

## Colorado Procedure 17-23

### *Standard Practice for*

### **Hot Mix Asphalt Test Result Verification and Dispute Resolution**

#### **1. SCOPE**

- 1.1 The purpose of this Hot Mix Asphalt (HMA) Test Result Verification and Dispute Resolution Procedure is to establish the process to address test result differences between the Contractor's Process Control (PC) tests and the Colorado Department of Transportation's (CDOT's) Owner Acceptance (OA) tests. This process applies only to tests of HMA properties, and only when there is a significant difference between OA and PC test results. It is not intended to address failing results that are not being disputed, such as outlier test results. Outliers will be addressed using the 2v process listed in the Revision of Sections 105 and 106 of the Standard Special Provisions.

#### **2. REFERENCED DOCUMENTS**

- 2.1 CDOT Field Materials Manual  
2.2 CDOT Laboratory Manual of Test Procedures  
2.3 AASHTO Test Procedures  
2.4 ASTM Test Procedures

#### **3. DEFINITIONS**

- 3.1 Check Testing – as defined in CP 13.
- 3.2 Blind Split Sample – Sample submitted by the Engineer to the CDOT Central Materials Laboratory (administratively the Materials and Geotechnical Branch) to resolve differences in test results between OA testing and PC testing in accordance with this procedure. This sample shall be a split sample in accordance with procedures in CP 55. The Method from CP 55 to be utilized will be established in the Pre-Pave Meeting.

#### **4. REQUIRED CONDITIONS**

- 4.1 The Check Testing provisions of the Contract must have been satisfactorily completed in accordance with CP 13.
- 4.2 If the Check Testing has not been satisfactorily completed in accordance with the contract, no challenge of the OA results will be allowed.

**TABLE 17-1: Required Test Result Differences to Qualify for Dispute Resolution Testing**

Element	Type of Test	Difference Between Test Results
Gradation: #8 and larger Sieves	CP 31	> 5 %
#16 to #100 Sieves	CP 31	> 3 %
#200 Sieve	CP 31	> 2.0 %
Asphalt Content	CP 85 CP-L 5120	> 0.27 % > 0.27 %
Asphalt Compaction	CP 81 CP 44	> 1.5 % > 1.5 %
Asphalt Compaction Longitudinal Joints	CP 44	> 1.5 %
Air Voids	CP-L 5115	> 0.7 %
Voids in Mineral Aggregate	CP 48	> 0.7 %

- 4.3 No dispute will be allowed for test result differences less than those listed in Table 17-1.
- 4.4 If a documented split sample for dispute resolution is not submitted to the Engineer, dispute resolution testing will not be allowed. The Engineer shall store and maintain all split samples submitted for disputes, including CP 85 correlation split samples.
- 4.5 For any disputed property, the CP 17 Process Documentation Worksheet (CDOT Form 417) shall be used for guidance and the following steps will be followed:
  - 4.5.1 Level 1 – Test Result Questioned
    - The Contractor shall immediately notify the Engineer and describe the issue in writing.
    - Project, Region Materials, and Contractor personnel will perform an investigation and review the data being questioned. Samples will be retested by one or both parties if the investigation team determines this is appropriate.
    - All Level 1 tasks must be completed within three working days from the time written notification is presented to the Engineer.

#### 4.5.2 Level 2 – Issue Not Resolved by Level 1

The Engineer, Region Materials, and Contractor personnel will perform an investigation and review data to determine if the questioned sample is an isolated sample (test differences outside of multi-lab precision).

- PC and OA tests must be completed and up to date.
- If the dispute is a result of a bias between the PC and Acceptance test results, then the project will perform a new round of check testing (CP 13) before determining if Level 3 should be used. The new check testing will be performed only on the item(s) being disputed. If volumetric properties are being disputed, a set of check testing samples shall be retained for the dispute lab.
- All Level 2 tasks must be completed within eight working days from the time written notification is presented to the Engineer.

