The intent of this advisory is to provide further direction regarding BOHIM 2005-06, Testing Requirements for Capital Preventive Maintenance Hot Mix Asphalt (HMA) Projects.

If the project proposal contains frequently used special provision 03SP502(A) and/or 03SP502(Q), has partial HMA testing set up on the project, and the contractor chooses to switch to a performance warranty, the contractor will not be paid for quality assurance testing. The contractor will, however, be compensated for switching to the performance warranty. Negotiate the compensation for the establishment of a performance warranty per Section 103.04 of the 2003 Standard Specifications for Construction. The additional cost should be no greater than the original cost of the HMA quality assurance testing. Delivery staff should review the cost for reasonableness based on the HMA quality assurance pay item and similar project costs. Process a contract modification to reduce the original bid item HMA Quality Assurance Testing to zero and establish an extra work item for the performance warranty. We suggest you title the new pay item “Performance Warranty, Special”. Suggested verbiage for the Description of Changes section on the contract modification is as follows: The warranty on this project is being changed from a Materials and Workmanship Warranty to a Performance Warranty. The extra work item will compensate the contractor for all supplemental testing and workmanship for the incorporation of a complete performance warranty. The extra cost was negotiated per Section 103.04 of the 2003 Standard Specifications for Construction. The cost was determined to be reasonable based on similar project costs.

If the pay item HMA Quality Assurance Testing was not originally set up on a project and a contractor chooses to switch to a performance warranty, a contract modification should still be processed.