

SECTION 6 CONTROL OF MATERIAL

- 6.1 SOURCE OF SUPPLY AND QUALITY REQUIREMENTS** - The materials used on the work shall conform to requirements of the contract. To expedite the inspection and testing of materials, the Contractor shall notify the Engineer of the proposed sources of materials prior to delivery. Materials may be conditionally approved at the source of supply before delivery is started. If it is found after trial that sources of supply for previously conditionally approved materials do not produce specified products, the Contractor shall furnish materials from other sources.
- 6.2 LOCAL MATERIAL SOURCES** - Possible optional sources of local materials may be designated in the Contract. The Contractor shall determine the amount of equipment and work required to produce material conforming to specifications. It is understood that it is not feasible to ascertain from samples the limits and quality of an entire deposit. Variations shall be considered as usual and are to be expected. The Engineer may order procurement of material from any portion of a deposit, including below water, and may reject portions of the deposit as unacceptable.

The Department may secure an easement to haul materials across private property, with the terms of the easement included in the Contract. It is mutually understood and agreed that the easement will be transferred and assigned to the Contractor. The Contractor accepts and agrees to perform the obligations of the Department under the terms of the easement to the same extent and in the same manner as if the provisions of the easement were fully set out herein. The Department will make payments to the landowner under the terms of such easement and will deduct the amount of the payments from monies due or to become due the Contractor.

When the Contractor optioned source will impact a wetland, form DOT-201 will be referred to the Environmental Engineer for direction. When wetlands are impacted, mitigation may be required.

A. PLAN DESIGNATED SOURCES

Department or County secured options for designated sources will be included in the Contract. It is mutually understood and agreed that an option secured by the Department or County will be transferred and assigned to the Contractor. The Contractor accepts and agrees to perform all of the obligations of the Department or County under such option to the same extent and in the same manner as if the provisions of the option were fully set out herein. The Department will make all payments due the landowner under the terms of such option and will deduct the amount of the payment from monies due or to become due the Contractor. The Contractor shall be responsible for costs connected with the removal of materials from such sources, including seeding, fertilizing, mulching and fencing, except as otherwise provided in the contract and the following:

1. When material is removed under the terms of a Department or County secured option, royalty cost of reject material left at the pit site will be borne by the Department.

CONTROL OF MATERIAL

2. Payment to the Contractor for topsoil replaced on optioned borrow sources will be made as provided in Section 120.5 E.

The project will not be accepted nor the Contractor released until written releases have been secured from property owners of designated materials sources and haul routes across private property used by the Contractor, or in lieu thereof, a written statement from the Commission exempting this requirement.

Should the plan designated sources fail to provide specification materials in the quantities shown on the plans or as ordered by the Engineer, it shall be the Contractor's responsibility to furnish satisfactory materials from other sources, without additional cost to the Department except the payment provided for extra haul.

B. CONTRACTOR OPTIONED SOURCES

If the Contractor elects to use material from sources other than those designated, the Contractor shall acquire the necessary rights to take materials from the sources and shall pay all costs related thereto, including an increase in length of haul.

When the Contractor optioned source will impact a wetland, form DOT 201 will be referred to the Environmental Engineer for direction. When wetlands are impacted, mitigation may be required.

Costs of exploring and developing other sources shall be borne by the Contractor. Prior to substitution of a Contractor optioned source for a Department optioned designated source, the Contractor shall submit Form DOT 201 (Contractor's Pit Change Request) for approval.

When sources of material or material deposits are provided by the Contractor, the Department will process necessary samples to determine the suitability of the material.

When material is removed under terms of a Contractor secured option, all cost of reject material left at the pit site will be borne by the Contractor.

Topsoil replaced on Contractor optioned **borrow** sources will be paid for as provided in Section 120.5 E.

When material deposits are not designated on the plans, the Contractor shall provide sources of material acceptable to the Engineer.

Materials obtained from established commercial sources under the jurisdiction of the State Board of Minerals and Environment are not subject to the provisions of this specification for pit restoration.

When a Department or County optioned source is used, the Contractor will be required

CONTROL OF MATERIAL

to comply with the restoration provisions set forth in the option, mining license regulations and paragraphs A through G below, to the satisfaction of the Engineer. Should a Contractor elect to obtain an option on a source, including a Department optioned designated source, restoration of such source shall comply with the current mining regulations which include the following operating and reclamation standards.

1. Surface mined areas shall be reclaimed and shaped to control erosion, eliminate hazards to domestic animals and wildlife, protect public health and safety, the environment and provide for future beneficial land use.
2. Refuse, equipment and materials from the pit operation shall be disposed of in a manner to create the least amount of unsightliness and unproductive areas and not pollute surface or groundwater.
3. Land shall be revegetated as agreed upon by the Department, the local conservation district and the landowner which establishes a diverse, effective and long-lasting vegetative cover. For future land use other than crop land, the revegetation shall be capable of self-regeneration, equal in extent of cover to the natural vegetation of the surrounding area.
4. When it is necessary to remove overburden to remove construction aggregates, topsoil shall be removed from the effected land and segregated from other spoil. The topsoil shall be protected from wind and water erosion, and from contamination by acid or toxic material, to insure it's ability to sustain vegetation when restored.
5. Disturbance to the prevailing hydrologic balance of the affected land and surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the pit operation and during reclamation shall be minimized. Operations shall be conducted to protect waters from pollution by siltation, waste, debris and toxic fluids or materials.
6. Surface areas of the affected land, including spoil piles, shall be stabilized and protected to control erosion and attendant air and water pollution. Noxious weed infestations shall be controlled during phases of the pit operation and reclamation.
7. Areas outside of the affected land shall be protected from slides, subsidence or damage occurring during the mining operation and reclamation. High walls shall be reduced to a slope not greater than the angle of repose upon abandonment of the mining operation, unless such a reduction would create conditions more detrimental than preservation of the high wall. Prior to slope reduction, the operator shall limit access to, and warn the public of the high wall area. Precautions shall include fencing and posting of warning signs. If high wall reduction is deemed impossible, impractical or aesthetically undesirable by the Board of Minerals and Environment, the Board will prescribe adequate fencing.