#### 4.5.3 Level 3 – Issue Not Resolved by Level 2

- The Engineer and Contractor shall confirm that Level 1 and Level 2 have been completed. The CP 17 Process Documentation Worksheet shall be completed to provide information regarding the dispute. The completed form shall include the names and positions of the personnel involved in the Level 1 and 2 investigations and provide testing dates and results from the Level 1 and 2 investigations.
- For disputes regarding volumetric properties, the new check testing process shall include the dispute lab. The Contractor shall provide all materials for check testing. When volumetric properties are being disputed, the dispute lab's bulk specific gravity will be corrected to the OA lab's bulk specific gravity.
- Engineer shall submit the blind split sample to the CDOT Central Materials Laboratory within 18 working days from the time written notification is presented to the Engineer. Engineer shall coordinate directly with CDOT Central Materials Laboratory Asphalt Program Manager at (303) 398-6576.
- The blind split sample shall be confidentially submitted only to the CDOT Central Materials Laboratory Asphalt Program Manager by the Engineer using a CDOT Form #1304 and the completed CP Process Documentation Worksheet. Samples shall be submitted only when the decision has been formally made at the project to conduct dispute testing. The CDOT Form #1304 shall contain the following information:
  - Contract ID (Project Code)
  - Form 43 number for the sample
  - Date of the Form 43
  - Name and title of sample submitter
  - Project contact information for reporting test results.
  - List of disputed tests
  - Independent lab who will perform test (either "Central Lab" or "Private Lab")
  - Witness information, if applicable (see Subsection 7.1)
  - Sample testing shall be completed by the CDOT Central Materials Laboratory or third party lab within 10 working days of sample receipt.

## 5. DISPUTE LAB PROCEDURES

- 5.1 The blind split samples will either be tested by the CDOT Central Materials Laboratory or forwarded to a consultant laboratory in accordance with the selection made by the contractor. The test results from the blind split samples will be used in the pay factor calculation in place of the test results that are disputed.
- 5.2 **Voids Acceptance:** When a volumetric property is questioned, all volumetric properties (including asphalt content, which affects VMA) shall be retested, and the new values shall be used for the re-calculation of pay factors. Recent PC data for aggregate bulk specific gravity may also be requested and evaluated during dispute testing. However, PC results shall not be used to calculate pay factors.
- 5.3 **Gradation Acceptance using Ignition Oven:** When a gradation result or an asphalt content is disputed, both the asphalt content and the percent passing all specified sieves shall be retested by the dispute lab. The gradation shall be run on the sample remaining after the asphalt content has been completed. The new values for gradation and asphalt content will be used for the re-calculation of pay factors.
- 5.4 **Gradation Acceptance using Nuclear Asphalt Content Gauge:** When a gradation result is questioned, the percent passing all specified sieves shall be retested using the cold feed sample. The new values shall be used for the re-calculation of pay factors. Asphalt content will not be re-tested by the dispute lab unless that item is also being disputed. When an asphalt content is disputed, the asphalt content shall be retested, and the new value will be used for the re-calculation of pay factors. Gradation will not be retested, unless that item is also being disputed
- 5.5 All properties will be tested using the method used for project acceptance. For example, if acceptance testing for percent AC content is based on the nuclear AC gauge, the dispute resolution sample shall be tested using a nuclear AC gauge. The nuclear AC correlation method shall be the same for all labs in the dispute process.
- 5.6 The Project Engineer indicated on the Form 1304 shall be the only contact point for information and test result distribution by the CDOT Asphalt Program Manager.

## 6. DENSITY DISPUTES

- 6.1 As addressed in the Specification, disputes involving mat and longitudinal joint density shall be resolved using roadway cores. The cores shall be taken by the Contractor within the time required by the specification.
- 6.2 Where cores are used for density acceptance, for example, SMA or Longitudinal Joints, dispute resolution will not be allowed unless companion PC cores were taken at the same time, in line longitudinally, and with the edge of the core within six inches of the acceptance cores. Dispute resolution cores will also be taken in line with and within six inches of the edge of the acceptance cores.
- 6.3 Where acceptance for density was made using a nuclear density gauge, dispute resolution cores will be taken at the same location as the nuclear gauge density measurements.

**7. WITNESSING SAMPLE TESTING**

7.1 The Contractor or his representative may witness the testing of the disputed sample if tested by the CDOT Central Materials Laboratory. One testing witness will be allowed and shall be identified in writing along with his qualifications prior to the testing. The CDOT Asphalt Program Manager will schedule the testing time and will notify the designated witness. Witnessing of testing shall be by visual observation only. No comments or discussion of the testing with the technicians performing the tests will be allowed. Questions on the testing procedures shall be directed to the CDOT Flexible Pavement Laboratory Manager after the completion of testing. If the witness has any formal comments on the tests, they shall be submitted in writing to the Engineer and to the CDOT Asphalt Program Manager, prior to the scheduled distribution of the test results. Comments submitted after the test results have been distributed will be treated as if they had not been submitted.

