

1001 MATERIAL SOURCES

The Standard Specifications provide definitions for two types of materials sources specified in the contracts. Sources may be Department-Furnished, or Contractor-Furnished. Contractor-furnished sources include commercial operations.

An environmental analysis is required for every and all types of material sources. ADOT Materials Group has a list of sources known by the Department to have approved environmental analysis. Department-furnished sources should be on the list. The contractor must provide an acceptable environmental analysis for contractor-furnished sources. The contractor can either choose a source from ADOT's approved list, or provide an environmental analysis in accordance with the requirements of Subsection 104.12 of the Standard Specifications.

1001-2 General

Section 1001 covers the requirements and restrictions when working a materials source. The Engineer and the Inspectors are expected to be familiar with the section and to properly document that the source is worked in accordance with the requirements and restrictions.

The provisions of the OSHA, State Mining Laws, the Arizona Native Plant Law, and Pollution Control Laws relating to exhaust emissions, burning, stream pollution, and dust control are to be complied with. If the Contractor does not appear to be complying with these laws he should be notified and the situation should be documented in the project record. ADOT does not enforce these laws but there is an obligation to promote an awareness on the part of the Contractor that he must comply with the law.

If the nature of the material or the method of processing changes, so that an unacceptable product may result, the Engineer is to notify the Contractor. Changing conditions are to be documented along with any action or inaction on the part of the Contractor towards correcting the condition.

Whenever the material source shows evidence of material varying in the vertical plane, the approval of the source should include a requirement to work a full face in order to get the maximum blending of the different materials. Almost all sources, including quarries, have enough variability that justify a full-face method of working. Sources having variability in the horizontal dimension may require blending of material from various areas before final processing.

Even though a source is the Contractor's responsibility, the Engineer will need to monitor the operation so he can alert the Contractor to any processing problems that could result in a lowering of the quality of the final product. There have been occasions when Contractors have refused access to materials sources to ADOT personnel under the pretext that ADOT had no right to be concerned until the final product was tested. The Engineer should not accept such a position on the part of the Contractor. If necessary, the assistance of the District and Central offices should be enlisted in getting access to the Contractor's operations.

In crushing and screening operations, wet and dry materials usually require different handling methods to produce the same results. The mixing or selection of wet and dry material has to be watched closely to prevent broad and erratic variations in the final product.

1001-3 Department-Furnished Sources

An information packet may be available with Department furnished sources. The Engineer should be familiar with the information packet which contains information on the type of material, ownership, and other pertinent matters.

One print of each material pit established for the project showing its serial number and location with reference to township and section, shall be received by the Materials Source Section and the Resident Engineer at the beginning of the project. The Resident Engineer is required to keep all pit information up-to-date as construction proceeds.

It is important to monitor the Contractor's operations in the source to be sure he is using the material as intended and not operating wastefully. When a Department furnished source is exhausted early, the Department may have to pay moving and development costs. A complete record should be kept of the pit operation so that it can be readily determined and verified that a source has been exhausted after being worked in a reasonable manner.

An accurate and indisputable record shall be kept of the amount and type of material removed from each individual ownership. This will save the Department many legal difficulties relating to overpayment, underpayment, no payment, or exceeding the limits of the area covered by the license.

It is very important that all pits from which any type of material is taken (including borrow pits) be accurately described as to location and serial number, and that the type and quantity of material from each pit be detailed separately with the final estimate. The name of the owner of each parcel of land from which materials are taken shall be shown.

Material from a Department furnished source is to be used only for the purposes stated in the contract. A supplemental agreement is necessary for any change in usage. The owner's approval for a change of use is to be obtained by the Contractor. The Department has the right to deny a change in use of material when the pit is to be preserved for future use or other valid reasons.

Special care shall be taken when there is more than one owner in one pit area. Before removing any material, the Resident Engineer shall make certain that the property lines between owners are mutually satisfactory. Agreement as to property lines should be attested to by the owners, in writing, after inspection at the pit site where feasible. It is not the Resident Engineer's responsibility to reestablish corners or lines for property owners.

Pits on State Land

Some projects require the procurement of material pits on State Land Department properties. This agency has issued specific requirements which must be strictly adhered to for removal of materials from State Land Mineral Material Leases.

The following procedures will apply to materials removed from all State Land Department Pits:

Preliminary Report

Within twenty days of the notice of award of a contract which requires the use of State Land Pits, Field Reports shall report to the State Land Department, through the Materials Source Section, the following information:

- Project number and general location.

