



U.S. Department
of Transportation
**Federal Highway
Administration**

In Reply Refer To:
February 27, 2008

Rhode Island Division

Mr. Jerome Williams, Director
Rhode Island Department of Transportation
State Office Building
Two Capitol Hill, Room 210
Providence, RI 02903-1124

Attention: Mr. Frank Corrao III, P.E.
Deputy Chief Engineer

Subject: *Notice of Ineligibility
Concrete for I-Way Contracts 6, 7, 8 and 9*

Dear Mr. Williams:

The purpose of this letter is to notify the Department of our determination of ineligibility for concrete placed in I-Way Contracts 6, 7, 8 and 9, and paid for with Progress Payments up to August 31, 2007. The corresponding FHWA Forms 1367, Federal-Aid Ineligibility Notification, are included along with this letter. The basis for this determination was derived from analyses of information and data provided by the Department in the Supplemental Concrete Testing Report (the Report) dated January 11, 2008, as amended through February 14, 2008,

In summary, the ineligible amounts and the corresponding Federal shares to be reimbursed are as follows:

I-Way Contract 6:	\$ 855,441.29 Ineligible,	\$ 684,353.03 Federal Share
I-Way Contract 7:	\$ 2,386,289.05 Ineligible,	\$ 1,909,031.24 Federal Share
I-Way Contract 8:	\$ 305,697.30 Ineligible,	\$ 244,557.84 Federal Share
I-Way Contract 9:	\$ 368,882.65 Ineligible,	\$ 295,106.12 Federal Share
Total Ineligible Amount is		\$ 3,916,310.29
Total Federal Share to be reimbursed is		\$ 3,133,048.23

Details concerning the basis of this determination will be provided separately in a meeting between the Department and FHWA. In general, key aspects for determining value lost in the contracts to be recovered include lack of construction inspection, lack of random sampling and testing, and lack of contract enforcement regarding Pay Factors. FHWA has therefore assigned a value of ineligible costs derived from available inspection reports, test results and specification requirements.

The recently completed Process Review for structural concrete quality assurance has identified many related issues as actionable items; we look forward to working with the Department in developing an action plan for their implementation. We are pleased that the department has taken proactive corrective measures regarding concrete sampling and testing and we look forward to working with the department to implement additional measures to prevent any future issues related to concrete quality assurance.

Specific questions related to this matter may be directed to Mr. Anthony Palombo of my staff, who may be reached at 401-528-4550.

Sincerely yours,



Peter W. Osborn
Division Administrator

Enclosures

cc: Mr. Farhoumand, Mr. Felag

MOVING THE
AMERICAN
ECONOMY



U. S. Department of Transportation
Federal Highway Administration

Federal-Aid Ineligibility Notification

TO:

Mr. Jerome Williams, Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, Rhode Island 02903

NOTIFICATION NUMBER: 2008-003

Initial

Revised

Cancelled

} Use the same notification number shown on the initial notification.

PROJECT NUMBER:

I-Way Contract 6 RIC# 2004-CH-050 FAP# BRO-1954(057)

Items identified below or on the attached sheet have been determined to be ineligible for Federal-aid reimbursement for the reasons stated:

ITEM:

The Rhode Island Department of Transportation did not perform the required acceptance sampling and testing for the concrete listed herein for this project. In addition, concrete handling, placing, curing, and form removal requirements were not enforced during the placement of this concrete. Supplemental testing was performed and indicates that the concrete does not meet the requirement of the construction specifications. Contractually defined Pay Factors established to recover value lost when strength does not meet minimum prescribed values was not implemented by the RIDOT to recover costs from the contractor for sub-specification material. FHWA has therefore assigned a value of ineligible costs derived from available inspection reports, test results and specification requirements. Refer to attached quantities, item codes and costs for more details.