**8. RESPONSIBILITY FOR TESTING EXPENSE**

8.1 For single property disputes such as asphalt content on a gradation acceptance project, the lab whose result is furthest from the dispute resolution lab will pay for testing.

8.2 For disputes where more than a single property is affected by the retest, the lab furthest from the dispute resolution lab on the property questioned will pay for the testing, but the entire test result will be entered into the pay calculations for the material represented by that sample. For example:

8.2.1 Gradation - The test results for the disputed sieve will be used to determine who is furthest, but the entire gradation will be entered into the pay formula.

8.2.2 Volumetric properties - VMA, Air Voids and percent AC will be entered into the formula, while payment for testing will be determined based on the results for the single property disputed.

8.3.1 In the case of a tie, the testing cost will be divided equally between both parties.

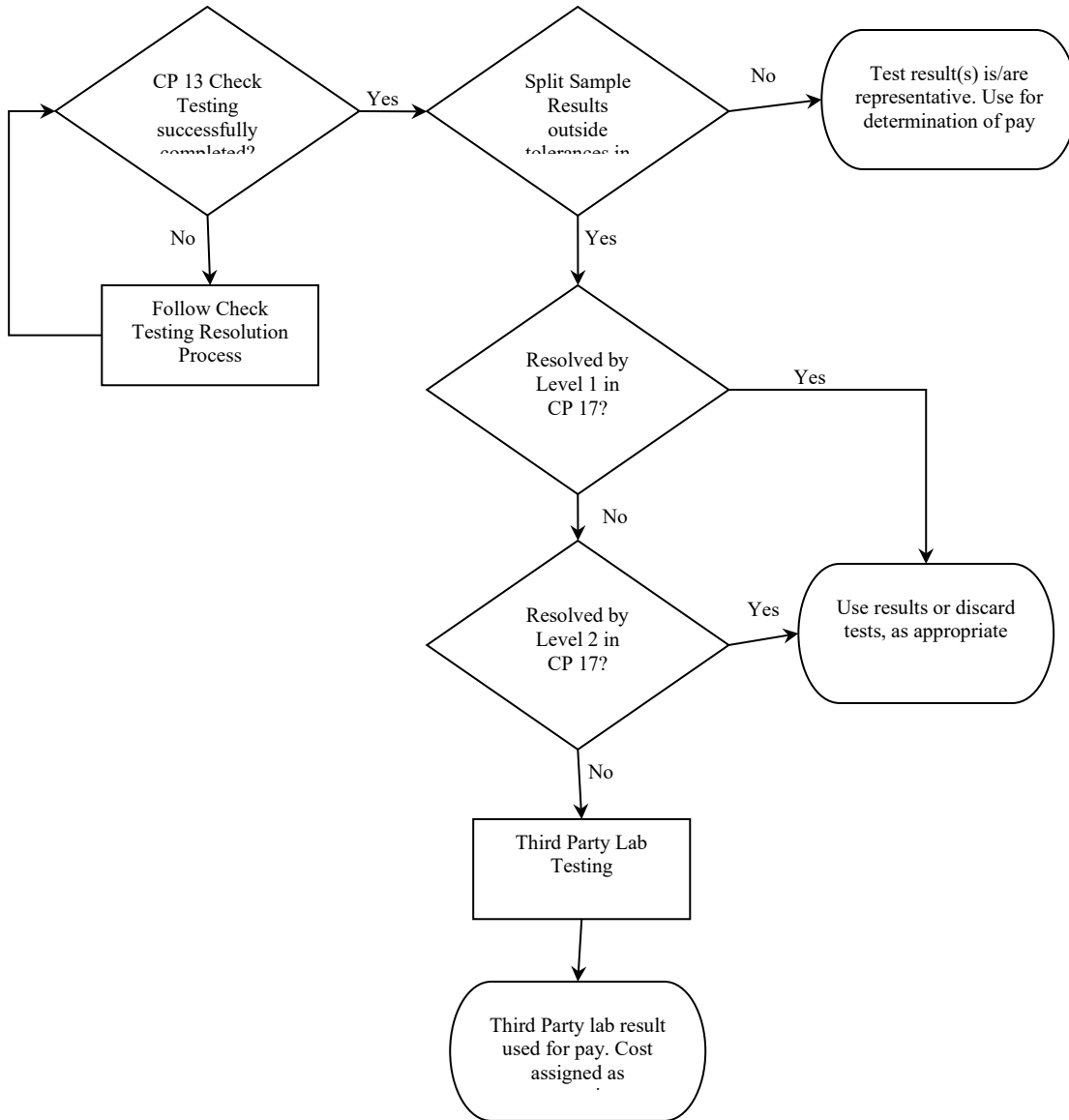
8.4 The costs for third party testing is shown in Table 17-2. An administrative cost of \$230 per sample will be charged in addition to the costs shown.