- Name of Contractor.
- State Pit serial number and State Mineral Materials Pit Lease number.
- As nearly as possible, the date the Contractor proposes to enter upon the leased
- Land (verified at time of preconstruction conference).
- The time allotted to the project or anticipated completion date.
- The approximate release date (this date will normally fall after completion of project).
- The approximate amount and types of materials anticipated to be removed from each State Land Pit.

As soon as possible after the preconstruction conference, the Resident Engineer shall relay to Field Reports, by telephone, the information necessary to report items 4 and 7 above.

Pit Re-cap Documentation

The Resident Engineer will, within 24 hours after the Contractor has completed removal of materials from a State Land Department Pit, estimate quantities of each type of material removed from the State Land source. A reasonably accurate estimate will also be made of all stockpiles (aggregate base, mineral aggregate, cover material, etc.) remaining in the pit. The Resident Engineer shall also estimate the quantities in reject piles for which there will be no royalty accounting. A memo confirming information shall be sent to Field Reports. A final verification of quantities and recapitulation of all material pits is required with all final estimates. Field Reports will submit the following recapitulation through the Materials Source Section to the State Land Department within 60 days after notice of project completion:

- Project number and general location.
- Contractor.
- State Pit serial number.
- State Land Mineral Materials Pit Lease number.
- Type of material removed.
- Quantity of materials removed.
- Royalty rates on materials removed.
- Total royalties due, including a 3% administrative charge. (Total royalties due is equal to the material royalties multiplied by 1.03.)

State Land Department Inspection

Inspection of State Land Pit sites and quantity documentation records may be made at any time by an authorized agent of the State Land Department. The Resident Engineer shall cooperate and assist in any such inspection.

Pits on Indian Lands

Occasionally, projects will require the procurement of material pits on Indian lands. This procurement is accomplished by the Materials Source Section through contact with the United States Department of the Interior, Bureau of Indian Affairs and the particular Indian Agency involved.

Upon receipt of the Notice of Procurement of Material Pits on Indian lands, it is recommended that the same basic steps as outlined above be followed by the Resident Engineer, with special emphasis on the fact that care shall be taken when there is more than one owner in one pit area. Because these pits will often have designated allotments covering different entities, it is recommended that the Resident Engineer contact the Superintendent of the Indian Agency and work with him to determine suitable methods of proportioning quantities to the various allotments. This will also serve to inform the Resident Engineer of any other conditions which may be peculiar to the particular Indian Agency.

The office of Environmental Planning will receive and maintain a list of sacred sites designated by the Navajo Nation and may have additional sites from other Native American Nations. These sites will be incorporated into the highway construction contract documents and referenced to their location. Although the FHWA has informed us that we cannot prevent the use of any particular material source, we will stipulate in the contract that the Contractor must be aware that the site is sacred. The Contractor must be in compliance with all historical and environmental laws and regulations, which may serve to limit or prevent the use of materials from a designated site.

1001-3.04 Royalty Charges

It is the Engineer's responsibility to see that the Contractor has paid all royalty charges before final payment is made on the contract.

Material pits furnished by the Department on some projects will require payment of a royalty charge, while on other projects, the pit or pits will be furnished free of royalty charges. The Resident Engineer shall review the Standard Specifications and Special Provisions to ascertain whether the pits for the project involve royalty charges, and shall be guided accordingly. In any event, a Pit Recap Sheet shall be made and submitted with the final estimate (Exhibit 1001-3.04-1).

No payment by the Contractor to the State Land Department shall be made until final billing is forwarded by Field Reports to the Contractor. The Contractor shall make checks payable to the State Land Department and mail as follows:

Attn.: Field Reports
Arizona Department of Transportation
Intermodal Transportation Division
206 South 17th Avenue, Mail Drop 133A
Phoenix, Arizona 85007

Other Situations Involving Royalties

This is a general outline on how other pit situations are handled:

State-leased pits may or may not be set up in the Special Provisions. If they are, the royalty rate is specified.

If they are not:

1. The Contractor asks to use a pit.
2. The Resident Engineer checks with the Materials Source Section and Environmental Planning to get approval and royalty rate.
3. A copy of the pit license is picked up by the Contractor at the Materials Source Section. The Contractor then checks over and clears the license and any other pertinent information with the Materials Source Section. When this is done, the Contractor will give the letter to the Resident Engineer.
4. The Resident Engineer then distributes a letter to the Materials Source Section informing them of the Contractor's use of the pit.

