

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

MATERIALS PROCEDURE

PROCEDURE FOR EVALUATING PRODUCTS FOR USE
IN HIGHWAY CONSTRUCTION

1. SCOPE

- 1.1 New products are frequently presented to the Division by various manufacturers, suppliers and/or producers (MS&Ps) with a request that they be considered for use in our highway program. To facilitate handling of such requests in a uniform and expeditious manner, this Materials Procedure outlines the steps necessary for such product submittal and evaluation. This Procedure covers the addition of approved submitted products to the Division's Approved Product List (APL).
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2. REFERENCE DOCUMENTS

- 2.1 MP 106.00.03: Guidelines for Establishing and Maintaining Approved Product Lists of Materials, Systems and Sources.
- 2.2 MP 106.10.50: WVDOH Buy America Acceptance Guidelines.
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3. DEFINITIONS

- 3.1 MCS&T Reviewing Entity: The applicable Section Supervisor at MCS&T who is responsible for the review and acceptance of a new product.
- 3.2 Non-MCS&T Reviewing Entity: A subject matter expert at a WVDOH division separate from MCS&T.
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4. SUBMISSION OF PRODUCT

- 4.1 Consideration for new product evaluation shall be requested through completion by the MS&Ps of West Virginia Division of Highways (DOH) Form HL-468, "Preliminary Information for New Product Evaluation". Once completed, DOH Form HL-468 shall be submitted to the Materials Control, Soils and Testing Division (MCS&T) via email to the New Products Evaluation email address: DOHNewProducts@wv.gov.
- 4.1.1 The HL-468 Form can be found on the MCS&T Division's Materials Procedures [Webpage](#)¹. A sample of this form is shown in Attachment 1. An online form may also be used to meet this requirement.

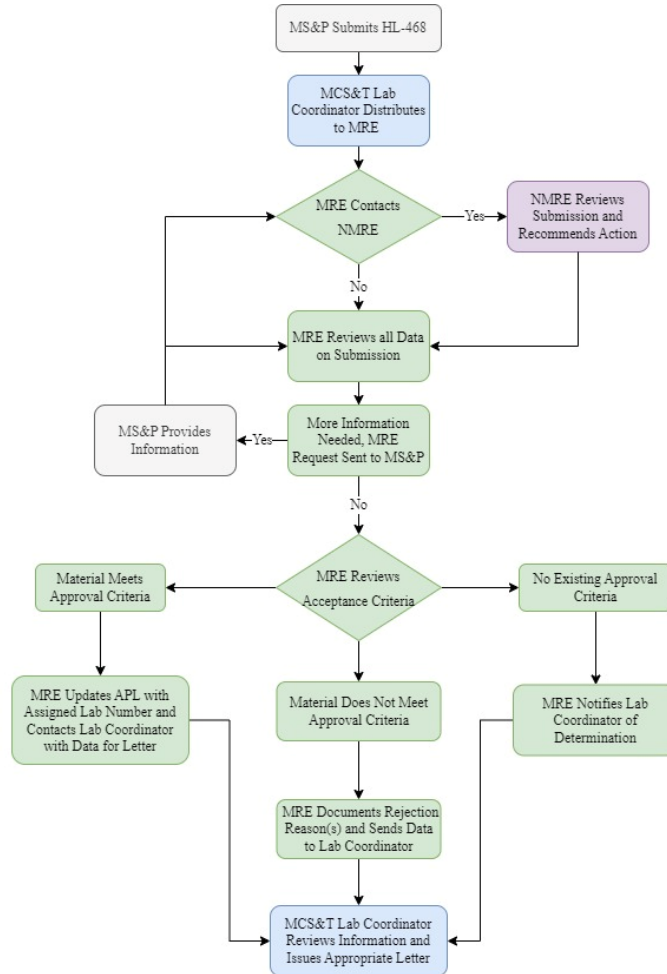
¹ <https://transportation.wv.gov/highways/mcst/Pages/MP-100s.aspx>