**TABLE 17-2: Costs for Third Party Testing**

<b>Test</b>	<b>Cost</b>
AC Ignition Correction	\$318
AC Nuclear Correction	\$373
AC Content by Ignition	\$109
AC Content by Nuclear	\$86
Gradation	\$115
Mixture Volumetrics (Rice, Air Voids, VMA)	\$338
Core Bulk Specific Gravity	\$32
AC Content by Ignition (CTP)	\$545
AC Content by Nuclear (CTP)	\$430
Mixture Volumetrics (Rice, Air Voids, VMA) (CTP)	\$1690

Note: Check Testing Program (CTP).

### Dispute Resolution Flowchart



CDOT Form 417

<b>Colorado Department of Transportation</b> Colorado Procedure 17 - Process Documentation Worksheet <b>Hot Mix Asphalt Test Result Verification and Dispute Resolution</b>	Contract ID: _____ Region: _____ Date of Engineer's Notification: _____ Project Number: _____ Project Location: _____	
<b>Sample Method (CP 41)</b>		
<input type="checkbox"/> Method A - Tube Sampler Tube Dia. _____ Tube Length _____	<input type="checkbox"/> Method B - Point of Delivery Auger _____ Windrow _____	<input type="checkbox"/> Method C - Behind Paver
<b>Split Sample Method (CP 55)</b>		
<input type="checkbox"/> Method A - Selection by Scoop <input type="checkbox"/> Method B - Quartering <input type="checkbox"/> Method C - Mechanical Splitter	<input type="checkbox"/> Method D - Selection by Cross Section <input type="checkbox"/> Method E - Quartermaster Mechanical Splitter	
<b>Element</b>		
<input type="checkbox"/> Gradation (CP 31) <input type="checkbox"/> Asphalt Content (CP 83 / CP-L 3120) <input type="checkbox"/> Asphalt Compaction (CP 81 / CP 44)	<input type="checkbox"/> Asphalt Compaction Longitudinal Joints (CP 44) <input type="checkbox"/> Air Voids (CP-L 3115) <input type="checkbox"/> Voids in Mineral Aggregate (CP 48)	
<b>Level 1</b>	CP 17 (4.5.1) - Project and Contractor personnel will perform investigation, review data and possibly retest samples. Must be completed within 3 working days from the time written notification is presented to the Engineer. In the space below, include detailed description of actions taken to resolve the dispute. Attach an additional page if necessary.	
	Investigated by: <input style="width: 90%; border: none;" type="text"/> <small>Electronic signature required</small>	
	Concurrence - Region Materials    Yes <input type="checkbox"/> No <input type="checkbox"/> by: <input style="width: 90%; border: none;" type="text"/> <small>Electronic signature required</small>	
<b>Level 2</b>	CP 17 (4.5.2) - Issue not resolved by Level 1. Engineer and Contractor personnel will perform an investigation and review data to determine if the questioned sample is an isolated sample (test differences outside of multi-lab precision). All Level 2 tasks must be completed within 8 working days from the time written notification is presented to the Engineer. In the space below, include a detailed description of actions taken to resolve the dispute. Attach an additional page if necessary.	
	Investigated by: <input style="width: 90%; border: none;" type="text"/> <small>Electronic signature required</small>	
	Concurrence - Region Materials    Yes <input type="checkbox"/> No <input type="checkbox"/> by: <input style="width: 90%; border: none;" type="text"/> <small>Electronic signature required</small>	
<b>Level 3</b>	CP 17 (4.5.3) - Issue not resolved by Level 2. Project Engineer will submit Blind Split Sample to CDOT Central Materials Lab within 18 working days from the time written notification is received. The blind split sample shall be confidentially submitted only to the Materials and Geotechnical Branch, Asphalt Program Manager, by the Engineer, using a CDOT Form #1304. Samples shall be submitted <u>only</u> when the decision has been formally made at the project to conduct dispute testing.	
	Project Engineer: <input style="width: 90%; border: none;" type="text"/>	
	Project Engineer E-Mail: <input style="width: 90%; border: none;" type="text"/>	
	Project Engineer Cell Number: <input style="width: 90%; border: none;" type="text"/>	

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