

Colorado Procedure 16-23

Standard Practice for

Management of CDOT & Consultant Materials Testing

1. SCOPE

This procedure contains a summary of the responsibilities and the process for developing the consultant materials testing contract and administering task orders. Also contained in this procedure are examples of the forms for management and evaluation of consultant materials testing on CDOT projects.

2. The following CDOT Forms mentioned in this chapter can be downloaded at the CDOT Forms Library: <https://www.codot.gov/library/forms/form-numbers-broken-down>

- CDOT Form 1322
- CDOT Form 1323
- CDOT Form 1324
- CDOT Form 313

2. SUMMARY OF RESPONSIBILITIES AND PROCESSES

The Region Materials Engineer develops the non-project-specific (NPS) materials testing consulting contract that is then reviewed for approval by the Program Engineer and Region Transportation Director. The contract is distributed to interested consultants as a part of a request for proposals. Proposals are reviewed by Region Engineers and then the Consultants are selected. Resident Engineers write task orders to provide consultant materials testing for specific projects. The business office tracks expenditures and assists in the paperwork involved in administering the NPS contracts and the task orders written under each contract. The Region Materials Engineer reviews and retains copies of consultant evaluations and coordinates solving of problems with consultant testing.

3. MANAGEMENT AND EVALUATION OF CDOT & CONSULTANT MATERIALS TESTING

- 3.1 CP 16, Pre-Testing Meeting Agenda – CDOT & Consultant Materials Testing (CDOT Form 1322)

This form is used to guide discussion and document the results of a pre-testing meeting. This meeting allows the key people involved in the testing to discuss and define each of the issues involved in consultant testing. Each item should be discussed and the results of that discussion written on the form. Pre-testing meetings have been a valuable tool to avoid problems by promoting communication on important issues before testing begins.

3.2 CP 16, Weekly Meeting Agenda – CDOT & Consultant Materials Testing (CDOT Form 1323)

This form is used to guide discussion and document the results of a meeting held each week, if needed, to determine if the consultant testing is going smoothly. These meetings allow early identification and resolution of problems. Key issues addressed at the weekly meetings are the distribution of test results, documentation of testing, proper test procedures, and how failing tests are handled. If the consultant testing is going well, then brief and informal meetings between the CDOT head tester and the consultant tester, or skipping some of these meetings, may be appropriate. If there are substantial problems then a formal meeting including the Project Engineer and the supervisor of the consultant materials tester may be needed. Use the form to document all meetings, however brief.

3.3 CP 16, Evaluation of Materials Testing – Consultant Materials Testing (CDOT Form 1324)

3.3.1 This form is used to evaluate the Consultant Project Tester and Consultant Management / Support (CM/S) after consultant testing on the project is completed. This evaluation is normally conducted by the Project Engineer. The contractor, consultant, and head tester should be interviewed before completing this form. A final meeting with the consultant to discuss strengths and weaknesses is also recommended. A copy of the completed evaluation form is part of the Finals packet and must be sent to the Region Materials Engineer and the Documentation Unit of the Central Materials Laboratory. This central record of evaluations will support a statewide review of consultant performance.

3.3.2 The Project Tester [A] section is an evaluation of the individual materials tester only.

3.3.3 The Consultant Management / Support (CMS) [B] section is an evaluation of the consultant company beyond the project tester. Description of the evaluation factors is discussed below.

3.3.3.1 Quality: Achieved desired outcomes with a minimum of avoidable errors and problems. The work was accurate and complete. The work was done efficiently and effectively.

3.3.3.2 Timeliness: Performs work within the time frames identified. Responds/replies to requests for information or assistance in a reasonable time.

3.3.3.3 Price / Budget: Effectively manages costs and adheres to the budget as specified in the contract/scope of work.

3.3.3.4 Business Relations / Customer Service: The degree to which the consultant is professional and respectful in its business approach and interactions with the agency.

3.3.3.5 Deliverables / Requirements: The degree to which the consultant is compliant in meeting the standards of contract requirements and deliverables (i.e. documentation).

