

Memorandum

*Flex your power!
Be energy efficient!*

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

Date: August 2, 2013

File: Division of Construction
CPD 13-5

From: MARK LEJA 
Chief
Division of Construction

Subject: Contractor Option to use up to 25 Percent Reclaimed Asphalt Pavement in Hot Mix Asphalt

The 2010 revised *Standard Specifications* (RSS) contains new language that allows contractors to use reclaimed asphalt pavement (RAP) as a substitute for up to 25 percent of the dry virgin aggregate mass in the hot mix asphalt (HMA) mix. The applicable RAP language included in 2010 RSS, Section 39, "Hot Mix Asphalt," is included in the 2006 and 2010 HMA RAP change order specification attachments included in this directive. Resident engineers must provide the 25 percent RAP option to contractors for ongoing projects that have HMA Type A or Type B as part of the planned work.

When a contractor elects to use more than 15 percent and up to 25 percent RAP for an ongoing project, the resident engineer must allow it through a contractor-requested change order after negotiating a unit price adjustment of compensation credit to the state based on the cost savings to the contractor. This contractor-requested change to use up to 25 percent RAP is not considered to be a "Value Engineering Change Proposal," as described in Section 4-1.07B of the *Standard Specifications*. The basis of the adjustment of compensation is calculated by determining the difference between the actual unit cost to perform the work of that portion of the contract item involved as originally planned and the actual unit cost of performing the portion of work conducted as a result of the change. Actual unit costs are determined in the same manner as if the work were paid for on a force account basis as provided in Section 9-1.04 "Force Account," of the *Standard Specifications*; or the adjustment is agreed to by the contractor and the resident engineer.

Cost savings should be based on reduced binder quantities, aggregate production, and trucking. These savings will be partially offset by the contractor's increased costs for processing the RAP, providing RAP quality control, additional mix design tests, and quality control tests during HMA production. In no case shall this change result in a cost increase to the state. A zero cost savings may be acceptable in certain situations (for example, for small quantities of HMA). Backup calculations to support the credit or zero adjustment of compensation must be filed in the project records. A copy of sample backup calculations is attached.

There should be a credit to the state or no cost for implementing this contractor-initiated change order. No extension of contract time should be included in the change order. A sample change order memorandum, sample change order, and Federal Highway Administration Form CA-358(c), "Record of Blanket Prior Approval for Major Contract Change Order," for allowing up to 25 percent RAP are attached to this

directive. This directive serves as delegation of authority from the Division of Construction and approval from FHWA of change orders when implemented under its requirements.

If you have questions or comments regarding this directive, please contact Kee Foo, Division of Maintenance, at kee_foo@dot.ca.gov or (916) 274-6077, or Ebi Fini, Division of Construction at ebi_fini@dot.ca.gov or (916) 227-5396.

- Attachments:
1. Sample Change Order Memorandum
 2. Sample Backup Calculations
 3. Sample Change Order
 4. Change Order Specification – 2010 Hot Mix Asphalt Reclaimed Asphalt Pavement
 5. Change Order Specification – 2006 Hot Mix Asphalt Reclaimed Asphalt Pavement
 6. FHWA—Record of Blanket Prior Approval for Major Contract Change Order