Frequently Asked Questions Regarding MDOT Warranties
February 2013

Q1: What state legislation is in place relative to warranties?

A1: In 1997, enrolled Senate Bill 303 included the following provision for development of warranties on state trunkline construction projects:

“Of the amounts appropriated for state trunkline projects, the department shall, where possible, secure warranties of not less than 5-year full replacement guarantee for Contracted Construction Work.”

The department’s Fiscal Year 2006 appropriation bill states:

“The department shall work with the road construction industry and engineering consulting community to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials, workmanship, performance criteria, and design/build projects.”

Q2: What types of warranties does MDOT currently use?

A2: Two types of warranties are currently used: Performance Warranty and Materials and Workmanship Warranty.

For a Performance Warranty, the contractor assumes full responsibility for performance during the warranty period, two or three years, and is responsible for materials selection, workmanship and certain aspects of design. The contractor is responsible for deficiencies under his control.

Performance Warranties are usually used for the following fix types:

- HMA Crack Treatment
- Micro-Surfacing
- HMA Ultra-Thin Overlay
- Paver Placed Surface Seal
- Single and Double Chip Seals
- Bridge Painting

For a Material and Workmanship Warranty, the contractor is responsible for correcting deficiencies in work elements caused by materials and workmanship during the warranty period, typically 5 years. The contractor assumes no responsibility for deficiencies that are design related since the owner (MDOT/local agency) is responsible for design.
Materials and Workmanship Warranties are used for the following fix types:

- New/Reconstructed Hot Mix Asphalt
- Multiple Course Hot Mix Asphalt Overlay
- HMA Placed on Rubblized Concrete
- HMA Placed on Crush and Shaped Base
- New/Reconstructed Jointed Plain Concrete Pavement

Q3: Are there specific fix types that do not have warranties? Why?

A3: In the Rehabilitation & Reconstruction (R&R) Program, two fix types usually do not have a warranty: Demonstration and concrete patching projects. Demonstration projects are meant to evaluate new construction methods, materials or design and therefore, a warranty is not typically required. Concrete patching projects do not have warranties due to difficulty in resolving issues related to establishing warranty criteria.

In the Capital Preventive Maintenance (CPM) program, two fix types do not have warranties. In general, warranties have been applied to projects on pavements in relatively good condition. Overband Stand Alone fixes are applied to pavements that may not be in good condition and, therefore, are not warranted. Concrete patching projects do not have warranties due to difficulty in resolving issues related to establishing warranty criteria.

Q4: How many warranty projects have there been?

A4: Since 1997, there have been a total of more than 2,300 warranty projects administered by MDOT.

Q5: How many warranty projects have required corrective action?

A5: Approximately 10.6% percent of warranties require corrective action.

Q6: What documentation is in place of the decision mechanism on how we select which projects have a warranty?

A6: The decision of which pavement projects have warranties is based primarily on the type of repair and the commercial average daily traffic (ADT), which is detailed in tables titled “MDOT RR Warranty Requirements” and “MDOT CPM Warranty Requirements.”

As part of the warranty task force partnership between MDOT, industry, and FHWA, more detailed guidelines have been developed for pavement warranties, which are detailed in a warranty decision tree. The decision tree provides additional guidance regarding project specific circumstances which could affect the decision of whether to require a warranty.
Bridge painting projects are warranted when painting the entire bridge, and are not warranted for a partial painting. Exceptions are the Mackinaw Bridge or International Bridge when painting some of the spans.

Q7: **What are some examples of project specific circumstances that are included in the decision tree?**

A7: Examples include:
- Traffic Volume (in general roads with a two-way commercial average daily traffic (ADT) over 1000)
- base, subbase, and subgrade conditions
- general condition and age of existing pavement structure
- drainage issues

Q8: **How are individual projects with warranties evaluated?**

A11: Individual warranted projects are evaluated throughout their warranty periods, in accordance with the applicable specifications.

Q9: **What performance criteria are used in the warranties?**

A12: Pavement performance criteria for both warranty type are related to visible, measurable distresses. Thresholds for each distress type have been established and are defined in the special provisions. Bridge painting criteria are based on any defects.

Q10: **How were the performance thresholds set?**

A10: Pavement thresholds were set based on average historical performance data. Bridge painting thresholds do not allow any rust.

Q11: **Does MDOT have a process to resolve disputes in regards to the cause of failure that has invoked the warranty?**

A11: MDOT’s warranty specifications deal with this through the use of a Conflict Resolution Team (CRT). The CRT is comprised of 2 members selected by the Department, 2 members selected by the Contractor, and 1 member mutually selected by the Contractor and the Department. The sole responsibility of the CRT is to provide a decision on disputes between the DOT and the contractor regarding application or fulfillment of the warranty requirements.

Q12: **How does MDOT track which projects have warranties?**

A12: MDOT has developed and implemented the Statewide Warranty Administration Database (SWAD). SWAD provides consistent record keeping and promotes ease in generating summary reports.
Q13: Are MDOT and Industry working on any changes to the current warranties?

A13: MDOT and Industry continue to partner to improve various aspects of the existing Materials and Workmanship Warranty and Performance Warranty specifications.