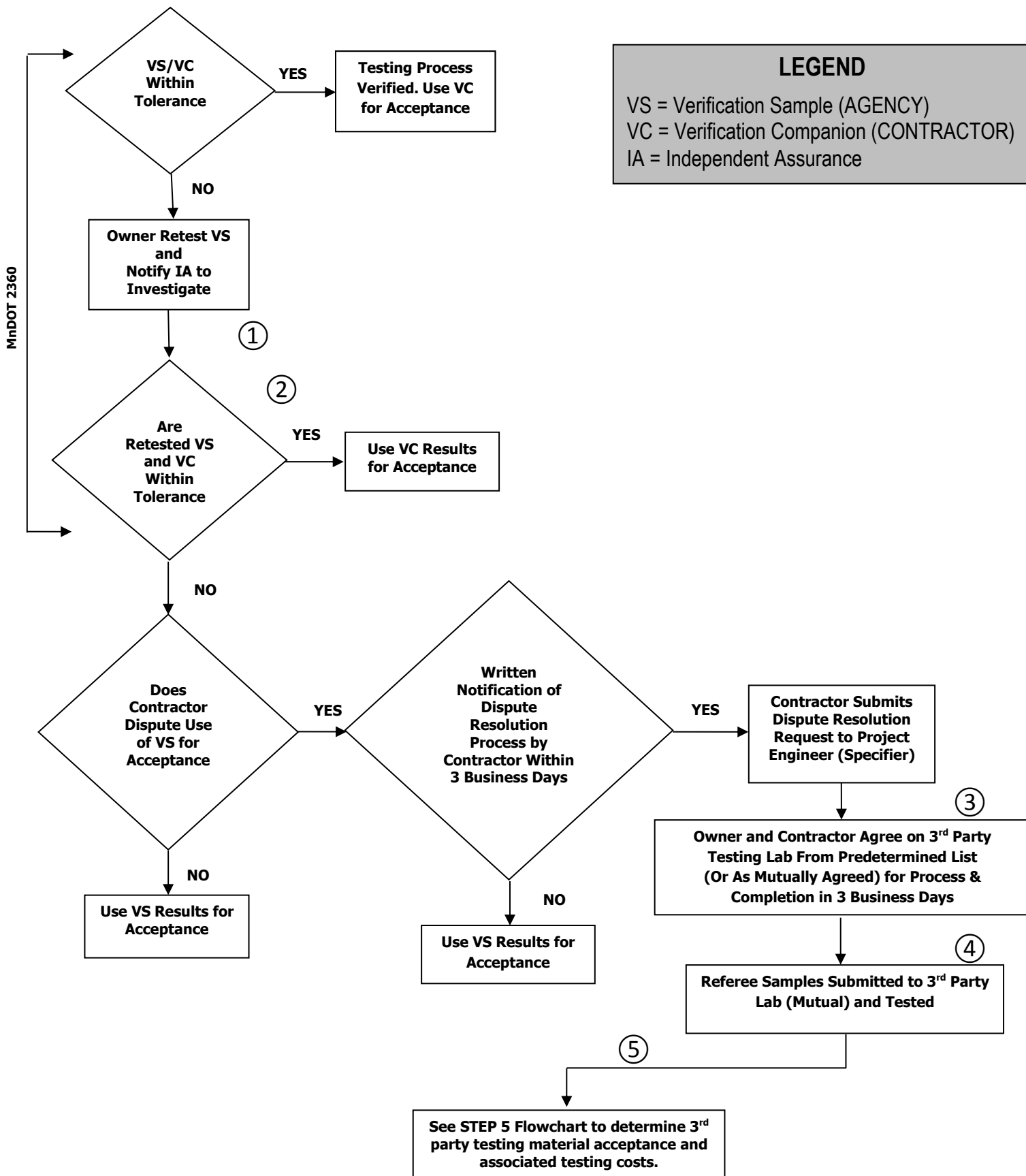


## VERIFICATION TESTING AND DISPUTE RESOLUTION PROCESS ( < \$75,000.00 )



# Dispute Resolution Process

## (May 11, 2016)

### Details for Notes 1-5

1. Per 2360, the owner must retest the material when tolerances are not met. The Agency's Lab Supervisor notifies the Independent Assurance Inspector (IAI) when the results are out of established tolerances. An IAI review of Agency testing equipment, procedures, worksheets, gyratory specimen height sheets, and personnel is critical to helping determine the source of the problem. The IAI may be asked to review the Contractor's equipment and test procedures as part of the process<sup>1</sup>. The Contractor should also independently review their corresponding laboratory tests and procedures.

If the investigation detects equipment malfunctions, calibration issues or procedural mistakes being the problem, the cause has been identified, corrective action is required and the potential dispute resolved.

Because both air voids and AFT are test results determined by calculation from other mixture parameters that have testing tolerances they are not to be included in 3<sup>rd</sup> Party Dispute resolution testing.

- <sup>1</sup>On State Aid projects, the Local Agency should be consulted prior to dispatching the IAI to review the Contractor's field testing operations.

2. **Agency retesting**, see MnDOT Lab Manual Section 1003 for Lab-Field Tolerance Procedure.
  - For a volumetric property, the parameter out of tolerance will be retested and, if applicable, substituted.
    - For Calculated AFT when all other contributing testing parameters are within tolerance (Rice gravity, %AC, gradation) – retesting consists of %AC and extracted gradation. Use hand washing to wash the sample. Report the original %AC value when the original and retested %AC values are within column 2 tolerances in Table 1003A of the Lab Manual.
  - All properties, except asphalt content, will be tested using the method used for project acceptance.
    - When asphalt content is the disputed parameter retest using MnDOT 1582 solvent centrifuge.
  - Retest for an extracted gradation will be performed on an ignition burn sample only if that method was originally used for acceptance. Hand washing is required.
  