4. CONSULTANT PERFORMANCE EVALUATION

- 4.1 The CDOT Consultant Performance Evaluation, CDOT Form 313, is a general evaluation of consultants performing any services for the Department.

Senate Bill 07 228 requires that all state contracts greater than \$100,000 that were signed, or changed, after July 1, 2009, must have Contractor evaluations and ratings performed. The final evaluation rating will be posted to the Contract Management Systems (CMS) public website at <http://contractswest.state.co.us>. All CDOT guidance documents, which include instructions, procedures, forms, email language, memorandums, and other information related to contractor performance evaluation, are posted on the Purchasing web page located at <//internal/Purchasing/PurchasingDocuments.cfm>.

NOTE: The CDOT Consultant Performance Evaluation using CDOT Form 313 are required and separate from the CP 16, Evaluation of Materials Testing (CDOT Form 1324). All forms are required to be completed.

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2) Special reports

In some instances that involve a long testing procedure (volumetrics, cylinders, etc.), the results need to be distributed no later than the day after the test is completed. The following protocol should be used for the distribution of these tests.

	Distributed by	Distributed when
Concrete cylinder breaks:		
Asphalt volumetrics:		
Rice:		

3) Procedural review

These are common areas of concern for testing materials on CDOT projects. It is recommended to review these during this meeting.

Forms:	Does the consultant materials tester have the Form #250? <input type="checkbox"/>	Does the consultant materials tester have the Form #379? <input type="checkbox"/>	Does the consultant materials tester have the Confidential Random Sampling Schedule? <input type="checkbox"/>	
Concrete: Time constraints and procedures for making cylinders and beams (AASHTO T 141, 23, and 97)				
Acceptance cylinders and/or beams:		Field cured cylinders:		
Sampling location within load:		Special requirements:		
Sampling method (divert entire stream): (i.e. wheelbarrow preferred)		Bridge Deck Curing Measures (thermocouples etc.):		
Location of water tank for initial cure (first 24 hours):		Maturity meter calibrations for fast track paving, completed by?		
Weekend pours (sampling and handling after 24 hours):				
Location of cure (after 24 hours):				
Transportation (how and when):				
Asphalt:	Gradation	AC/Rice	Binder	Density
Sample location:				
Sample taken by:				
Sample witnessed by:				
Sample method:				
Sample split by:				
Sample delivered by:				
Test location:				
Tested by:				
Review sample size:	Aggregate:	Binder:	HBP:	
Special sampling requirements:				

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4) Protocol for Failing Tests

During production of materials, it is possible that test results of materials could fail. It is desirable to understand the protocol that will be followed when this happens. Typical actions could include: meeting, coring, retest, third party testing, check testing program, price reduction, correction methods, suspension of production, test saved splits, etc.

Concrete	
Slump:	Air:
Compressive Strength (CP 65):	Yield:
Flexural Strength:	Sand Equivalent
How will the QLs and pay factor be handled?	

Asphalt	
Density:	Gradation:
Asphalt Content:	Stability:
Volumetrics:	Binder:
How will the QLs and pay factor be handled?	

Soils	
Density:	Moisture:
Soil Bearing Value:	
Soil Profile:	Soil type:

5) Head tester commitments

The CDOT head tester will assist the consultant materials tester with a limited amount of help. This assistance will be scheduled between the two testers. This will include: review of the Field Materials Manual, setting up the book for project documentation, reviewing the book throughout the project, new CDOT tests and protocols, and one copy of the project plans and specifications.

The CDOT head tester will not assist in training the consultant materials tester in test procedures or protocol. Consultants will provide cylinder molds (Jatco), asphalt binder cans, and 3 ring binders (all shall be new). Current copies of the specification book, Field Materials Manual, and other publications/materials needed for the project will also be provided by the consultant.

Head tester:	Phone:	Cell:	FAX:
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6) Protocol for switching consultant materials testers

It is desirable for the consultant materials tester to be the same throughout the entire project. However, it is understood that situations arise that create the need for the consultant to switch the tester. This should be minimized. When a switch does occur, the following Protocol is required for a smooth transition.

