

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: September 11, 2020

File: Division of Construction
CPD 20-20



From: Rachel Falsetti, Chief
Division of Construction

Subject: **TEMPORARY CEMENT SHORTAGE**

A temporary statewide cement shortage is affecting concrete availability. This directive provides guidance to resident engineers in evaluating whether a cement shortage is affecting the project's controlling activity and what actions may be taken when the contractor notifies the engineer.

Documentation from the contractor is required to determine whether a material shortage exists and whether the days during a material shortage can be considered nonworking days in accordance with Section 1-1.07, "Definitions," of the *Standard Specifications*, under the "day" and material shortage definition for your contract. Review the conditions identified in Section 3-806B, "Material Shortage," of the *Construction Manual*, which include:

- That a request for information for the delay includes documentation validating material shortages for the specific contract
- That the contractor's request for information was received no later than 15 days after the material shortage first caused the work delay
- That the delay affected or will affect the controlling activity

Documentation validating material shortage may include the following:

- Documentation from the contractor to their concrete supplier requesting concrete that includes mix number, quantities, and dates for the project covering the period of delay.
- Response documentation from the concrete supplier identifying the cement shortage as the reason concrete cannot be supplied or could not be supplied in the volume requested.
- Additional documentation from the cement supplier explaining a delay in cement delivery to the concrete supplier.

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- Analysis or documentation showing the time effect to the controlling operations.

Note that price volatility is not considered a material shortage.

For validated material shortages affecting the controlling activity, provide relief of contract time by recording nonworking days within the weekly statement of working days for the days of critical delay. Within the “Remarks” section, note each corresponding nonworking date with “Material Shortage – Cement.” No additional overhead or payment adjustments are provided as a material shortage delay is not caused by either party to the contract.

If significant delays are anticipated, discuss options with the contractor to mitigate the material shortage. Options include alternate cement type or suppliers, prequalification requirements, and work re-sequencing.

If you have questions or comments regarding this directive, contact Ken Solak, Division of Construction, at Ken.Solak@dot.ca.gov or (916) 704-6717.