities. However, the WVDOH representatives have the responsibility to question, and where necessary to reject, any operation or sequence of operations, which are not performed in accordance with the contract documents.

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9.13. REVOCATION OF CERTIFICATION

- 13.1 If at any time a WVDOH, contractor's, producer's, or supplier's Technician or Inspector is found to have altered or falsified test reports or is found to have improperly performed tests or reported their results, the individual's certification may be rendered invalid by the Chief Engineer upon recommendation of the Board.
- 9.1 ~~The Certification Board grants certification upon satisfactory completion and maintenance of certain conditions and may be revoked upon any breach of these conditions.~~
- 9.213.2 Generally, certifications may be revoked if in the opinion of the certifying authority, an individual has knowingly committed acts detrimental to the integrity of the Certification Program or transportation industry. Examples of situations that warrant revocation include, but are not limited to:
1. Deliberate falsification of field or quality control test results or records.
 2. Deliberate falsification of calculations, test results or materials
 3. Cheating on certification/re-certification exams.
 4. Submittal of false information on certification applications.
 5. Submitting trial mix mixture and/or calculations completed by someone other than the signatory, or knowingly supplying trial mix mixture and/or calculations for another individual's certification.

Commented [DB2]: SJ - What does this mean? What are they referring?

- 13.3 The Quality Assurance Training Program Administrator will take the lead in gathering facts and investigating any allegations which may require revocation of a certification. The review board will notify the individual in writing of intent to revoke certification(s).

14. APPEALING A DECISION

- 14.1 Any individual who disagrees with a decision by the Certification Board has 10 business days from the date of receipt of the notification to respond in writing to the board and present documentation to support their continued certification and/or request an opportunity for a meeting to present their case.
- 14.2 If the individual fails to respond within 10 days of receipt of the original notification of revocation letter, the revocation becomes final.
- 14.3 Not later than 20 business days after receiving a request for a meeting from the individual, the Certification Board will schedule a meeting in which the appellant can present their case. If the Certification Board was not persuaded by the documentation provided by the appellant and believes that revocation of the certification is warranted, the appellant may file a written appeal to the Chief Engineer for review. All information including any letter(s) of explanation from the appellant will accompany the documents submitted to the Chief Engineer. The board will mail the decision of the Chief Engineer to the appellant. The decision by the Chief Engineer is final.

15. THE LENGTH OF REVOCATION:

- 15.1 First Offense
- 15.1.1 This may include revocation of all certifications for up to one year. After the revocation period the individual may obtain recertification by passing respective certification exam and a practical (if applicable). If either exam is failed, the individual will be required to take the certification class before being permitted to test again. The individual will be required to retake and pass the written exam regardless of whether it was previously passed.
- 15.2 Second Offense
- 15.2.1 This may include revocation of all certifications for up to five years. There is also the possibility of demotion and reduced pay for WVDOH employees. After the revocation period the individual may obtain recertification by passing the respective certification exam and a practical (if applicable) at the discretion of the board. If either exam is failed, the individual will be required to take the certification class before being permitted to test again. The individual will be required to retake and pass the written exam regardless of whether it was previously passed.
- 15.3 Third Offense
- 15.3.1 This may include revocation of all certifications for life. There is also the possibility of termination, demotion and reduced pay for WVDOH employees.

16. CONTACT INFORMATION

16.1 If an applicant/technician/appellant has any questions about the DOH program or needs more information. Please contact: Qaschoolscoordinator@wv.gov

Ronald L. Stanevich, PE
Director
Materials Control, Soils & Testing Division

MP 106.03.50 Steward – Personnel, Payroll Section
RLS:Eh

ATTACHMENT