TOTAL COST

IF THE FEDERAL SHARE BILLED HAS BEEN PAID BY FHWA, CREDITS ARE DUE ON THE NEXT REQUEST FOR REIMBURSEMENT.

Item No.	Unit Price	Ineligible Qty (cy)	Ineligible Amount
252.0004	680.00	467.98	\$ 318,226.40
253.0004	660.00	276.2	\$ 182,292.00
254.0004	677.00	62.61	\$ 42,386.97
255.0004	900.00	6.5	\$ 5,850.00
256.0004	1120.00	6.03	\$ 6,753.60
257.0004	1115.00	77.79	\$ 86,735.85
258.0004	460.00	28.34	\$ 13,036.40
263.0004	230.00	2.21	\$ 508.30
259.0004	280.00	59.12	\$ 16,553.60
260.0004	253.00	617.79	\$ 156,300.87
261.0004	310.00	28.33	\$ 8,782.30
262.0004	750.00	24.02	\$ 18,015.00

\$855,441.29

TOTAL INELIGIBLE COST \$ 855,441.29

FEDERAL SHARE BILLED \$ 684,353.03

The above items shall not be claimed until corrective action has been taken and approved by FHWA on a Form FHWA-1367. If the costs have been paid by FHWA, credits are due on the next request for reimbursement.

DISTRIBUTION:

Corrao, Farhoumand, Felag, File

SIGNATURE

Rita W. Galborn

TITLE

FHWA Division Administrator

DATE

2-27-2008

I-Way Contract 6 RIC# 2004-CH-050 FAP# BRO-1954(057) 80% Fed-Aid
Federal-Aide Ineligibility Notification No. 2008-003

For quantities placed under Progress Payments made up to 8/31/2007

HP Pay Factor = 89% XX Pay Factor = 83% Volume Factor = 89%

Volume Factor = % of concrete volume assessed as not having been sampled/tested in accordance with the Std. Specs or 23CFR637

Ineligible Quantity (IQ) = [100% - Pay Factor %]x[Volume Factor]x[Quantity Placed]

Ineligible Amount = IQ x Unit Price

Federal Share = Ineligible Amount x 80%

Class HP Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
252.0004	4875.05	680.00	467.98	\$ 318,226.40
253.0004	2877.19	660.00	276.2	\$ 182,292.00
254.0004	652.27	677.00	62.61	\$ 42,386.97
255.0004	67.66	900.00	6.5	\$ 5,850.00
256.0004	62.80	1120.00	6.03	\$ 6,753.60
257.0004	810.32	1115.00	77.79	\$ 86,735.85
258.0004	295.20	460.00	28.34	\$ 13,036.40
263.0004	23.00	230.00	2.21	\$ 508.30

Total HP Ineligible Amount = \$ 655,789.52

Class XX Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
259.0004	380.10	280.00	59.12	\$ 16,553.60
260.0004	3972.01	253.00	617.79	\$ 156,300.87
261.0004	182.12	310.00	28.33	\$ 8,782.30
262.0004	154.45	750.00	24.02	\$ 18,015.00

Total XX Ineligible Amount = \$ 199,651.77

Total Ineligible Amount for this Contract = \$ 855,441.29

Total Federal share to reimburse for this Contract = \$ 684,353.03

I-Way Contract 7 RIC# 2003-CB-011 FAP# BRO-1954(055) 80% Fed-Aid
Federal-Aide Ineligibility Notification No. 2008-004

For quantities placed under Progress Payments made up to 8/31/2007

HP Pay Factor = 89% XX Pay Factor = 83% Volume Factor = 89%

Volume Factor = % of concrete volume assessed as not having been sampled/tested in accordance with the Std. Specs or 23CFR637

Ineligible Quantity (IQ) = [100% - Pay Factor %]x[Volume Factor]x[Quantity Placed]

Ineligible Amount = IQ x Unit Price

Federal Share = Ineligible Amount x 80%

* Items 215 to 218 - Unit Price in brown color is for drilled shafts per LF; Qty for drilled shafts is LF to match pay item unit of measurement for drilled shaft items.