CONTROL OF MATERIAL

- 6.3 SAMPLES, TESTS, CITED SPECIFICATIONS** - Materials, will be inspected, tested and approved for use by the Engineer, prior to incorporation in the work. The Contractor shall furnish certifications for all materials designated in the Contract or the Department's Materials Manual that will be accepted by certification. Unapproved materials shall not be used and will be subject to inspection, test, rejection and removal at no additional cost to the Department. Copies of tests will be furnished to the Contractor's representative when requested.

Samples taken and tests made will be in accordance with the most recent standard or approved interim standard methods of AASHTO, ASTM and the "South Dakota Department of Transportation, Materials Manual-Sampling and Testing Procedures," which are current on the date of advertisement for bids. Samples will be taken and tests made by a representative of and at the expense of the Department except as otherwise stipulated.

If a discrepancy exists the order of precedence is as follows:

- A. Department's Materials Manual
- B. AASHTO
- C. ASTM

- 6.4 PLANT INSPECTION** - The Engineer may inspect materials at the source. In the event plant inspection is undertaken the following conditions shall be met:

- A. The Engineer shall have the cooperation and assistance of the Contractor and the producer.
- B. The Engineer shall have full entry to all parts of the plant that involves the manufacture or production of the materials being furnished.
- C. Adequate safety measures shall be provided and maintained.

It is understood that the Department reserves the right to retest and reject materials which have been tested and conditionally accepted at the source of supply if the material delivered to the work do not meet the requirements of the Contract.

- 6.5 STORAGE OF MATERIALS** - Materials shall be stored to assure the preservation of quality and fitness for the work. Stored materials shall be located so as to facilitate prompt inspection. Approved portions of the right-of-way may be used for the storage of materials and for the Contractor's plant and equipment. Additional space required shall be provided by and at the Contractors expense. Private property shall not be used without written permission of the owner or lessee and copies of such written permission shall be furnished to the Engineer. Storage sites shall be restored to their original condition by and at the Contractors expense.

- 6.6 HANDLING MATERIALS** - Materials shall be handled to preserve their quality and fitness for the work. Aggregates shall be transported from the storage site to the work in vehicles

CONTROL OF MATERIAL

constructed to prevent loss or segregation of materials after loading and measuring.

6.7 UNACCEPTABLE MATERIALS - Materials not conforming to the requirements of the Contract will be considered as unacceptable and will be rejected and shall be removed immediately from the project. Rejected material shall not be used until the defects have been corrected and the material approved by the Department.

6.8 DEPARTMENT FURNISHED MATERIAL - Material designated to be furnished by the Department will be delivered or made available to the Contractor at points specified in the Contract.

The Contractor will be held responsible for material delivered. Deductions will be made from monies due for any shortages, deficiencies, and damage that may occur to the material after delivery. Demurrage charges, resulting from the Contractor's failure to accept the material at the designated time and point of delivery will also be deducted from monies due.

The cost of handling and placing materials after delivery shall be considered as included in the contract price for the item in which they are used.

6.9 BUY AMERICA: Permanently incorporated domestic structural steel and other iron and steel products are required. To be considered domestic, all manufacturing processes, including the application of coatings, of the iron and steel material in a product (e.g., smelting, and any subsequent process which alters the steel materials physical form or chemical composition) must occur within the United States. This includes processes such as rolling, extruding, machining, bending, grinding, and drilling. A statement shall be included on the Certificate of Compliance stating whether the iron or steel is of domestic or foreign origin. Buy America does not apply to iron ore, scrap, pig iron and processed, pelletized, and reduced iron ore.

Minor quantities of foreign iron or steel, and coatings, may be incorporated provided their cost does not exceed 0.1 percent of the total contract amount or \$2500, whichever is greater.

If iron ingots or steel billets produced in the United States are sent out of the country for a subsequent manufacturing process and then are brought back into the United States, the full value of the iron or steel as it reenters the country (including the original billet cost and any coatings) is considered to be foreign. If foreign iron or steel components are combined with other components into a fabricated and/or assembled composite product, the foreign iron or steel content of the composite product is not only the value of the foreign iron or steel components, but also the pro-rata value of the fabrication and assembly labor and overhead used in the combining the foreign iron or steel and other components into the finished composite product, including coatings.

The application of a coating is interpreted to mean all processes that protect or enhance the value of material or product to which it is applied; examples are epoxy coatings, galvanizing and painting.