3. When tolerances between test results are not met and the investigation does not identify the reason for the dissimilarity, the situation may be forwarded to a third party for referee testing.
  - MnDOT will provide a listing of AASHTO Materials Reference Laboratory (AMRL) accredited laboratories for 3<sup>rd</sup> party testing.
  - Because both air voids and AFT are test results determined by calculation from other mixture parameters that have testing tolerances they are not to be included in 3<sup>rd</sup> Party Dispute resolution testing. The individual parameters used to calculate the values can be disputed but the actual calculated air void or AFT can't be the means for the dispute.
  - See MnDOT Laboratory Manual (1800 series) for testing reference.
  - An independent courier may be utilized.

#### 4. 3<sup>rd</sup> Party Testing

- When a volumetric property is disputed, the parameter out of tolerance will be tested and, if applicable, substituted.
- All properties, except asphalt content, will be tested using the method used for project acceptance.
  - Disputed asphalt content will be based on a solvent centrifuge MnDOT 1852.
- Testing for an extracted gradation will be performed on an ignition burn sample only if that method was originally used for acceptance. Hand washing is required.
- 3<sup>rd</sup> party results will be used to determine whether the Contractor's or Department's results, or, the average of all three parties results more accurately represent the particular material property that is being tested. That result will be applied from the test sample where it was re-established forward.

#### 5. 3<sup>rd</sup> Party Testing Resolution

- See STEP 5 Flow Chart to determine material acceptance resolution when using 3<sup>rd</sup> party testing.
- With third party testing, see MnDOT Lab Manual Section 1003 and use "column 2" in table 1003A for verifying which of the disputed results are allowable.
- If necessary, in-place material from project can be sampled and tested for resolution.
  - A minimum of three samples are recommended. (Results in three, three-way comparisons.)
- Contractor pays for lab testing initially – balance books later at time of partial payment(s).

**STEP 5**