Class HP Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
215.0006	1018.20	2015	97.74	\$ 196,950.32
216.0006	995.32	1820	95.55	\$ 173,893.23
217.0006	264.20	3900	25.36	\$ 98,911.31
218.0006	225.5	3350	21.65	\$ 72,517.01
270.0006	5157.16	438.00	495.06	\$ 216,836.28
270.0007	1500.00	438.00	143.99	\$ 63,067.62
271.0006	0.67	1200.00	0.06	\$ 72.00
271.0007	202.18	1200.00	19.41	\$ 23,292.00
272.0006	155.00	840.00	14.88	\$ 12,499.20
273.0006	135.00	210.00	12.96	\$ 2,721.60
273.0007	162.12	210.00	15.56	\$ 3,267.60
275.0006	540.10	580.00	51.85	\$ 30,073.00
275.0007	3431.6	580.00	329.42	\$ 191,063.60
276.0006	205.66	840.00	19.74	\$ 16,581.60
276.0007	118.01	840.00	11.33	\$ 9,517.20
277.0007	341.57	1010.00	32.79	\$ 33,117.90
278.0006	945.08	730.00	90.72	\$ 66,225.60
280.0006	741.46	215.00	71.18	\$ 15,303.70
281.0006	882.53	350.00	84.72	\$ 29,652.00
282.0006	674.70	623.00	64.77	\$ 40,351.71
282.0007	2115.97	623.00	203.12	\$ 126,543.76
290.0006	195.80	1400.00	18.8	\$ 26,320.00

Total HP Ineligible Amount = \$ 1,448,778.53

Class XX Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
279.0006	173.52	640.00	26.99	\$ 17,273.60
283.0006	857.86	220.00	133.43	\$ 29,354.60
283.0007	3450.39	220.00	536.66	\$ 118,065.20
284.0007	1041.07	245.00	161.92	\$ 39,670.40
285.0004	43.85	240.00	6.82	\$ 1,636.80
285.0006	227.50	240.00	35.38	\$ 8,491.20
285.0007	2500.09	240.00	388.86	\$ 93,326.40
286.0006	109.48	250.00	17.03	\$ 4,257.50
287.0004	18.00	600.00	2.8	\$ 1,680.00
287.0006	38.65	600.00	6.01	\$ 3,606.00
287.0007	3272.84	600.00	509.05	\$ 305,430.00
288.0007	253.86	220.00	39.48	\$ 8,685.60
289.0006	113.78	230.00	17.7	\$ 4,071.00
289.0007	1245.67	230.00	193.75	\$ 44,562.50
291.0006	689.54	2400.00	107.25	\$ 257,400.00

Total XX Ineligible Amount = \$ 937,510.80

Total Ineligible Amount for this Contract = \$ 2,386,289.05

Total Federal share to reimburse for this Contract = \$ 1,909,031.24



U. S. Department of Transportation
Federal Highway Administration

Federal-Aid Ineligibility Notification

TO:

Mr. Jerome Williams, Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, Rhode Island 02903

NOTIFICATION NUMBER: 2008-005

- Initial
 Revised
 Cancelled

Use the same notification number shown on the initial notification.

PROJECT NUMBER:

I-Way Contract 8 RIC# 2005-CH-051 FAP# BRO-1954 (059)

Items identified below or on the attached sheet have been determined to be ineligible for Federal-aid reimbursement for the reasons stated:

ITEM:

The Rhode Island Department of Transportation did not perform the required acceptance sampling and testing for the concrete listed herein for this project. In addition, concrete handling, placing, curing, and form removal requirements were not enforced during the placement of this concrete. Supplemental testing was performed and indicates that the concrete does not meet the requirement of the construction specifications. Contractually defined Pay Factors established to recover value lost when strength does not meet minimum prescribed values was not implemented by the RIDOT to recover costs from the contractor for sub-specification material. FHWA has therefore assigned a value of ineligible costs derived from available inspection reports, test results and specification requirements. Refer to attached quantities, item codes and costs for more details.