In either case, a Pit Recapitulation is sent to Field Reports even if the pit is not used. Field Reports verifies any quantities and sends one copy to the Contractor. Field Reports also sends one copy to the FHWA with the

project final. The FHWA sends the Pit Recap royalty final to Contractor and requests verification of payment. Upon receipt of the Contractor's verification of payment, the FHWA releases funds.

1001-3.05 Performance Bonds

The Contractor is required to furnish a performance bond when using sources under the jurisdiction of the State Land Department or the Bureau of Land Management. Note that a fully executed copy of the bond is to be furnished to the Engineer together with evidence that a fully executed copy has been sent to the agency having jurisdiction before any work is started in the source.

**ARIZONA DEPARTMENT OF TRANSPORTATION
OFFICE MEMO**

July 1, 2001

TO: DEE BOOKS
Field Reports, 133A

FROM: KEN DORIGHT
Project Supervisor, X999

RE: MS 1111; REVISED

As part of ADOT Project TEA-87-C(1)P, H9999-01C; Red Ridge-FS Boundary, the following aggregate quantities have been removed from above-referenced material source.

SECTION 416

Asphaltic concrete produced; to date (Item No. 4160003)	33,213 tons
Less:	
Mineral Admixture (Item No. 4160031)	312 tons
Asphaltic Binder (Item No. 4040282)	<u>1,661 tons</u>
Blend Sand (from pit MS1026)	10,964 tons
Subtotal Deductions	-12,937 tons
Aggregate used for Section 416	20,276 tons

SECTION 414

Asphaltic concrete produced; to date (Item No. 4140040)	4,326 tons
Less:	
Mineral Admixture (Item 4140044)	39 tons
Asphaltic Rubber Material (4140042)	<u>389 tons</u>
Subtotal Deductions	-428 tons
Aggregate used for Section 414	3,898 tons

Total aggregate used to date: 24,174 tons

Exhibit 1001-3.04-1. Pit Recap Sheet

1001-4 Contractor-Furnished Sources

A letter approving the source is required for contractor-furnished sources. The Bridge Group must be contacted prior to approval of a material source located within the specified upstream or downstream distances from any drainage structure.

When materials sources are contractor-furnished, the Contractor is responsible for sampling and testing to determine whether there is enough material available to complete the work within the specifications, for preparing an environmental analysis, for complying with the Arizona Native Plant Law, and for securing rights and access to the material. Evidence must be furnished to the Engineer that the Contractor has fulfilled these requirements.

The same requirements for changes in usage, royalty payments, and meeting environmental stipulations apply to contractor-furnished sources as applied to Department furnished sources. The Contractor is required to furnish evidence to the Engineer that he has fulfilled his commitment to the owner. Acceptable evidence is a letter from the owner stating that all agreements have been fulfilled, including payment, and that the Contractor is released from any further obligation.

The Contractor's complete environmental analysis should be in accordance with Standard and Specifications 104.12 for all material sources. The Resident Engineer should assure that the Contractor has complied with state historical preservation rules.

Contractor Leased Pit

The following procedures are followed if the Contractor wishes to lease a materials pit from a private party:

1. The Resident Engineer verifies the landowner's permission and any conditions (such as royalties and clean-up). The Contractor should provide a copy of the agreement.
2. The Engineer writes a Pit Approval letter to the Contractor (copy to Field Reports).
3. The Engineer completes the Pit Recap and then sends a copy to Materials Source Section and informs the Contractor of final quantities.
4. Before finalizing the project, the Engineer requests a copy of the pit-owner's release of the Contractor. Upon receipt of the pit-owner's release, the Engineer can finalize the project.

Commercial Operations

A letter approving the source is required for commercial materials sources. The Bridge Group must be contacted prior to approval of a material source located within the specified upstream or downstream distances from any drainage structure.

Commercial operations are to meet the requirements in Subsection 1001-2.01, Definitions, of the Standard Specifications. Specifically proof of the following shall be submitted to the Resident Engineer:

- Owner or Producer has been located on site for at least preceding 12 months.
- Owner or Producer has been routinely engaged during regular business hours in processing and selling of materials.
- The Owner or Producer shall have a retail sales tax license.

Specifications require the contractor to furnish documentation verifying the above requirements are being met.

Materials Group has maintained a list of former commercial sources. Information obtained from these files does not assure the material source is currently a "commercial operation" which complies with the requirements of the Standard Specifications.

1001-9 Cleaning Up

Cleanup of a source should not be taken lightly as it will have a lasting impact on the owner which can drastically affect ADOT's future relations.

The Engineer should always require a final inspection and letter of acceptance by an agent of the public agency involved and have the Contractor furnish a clearance letter from private owners.