If known in advance - A reduced check testing program (at least 3 samples) needs to be performed. The replacement tester needs to spend at least one day on the project with the original tester.

If not known in advance

- A reduced check testing program (at least 3 samples) needs to be performed within one week. Additionally, the replacement tester's supervisor needs to be present for at least one full day or night of testing with the replacement tester and until the replacement tester is familiar with the project.
- The replacement tester's supervisor needs to be present for the days or nights of testing with the replacement tester until the original tester returns.

Short Term (Only 1 or 2 days)

Any additional supervision costs incurred because of switching consultant materials testers will not be charged to the project.

Materials consultant tester's immediate supervisor is:	Supervisor's phone number:	Cell:
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7) Equipment Change

The same equipment (nuclear moisture/density gauge, air meter, etc.) needs to be used throughout the project. When a tester is switched, the new tester needs to use equipment that was used previously on the project. If the equipment breaks down or is replaced, it has to be calibrated or correlated appropriately before use.

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8) Check testing program

The check testing program needs to be completed before production begins.	
Check testing started on:	Check testing completed on:
What was the average of the differences in each of the tests?	
Gradation:	Rice:
Asphalt content:	Density:
Did it correlate?	If not, then what is the next step?

9) Independent Assurance Tests

The Form #379 indicates the number of Independent Assurance Tests (IAT) that are required. It is the responsibility of the materials consultant to schedule these tests. It is necessary to schedule the tests a minimum of 24 hours in advance. To schedule the test contact:		
Contact:	Phone:	Cell:
Additionally, the tests should be scheduled (when possible) during a large or typical production operation - not the end of a job or small quantity. If there are problems with the test results, it is better to schedule the IAT sooner rather than later.		

10) Qualified laboratory

The consultant laboratory needs to be qualified in order to perform verification testing. The equipment serial numbers to be used on the project will also be documented and given to the head tester. In order to get the laboratory inspected, so that it may become qualified, contact:		
Contact:	Phone:	Cell:
Date laboratory was qualified:	By:	
AASHTO accredited laboratories will be considered qualified.		

11) Certified personnel

Do the testers have the appropriate certifications for concrete testing (ACI Lab Tech I, Lab Tech II or Field Tech I), asphalt testing (LabCAT Level A, Level B or Level C), and soils (WAQTC, Embankment and Base)?	
Tester:	Certifications:
Tester:	Certifications:

12) Resolution of testing issues

Issues may develop on the project between the contractor, consultant, and/or CDOT as a result of test results or test procedures. It is recommended that the issues be dealt with appropriately. The CDOT Head Tester or Project Engineer should deal with all issues that arise from the testers. The consultant tester should not try to resolve issues with the contractor. If the problem is not resolved, then the two supervisors should meet. Every effort should be made to resolve the issue at the lowest possible level.

13) Materials consultant supervisor

The materials consultant tester project supervisor is:	Supervisor's phone number:	Cell or Mobile:
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14) Weekly meetings

The purpose of weekly meetings is to ensure that an adequate job is being performed. If there are any issues, they need to be addressed. This meeting can be a regularly scheduled meeting or can occur sporadically depending on the progress on the project and the consultant's expertise.			
Attendance: CDOT representative, consultant tester, and contractor representative.		Where:	
Day:		Time:	
Who will attend?	Name	Company	Phone
1)			
2)			
3)			
4)			

COLORADO DEPARTMENT OF TRANSPORTATION CP 16, WEEKLY MEETING AGENDA The purpose of weekly meetings is to ensure that an adequate job is being performed. If there are any issues, they need to be addressed. This shall be used for Consultants and may be used when CDOT is performing the testing.	Region:	Residency:
	Contract ID:	Date:
	Project No.:	
	Proj. location:	

Attendance:

Name	Company	Phone
1)		
2)		
3)		
4)		
5)		

1) Test result distribution

Is everyone receiving their test results?
Are there any issues?

2) Special reports

Are test results for tests that take over 1 day being distributed timely?