IF THE FEDERAL SHARE BILLED HAS BEEN PAID BY FHWA, CREDITS ARE DUE ON THE NEXT REQUEST FOR REIMBURSEMENT.

TOTAL COST

\$305,697.30

Item No.	Unit Price	Ineligible Qty (cy)	Ineligible Amount
244.0002	1060.00	2.07	\$ 2,194.20
246.0002	520.00	3.61	\$ 1,877.20
229.0002	275.00	109.52	\$ 30,118.00
230.0002	250.00	288.93	\$ 72,232.50
231.0002	300.00	26.17	\$ 7,851.00
232.0002	800.00	16.78	\$ 13,424.00
233.0002	670.00	161.81	\$ 108,412.70
234.0002	250.00	14.93	\$ 3,732.50
235.0002	700.00	83.41	\$ 58,387.00
236.0002	875.00	4.92	\$ 4,305.00
340.0001	260.00	9.67	\$ 2,514.20
341.0001	275.00	2.36	\$ 649.00

TOTAL INELIGIBLE COST \$ 305,697.30

FEDERAL SHARE BILLED \$ 244,557.84

The above items shall not be claimed until corrective action has been taken and approved by FHWA on a Form FHWA-1367. If the costs have been paid by FHWA, credits are due on the next request for reimbursement.

DISTRIBUTION:

Corrao, Farhoumand, Felag, File

SIGNATURE

TITLE

FHWA Division Administrator

DATE

2-27-2008

I-Way Contract 8 RIC# 2005-CH-051 FAP# BRO-1954(059) 80% Fed-Aid
Federal-Aide Ineligibility Notification No. 2008-005

For quantities placed under Progress Payments made up to 8/31/2007

HP Pay Factor = 89% XX Pay Factor = 83% Volume Factor = 89%

Volume Factor = % of concrete volume assessed as not having been sampled/tested in accordance with the Std. Specs or 23CFR637

Ineligible Quantity (IQ) = [100% - Pay Factor %]x[Volume Factor]x[Quantity Placed]

Ineligible Amount = IQ x Unit Price

Federal Share = Ineligible Amount x 80%

Class HP Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
244.0002	21.60	1060.00	2.07	\$ 2,194.20
246.0002	37.60	520.00	3.61	\$ 1,877.20

Total HP Ineligible Amount = \$ 4,071.40

Class XX Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
229.0002	704.13	275.00	109.52	\$ 30,118.00
230.0002	1857.64	250.00	288.93	\$ 72,232.50
231.0002	168.24	300.00	26.17	\$ 7,851.00
232.0002	107.89	800.00	16.78	\$ 13,424.00
233.0002	1040.36	670.00	161.81	\$ 108,412.70
234.0002	96.00	250.00	14.93	\$ 3,732.50
235.0002	536.27	700.00	83.41	\$ 58,387.00
236.0002	31.65	875.00	4.92	\$ 4,305.00
340.0001	62.15	260.00	9.67	\$ 2,514.20
341.0001	15.16	275.00	2.36	\$ 649.00

Total XX Ineligible Amount = \$ 301,625.90

Total Ineligible Amount for this Contract = \$ 305,697.30

Total Federal share to reimburse for this Contract = \$ 244,557.84



U. S. Department of Transportation
Federal Highway Administration

Federal-Aid Ineligibility Notification

TO:

Mr. Jerome Williams, Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, Rhode Island 02903

NOTIFICATION NUMBER: 2008-006

- Initial
 Revised
 Cancelled

Use the same notification number shown on the Initial notification.

