

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
CONSTRUCTION DIRECTIVE
MEMORANDUM**

GENERAL SUBJECT:	<u>SUPPLY & QUALITY REQUIREMENT</u>	NUMBER:	<u>CD-2008-09</u>
		DATE:	<u>MARCH 13, 2008</u>
SPECIFIC SUBJECT:	<u>WARRANTY COVERAGE</u>	SUPERSEDES:	<u>CD-98-7</u>
DATE EFFECTIVE:	<u>IMMEDIATELY</u>	SUNSET/ EXPIRES:	<u>MARCH 13, 2013</u>

Original with signature on file in the office of the
Scheduling & Contract Division

W. BYRON COBURN, JR., P.E.
STATE CONSTRUCTION ENGINEER

DIRECTED TO - DISTRICT ADMINISTRATORS

The Virginia Department of Transportation during the contracting process is provided various products which are covered by manufacturer's or supplier's warranties. This procedure is to cover equipment and material as outlined in Section 106.01 of the Specifications except for the last sentence which states "the Contractor shall also provide an in service operation guaranty on all mechanical and electrical equipment and related components for a period of at least 6 months, beginning on the date of partial acceptance of that specific item(s) or final acceptance of the project." In order to consistently evaluate the possible lack of performance of these products and the procedure to request performance under the warranty from the manufacturer or supplier, the procedure to be followed is:

The Area Construction Engineer when making final acceptance of a project will document items covered by warranties and so notify the Residency Administrator in order to maintain an inventory of these items. This can be accomplished by having the Contractor provide the Area Construction Engineer with an inventory of all applicable materials as required in Section 106.01 of the Specifications. The Resident Administrator will distribute this inventory/information as appropriate to other District Sections for their information.

At least 30 days prior to the warranty's expiration the Resident Administrator or his designated representative will review the item for failure and/or nonperformance. Any failure will be reported to the District Maintenance Engineer, District Materials Engineer, and District Construction Engineer. The District Maintenance Engineer, in discussion with the others noted above, will determine if repairs or replacement may be covered by warranty and proceed as outlined below.

When the failure of a warranty item occurs, the District Maintenance Engineer in association with others designated by him will meet with the manufacturer, supplier, or Contractor to determine if the failure of the item is or is not covered by warranty. If all parties agree the item is covered by warranty then the manufacturer, supplier, or Contractor shall proceed with repairs/replacement as may be covered by warranty at no cost to the Department. If it is determined the needed repairs/replacements are not covered by warranty, then the costs for repairs/replacements will be

the Department's responsibility. If it is determined that the item is covered by warranty and the manufacturer, supplier, or Contractor does not proceed with the repairs/replacement within 60 days, then the Scheduling & Contract, Asset Management, Materials and Administrative Services Divisions will be notified in order to proceed with other actions as may be appropriate. These actions can result in, but are not limited to, removal from the approved source of supply and/or bidding list.

If the District Maintenance Engineer and the manufacturer, supplier, or Contractor disagree about the warranty coverage, a meeting will be held with the Chief of Systems Operations or his designated representative. At this time the manufacturer, supplier, or Contractor can present additional facts and arguments in support of his claim of non-coverage. The Chief of Systems Operations will after evaluation make a determination of coverage and either direct the manufacturer, supplier, or Contractor to make appropriate restoration or direct State Forces to make restoration. If it is determined that the item is covered by warranty and the manufacturer, supplier, or Contractor is directed to make restoration and is dissatisfied with the decision, he will proceed with the repairs/replacement subject to the following:

VDOT and the manufacturer, supplier, and Contractor will all keep Force Account Records in accordance with Section 109.05 of the Specifications.

If the manufacturer, supplier, or Contractor does not proceed with the corrective action as determined by the Chief of Systems Operations then the Scheduling & Contract, Asset Management, Materials, and Administrative Services Division will be notified in order to proceed with other actions as may be appropriate. These actions can result in, but are not limited to, removal from the approved source of supply and/or bidding list.

DAS

C: Commissioner
Deputy Commissioner
Commissioner's Staff
Division Administrators
District Construction Engineers
District Maintenance Engineers
District Materials Engineers
District Preliminary Engineering Managers
District Location and Design Engineers
District Bridge Engineers
District Civil Rights Managers
District Contract Administrators
Regional Operations Directors
Residency Administrators
Area Construction Engineers
Construction Managers
Project Inspectors
Federal Highway Administration
Office of the Attorney General
Virginia Department of Minority Business Enterprise
Virginia Transportation Construction Alliance
Old Dominion Highway Contractors Association
Virginia Asphalt Association
American Concrete Pavement Association
Virginia Ready-Mixed Concrete Association
Precast Concrete Association of Virginia
Division Library