3) Paperwork and documentation (Is the paperwork and documentation up to date for:)

Acceptance testing:
IATs:
COCs and CTRs (Obtained for the tires):

4) Procedural review

Are there any questions about the procedures being used?
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5) Protocol for failing tests

Have there been any failing tests?
If so, what actions have been taken?

6) Head tester commitments

Has the head tester provided the necessary assistance?
Has the consultant requested assistance in areas not required?

7) Protocol for switching consultant materials testers

Has the consultant materials tester been switched?
If so, how was the switch handled?

8) Equipment changes

Has the same equipment been used throughout the project?
If equipment was changed, was it properly correlated or calibrated?

9) Check testing

Is the check testing program complete?
Is the check testing program up to date?

10) Independent Assurance Tests

Have the Independent Assurance tests been scheduled?
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11) Miscellaneous

Are other pre-testing meeting checklist items complete?

CDOT Form 1324

COLORADO DEPARTMENT OF TRANSPORTATION CP 16, EVALUATION OF MATERIALS TESTING The contractor, consultant and head tester should be interviewed prior to completing this form. There should be a final meeting with the consultant to review strengths and weaknesses.	Region:	Residency:	
	Contract ID:		Date
	Project No.:		
	Proj. Location:		

Name of Consultant Company:	Name of Consultant Tester:
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PROJECT TESTER

Evaluation Factors:	Ratings: (5) very good, (4) good, (3) average, (2) below average, (1) poor	
1. Knowledge of test procedures		
2. Following test procedures		
3. Knowledge of project specifications		
4. Following project specifications		
5. Test result distribution		
6. Following protocol for failing tests		
7. Following instructions / directions of CDOT management staff		
8. Paperwork / documentation (during construction)		
9. Final paperwork / documentation (after construction)		
10. Time management		
11. Scheduling I.A. testing		
12. Attendance at weekly / required meetings		
13. Housekeeping / field lab organization		
14. Test equipment maintenance		
15. Proficient in SiteManager LIMS software program (CDOT FMM SMM/LIMS Section 9.0)		
Subtotal:	0.0	Average A: NA

CONSULTANT MANAGEMENT SUPPORT

Evaluation Factors:	Ratings: (5) above standard, (3) standard, (1) below standard	
1. Quality		
2. Timeliness		
3. Price / Budget		
4. Business Relations / Customer Service		
5. Deliverables / Requirements		
Subtotal:	0.0	Average B: NA

Note: Description of the factors can be found in CP 16, Subsection 3.3.3.

Rater Comments on referenced evaluation factors:	
Rater: (Project Engineer)	Date:
RME Comments on referenced evaluation factors:	
Reviewer: RME (Region Materials Engineer)	Concur <input type="checkbox"/> Non-concur <input type="checkbox"/>
	Date:

Copy distribution: Project Engineer (Original), Consultant, Region Materials Engineer, Central Laboratory (Documentation Unit)

Previous editions of this form are obsolete and may not be used.

CDOT Form #1324 03/2022

Process for Negligence:

Negligence should be resolved in a positive fashion that promotes learning and increased understanding. The complaint process tracks technicians who have repeated incidents of negligence. This process will also allow a means of tracking common problems and issues.

A single incident of negligence may be resolved through intervention by the Tester's Supervisor. After assurances in writing to the Department by the supervisor that the problem(s) are fully corrected, a thorough review of the Tester's materials documentation by the Region Independent Assurance Tester (IAT) and the supervisor will be made to ensure that a full correction of the problem(s) has occurred. Documentation of each incident shall be sent to the MGBM. The Department will maintain records of each incident. If only one report, of a minor nature, is received in a one-year period, no further action may be taken. However, if it is determined that the negligence is significant the requirements under "second incident" will be followed.

If the second incidence of negligence is reported within a one-year period, the Department will require that the technician and their employer develop a corrective action plan. The MGBM will notify all the Regional IATs. This notification is intended to make the IATs aware of the problems being encountered.

If a third incident of negligence is reported within a two-year period, the technician and their employer will receive a notice and a minimum one-year suspension will apply. The technician and their employer will be responsible for providing a plan to correct the deficiencies to ensure no further incidents occur.