PROJECT NUMBER:

I-Way Contract 9 RIC# 2005-CH-052 FAP# BRF-1954(061)

Items identified below or on the attached sheet have been determined to be ineligible for Federal-aid reimbursement for the reasons stated:

ITEM:

The Rhode Island Department of Transportation did not perform the required acceptance sampling and testing for the concrete listed herein for this project. In addition, concrete handling, placing, curing, and form removal requirements were not enforced during the placement of this concrete. Supplemental testing was performed and indicates that the concrete does not meet the requirement of the construction specifications. Contractually defined Pay Factors established to recover value lost when strength does not meet minimum prescribed values was not implemented by the RIDOT to recover costs from the contractor for sub-specification material. FHWA has therefore assigned a value of ineligible costs derived from available inspection reports, test results and specification requirements. Refer to attached quantities, item codes and costs for more details.

IF THE FEDERAL SHARE BILLED HAS BEEN PAID BY FHWA, CREDITS ARE DUE ON THE NEXT REQUEST FOR REIMBURSEMENT.

TOTAL COST

Item No.	Unit Price	Ineligible Qty (cy)	Ineligible Amount
220.0002	1500.00	0.72	\$ 1,080.00
225.0002	650.00	223.74	\$ 145,431.00
228.0002	700.00	72.73	\$ 50,911.00
248.0002	1100.00	6.62	\$ 7,282.00
249.0002	450.00	16.32	\$ 7,344.00
251.0002	1500.00	1.54	\$ 2,310.00
222.0002	260.00	80.41	\$ 20,906.60
223.0002	265.00	140.45	\$ 37,219.25
224.0002	270.00	337.44	\$ 91,108.80
250.0002	500.00	10.58	\$ 5,290.00

\$368,882.65

TOTAL INELIGIBLE COST \$ 368,882.65

FEDERAL SHARE BILLED \$ 295,106.12

The above items shall not be claimed until corrective action has been taken and approved by FHWA on a Form FHWA-1367. If the costs have been paid by FHWA, credits are due on the next request for reimbursement.

DISTRIBUTION:

Corrao, Farhoumand, Felag, File

SIGNATURE

Patricia W. Johnson

TITLE

FHWA Division Administrator

DATE

2/27/2008

I-Way Contract 9 RIC# 2005-CH-052 FAP# BRF-1954(061) 80% Fed-Aid
Federal-Aide Ineligibility Notification No. 2008-006

For quantities placed under Progress Payments made up to 8/31/2007

HP Pay Factor = 89% XX Pay Factor = 83% Volume Factor = 89%

Volume Factor = % of concrete volume assessed as not having been sampled/tested in accordance with the Std. Specs or 23CFR637

Ineligible Quantity (IQ) = [100% - Pay Factor %]x[Volume Factor]x[Quantity Placed]

Ineligible Amount = IQ x Unit Price

Federal Share = Ineligible Amount x 80%

Class HP Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
220.0002	7.50	1500.00	0.72	\$ 1,080.00
225.0002	2330.73	650.00	223.74	\$ 145,431.00
228.0002	757.64	700.00	72.73	\$ 50,911.00
248.0002	68.92	1100.00	6.62	\$ 7,282.00
249.0002	170.00	450.00	16.32	\$ 7,344.00
251.0002	16.00	1500.00	1.54	\$ 2,310.00

Total HP Ineligible Amount = \$ 214,358.00

Class XX Concrete

Item No.	Qty (cy)	Unit Price	Ineligible Qty (cy)	Ineligible Amount
222.0002	517.00	260.00	80.41	\$ 20,906.60
223.0002	903.00	265.00	140.45	\$ 37,219.25
224.0002	2169.50	270.00	337.44	\$ 91,108.80
250.0002	68.00	500.00	10.58	\$ 5,290.00

Total XX Ineligible Amount = \$ 154,524.65

Total Ineligible Amount for this Contract = \$ 368,882.65

Total Federal share to reimburse for this Contract = \$ 295,106.12