

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
MATERIALS CONTROL, SOILS AND TESTING DIVISION

MATERIALS PROCEDURE

METHOD OF EVALUATION OF NON-STANDARD OR
NON-CONFORMING MATERIALS IN CONSTRUCTION VIA DMIR

1. PURPOSE

- 1.1 Provide a method for evaluating material that does not meet the requirements of the Contract Documents.
 - 1.1.1 To evaluate a material when a failure is not otherwise addressed in the Contract Documents.
 - 1.2 Provide guidelines and/or a course of action when a material test has not been performed or has been performed incorrectly.
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2. REFERENCED DOCUMENTS

- 2.1 MP 109.00.21 - Basis for Charges for Non-Submittal of Sampling & Testing Documentation by the Established Deadline
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3. DEFINITIONS

- 3.1 ST-1: Special Testing Form 1- The ST-1 is a historic WVDOH document which has been used to provide an acceptance method for a material that does not have a prescribed acceptance method or is otherwise outside the scope of the normal acceptance procedure. An ST-1 is to be accepted before the material is placed.
 - 3.2 DMIR: District Materials Inspection Report – A DMIR is a materials investigation, into a situation where the material does not meet the requirements of the Contract Documents.
 - 3.3 AWP: (AASHTOWare Project Management Software) – This is the generic term for the suite of software used by the WVDOH to manage and process projects. This system manages contracts, samples, tests and other aspects of projects.
 - 3.4 Concur/Non-Concur of Sample – This is a technical AWP term in which the reviewer indicates their acceptance of a sample. A “Non-Concur” typically requires additional action to accept the material in the AWP system.
 - 3.5 District Lab Number – This is the tracking number and database field for the WVDOH materials management system.
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4. SCOPE

- 4.1 This procedure applies to situations where the resolution of a non-conformance is not clearly defined or described by Contract Documents.

- 4.1.1 The DMIR shall be submitted to MCS&T for consideration and either concurrence/non-concurrence for the following situations:
 - 4.1.1.1 The Material did not meet the Standard Specifications or other Division Testing Requirements.
 - 4.1.1.2 The Material is not addressed in the Standard Specifications or other Division Documents and has been placed before testing (ST-1 or evaluation methods were not utilized).
 - 4.1.1.3 Sampling and/or testing was not done correctly, samples or documentation was lost, or testing otherwise cannot be used to represent or accept the material.
 - 4.1.1.4 The resolution of the material has not been addressed in a change order or other contractual document.
- 4.2 As per Section 105.3 of the Specifications, the Engineer may accept materials that do not conform to Contract Documents. In this instance, material acceptance shall be processed via DMIR.
 - 4.2.1 Unless otherwise specified (such as absent testing as described by MP 307.00.50, MP 401.03.50, or MP 601.03.50), the cost assessment for a DMIR is at the discretion of the District, though when assessing the penalty the District is advised to use the rate listed in Section 3 of MP 109.00.21.
 - 4.2.1.1 An additional processing fee shall be assessed as described in Section 105.3 of the Specifications. These assessments are in addition to any deductions for the resolution of the material. This rate is assessed per instance of the DMIR.
 - 4.2.1.2 For example, if a set of cylinders is not cured within the Specification temperature limits, the District may assess a penalty of the current rate listed in MP 109.00.21 (\$700) plus the rate listed in Section 105.3 (\$200). The Engineer may also deduct a portion of the cost of material.
 - 4.2.2 In any event of a DMIR, a change order shall be processed, even if the final evaluation/penalty of the DMIR is \$0.00.
 - 4.2.3 A note of each DMIR, regardless of evaluation amount shall be in the final material certifications letter (MC-8).

5. DMIR DOCUMENTATION AND SUBMISSION TO MCS&T

- 5.1 The DMIR form is available on the [WVDOH MCS&T Webpage](https://transportation.wv.gov/highways/mcst/Pages/tbox.aspx)¹. All required fields must be completed before submitting the DMIR to MCS&T.
 - 5.1.1 The preparer of the DMIR, typically the Materials Supervisor or their designee, shall clearly state all details that initiated the DMIR and shall include the following categories of information:

¹ <https://transportation.wv.gov/highways/mcst/Pages/tbox.aspx>

1. General/Project Information
 2. Date or Dates of Incident
 3. Date of Report
 4. Materials Information
 5. Type of Deviation
 6. Situation
 7. Review
 8. Conclusion
 9. Review and Signatures from Construction Engineer and Materials Supervisor
 10. Supporting Documentation
- 5.1.2 A description of the material, known quantities, technical issues, or any requirement from the applicable Specifications, Contract Proposal, Project Plans, Material Procedures (MPs), Standard Details, Special Provisions, AASHTO, ASTM, or any Non-Specification issues shall be provided.
- 5.1.3 A justification and any supporting and/or relevant detail shall be provided.
- 5.1.4 The conclusion shall clearly state and justify the final price assessment resolution (which may be \$0.00), including all applicable fees and penalties.
- 5.1.5 The assessment fees should be listed individually and with a final total price assessment. Justification of the price assessment shall be provided.
- 5.1.6 The supporting documentation shall provide the necessary information and evidence for the materials inspection.
- 5.2 The DMIR shall be sent to the ST-1/DMIR mailbox (St1dmir@wv.gov).
- 5.2.1 DMIR Request Email files shall be submitted in the following format for both the subject of the email and the file name for the submission: DMIR-District Lab Number-CID Contract ID. An example follows:
- 5.2.1.1 DMIR-MXZXXXXX-CID 20XX00XXXX
- 5.3 The sample shall be logged in the current materials tracking system and sent to the applicable MCS&T Section to review. If the subject material(s) and the resolution meets the project requirements, MCS&T will concur; otherwise, MCS&T will non-concur.
- 5.3.1 The District must electronically send the fillable PDF form. This cannot be hand-written and scanned (Fields must be able to be selected for Copy and Paste). The entire submission shall be 1 file, with a total file size must be less than 25MB. Only one DMIR instance (unique line-item and material) may be submitted per email.
- 5.4 After MCS&T has reviewed the DMIR (whether be concur or non-concur), the DMIR will be sent to Regional Construction Engineer at the Contract Administration Division. The Regional Construction Engineer will then forward it to the Director of Contract Administration with his/her recommendation.

- 5.5 After the DMIR has been completed, the Director of Contract Administration will send the resolution back to MCS&T and the District with their final decision.
- 5.5.1 If the project is being tracked in AWP, the initiating District Materials Supervisor will document the DMIR status on the contract via DWR. Otherwise, the sample record in SiteManager shall be processed by the project.

**Michael
Mance** Digitally signed by
Michael Mance
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Michael A Mance, PE
Director
Materials Control, Soils & Testing Division

MP 100.00.03 Steward – Materials Control Section
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