Any further incidents of negligence will result in a permanent revocation. The Department can at any point re-classify repeated instances of negligence, as abuse. If this occurs, the issue would be dealt with through the process of abuse.

Regional Materials Engineers reserve the right to work with the tester and their supervisor to correct any aforementioned problems listed in the negligence section in lieu of a tester's suspension.

If a tester is suspended they shall complete an internal training program within their company that is outside certification and provide documentation showing such training has occurred. The documentation should include a specific description of the training performed, dates, location, procedures, who supervised the training, etc. The documentation will be submitted to the RME who will decide if the training is sufficient to reinstate the suspended tester.

Letters of Suspension and Revoking:

A letter stating a tester is being suspended and the reasoning behind the suspension will be sent to the tester, the tester's company, and the RME. The RME will maintain the letter in their records for future reference. If a tester is being revoked, the letter will be sent to the tester, the tester's company, the RME, and the Pavement Design and Documentation Manager. The RME and the Pavement Design and Documentation Manager will keep the letter on file for future reference.

Process for Abuse:

The Department will determine the severity of the abuse. The first finding of abuse will result in a minimum one-year suspension and may extend to permanent revocation of an individual to test on any CDOT project. Any subsequent finding of abuse shall result in permanent revocation of the tester to work on any CDOT project.

2020 FMM Documentation for SMM / LIMS

9.0 Suspension to CDOT's SiteManager®: Is not necessarily tied to a review process and may occur at any time for cause. The process for suspension starts with a written complaint to the Materials and Geotechnical Branch Manager (MGBM) or his designee. This document must, at a minimum contain the name of the technician involved, name of the technician's company, date of the incident, detailed accounting of the incident, name and contact information of individual submitting the request. The Department may start an investigation based on other information, such as:

- Failure to timely supply required information.
- Repeated failure of a tester to meet CDOT requirements.
- Failure to take immediate corrective action relative to deficiencies in the performance of the Quality Control Program.
- Certifying materials that are not produced under an approved Quality Control Program for use on Department projects. (This would include any situation where falsification of records was determined.)

Upon receipt of the complaint, the MGBM will contact the Region Materials Engineer (RME) and Resident Engineer (RE) associated with the technician involved in the written complaint. The MGBM, RME, and RE will review the complaint to determine its credibility.

If the complaint is deemed credible the Department will contact the individual(s) submitting the information. The MGBM will determine if the individual is willing to discuss the reported incident. Documentation submitted to the MGBM for review is otherwise confidential. The MGBM will review the documentation/information within 30 days to determine whether further investigation is required. If further investigation is required, the Department will assign the appropriate Regional Materials Engineer to perform the investigation. The MGBM will review the information obtained through the investigation and may conduct additional interviews. The technician, their supervisor, and/or consulting firm involved will be notified of the Department's findings.

The technician shall have 15 working days to respond, in writing. At any point in the process, the MGBM may determine, due to insufficient evidence, to discontinue the process. The MGBM will then determine whether the violation(s) fall under the definition of Negligence or Abuse.

Negligence is defined as unintentional deviations from approved procedures or the unintentional failure to follow the requirements of the CDOT Field Materials Manual.

Abuse is defined as intentional deviations from approved procedures or the intentional failure to follow the requirements of the CDOT Field Materials Manual.

The appropriate process will be followed upon determination of the category of the violation. If the process results in a period of suspension or revocation, the tester is prohibited from participating on all CDOT projects during that period.

Notice of suspensions or revocations will be emailed to the individual and his/her employer along with the individual's right to appeal. A proposed revocation or suspension is effective upon receipt by the technician and will be affirmed, modified, or vacated following any appeal.

The Department should also be aware that both State and Federal laws may govern construction projects, including Title 18, United States Code, Section 1020, that in brief states that anyone making falsifications on Federal-aid projects: "Shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Notification of Revocation to Other Agencies

The Department may notify the other state agencies or certifying agencies of anyone having been revoked for testing on a CDOT project through CDOT's SiteManager® program.

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