5. REVIEW OF SUBMITTED PRODUCT

- 5.1 Upon receipt of the completed Form HL-468, the Materials Control, Soils and Testing Division shall distribute to applicable MCS&T Reviewing Entity for preliminary evaluation.
- 5.1.1 Within 30 calendar days of receipt, the MCS&T Reviewing Entity shall review the submittal in accordance with the applicable material requirements and decide if the product is acceptable.
- 5.1.2 This MCS&T entity shall ultimately be responsible for the approving of the new product, though they may reach out to Non-MCS&T Reviewing Entities for additional approving criteria.
- 5.1.3 A Non-MCS&T Reviewing Entity shall be given 7 calendar days to review the submission before making a final decision. If the entity does not respond within that time, their affirmation for the approval will be assumed by the MCS&T Entity.
- 5.2 If the preliminary review indicates that the product may be accepted without further evaluation, the Product shall be considered accepted and added to the APL.
- 5.3 If the reviewing entity determines that the WVDON does not currently have any specifications for the submitted product, a “No-APL” letter shall be issued. The issuance of this letter does not mean the product cannot be used on a project, but rather, another acceptance method may be used to accept the material.
- 5.4 If the preliminary review indicates that additional information is needed, the MS&P shall be notified to submit additional information. This may include but not be limited to: samples, product specifications, certified test data, or product demonstrations. Product testing shall be coordinated by the MCS&T Division with the results of any further testing/evaluation being submitted to all appropriate evaluating parties. In the case where additional information has been requested or additional testing is required, the 30-day timeframe shall be reset to the date when the additional information is provided, or the testing has been completed.
- 5.4.1 If the MS&P fails to submit the request information within 30-days, the reviewing entity may reject the request. Discretion may be given if the information request requires testing or evaluation that would exceed this time frame.
- 5.5 If the evaluation indicates that the product is not acceptable, the Manufacturer/Supplier shall be notified by MCS&T. The MS&P shall not submit the same product for evaluation during the same calendar year.
- 5.6 In the instance where a product has significant approved usage, the Director (or their Designee) of MCS&T may add a product to either a new or existing APL as per MP 106.00.03. If a product is a candidate for being added to the APL in this manner, the MCS&T Lab Coordinator shall contact the MS&P prior to the addition of the product to the APL to request completion of the required HL-468.
- 5.7 Sample language for submission responses is shown in Attachment 2.

5.8 A flow chart for the process is provided in Figure 1

Figure 1: Flow Chart for Approved Products List Process.



Key:
 MRE: MCS&T Reviewing Entity
 NMRE: Non-MCS&T, WVDOH Reviewing Entity
 MS&P: Manufacturers, Suppliers and/or Producers

6. DOCUMENTATION OF APPROVED PRODUCTS

6.1 MCS&T shall maintain a directory on the [Division's APL Webpage](#)² listing all the current approved products.

6.1.1 Additionally, MCS&T may evaluate the product listing after one year to determine if the performance or functionality of the product/process meets the desired results, goals, or intentions of the DOH. Any such evaluation may result in the product being removed from the Approved Product List.


² https://transportation.wv.gov/highways/mcst/Pages/APL_By_Number.aspx

7. REMOVAL OF PRODUCT FROM APL

- 7.1 If, at any time the reviewing entity determines that a previously approved product no longer meets the specifications, the product shall be removed from the MCS&T approved product list.
- 7.2 In this instance, the reviewing entity shall notify the MS&P.

8. BUY AMERICA

- 8.1 Each HL-468 submission must include whether the product meets the Federal and State Buy America requirements of Section 106.1 of the Specifications. If the MS&P indicates that their product meets Buy America requirements, the company shall produce a notarized Certificate of Compliance (CoC) signed by a company official with knowledge and authority to certify the product is compliant with applicable Buy America requirements.
- 8.1.1 In the event where the source of materials is changed and is no longer Buy America compliant, the MS&P must notify MCS&T in writing.
- 8.1.2 Under no circumstance shall the CoC described above be used for Buy America compliance on a project. Each project must submit a CoC as described in MP 106.10.50 “WVDOH Buy America Acceptance Guidelines.”
- 8.2 A notarized CoC shall contain the following information:
- 8.2.1 Title: Certification of Buy America compliance for Source Approval.
- 8.2.2 The Name, Address and Contact Information for the Company.
- 8.2.3 The date of the application
- 8.2.4 A company statement that demonstrates compliance with Buy America.
- 8.2.5 The name of the material and/or material code reference in the CoC. This material name shall be a clear, common name of the material that is comparable to the [AWP Material Name](#)³. Part Numbers etc. may also be on the document if the company wishes.
- 8.2.6 Signature of the Company Official and date.
- 8.3 The document must be notarized.
- 8.4 A sample of this CoC document is provided in Attachment 3.


02/29/2024

Ronald L. Stanevich, PE, Director
Materials Control, Soils & Testing Division

MP 106.00.02 Steward – Lab Support Section
RLS:B
ATTACHMENTS

³ See “AWP Material Codes” at <https://transportation.wv.gov/highways/mcst/Pages/tbox.aspx>

WEST VIRGINIA DIVISION OF HIGHWAYS
PRELIMINARY INFORMATION FOR TECHNOLOGY/PRODUCT EVALUATION

1 TRADE NAME _____

MANUFACTURER _____

ADDRESS _____ APPLIED FOR? _____
City State Zip

2 REPRESENTATIVE _____

ADDRESS _____ PHONE _____
City State Zip

3 PRODUCT CATEGORY _____

4 EXISTING MATERIAL CODE: _____

5 BUY AMERICA BUILD AMERICA COMPLIANT? _____ NO _____ YES

5A IF 5 IS YES, SIGNED AND NOTARIZED CERTIFICATE OF COMPLIANCE
PROVIDED IN ACCORDANCE WITH MP 106.00.02 _____ YES

6 RECOMMENDED USE - PRIMARY

7 RECOMMENDED USE - ALTERNATE

8 ANY KNOWN OR PROBABLE ADVERSE AFFECT ON PRESENTLY USED OR
INSTALLED MATERIALS, STRUCTURES OR EQUIPMENT

9 PLAN DRAWING, PICTURE, OR SKETCH FURNISHED BY MANUFACTURER?

_____ YES _____ NO

10 MEETS REQUIREMENTS OF FOLLOWING SPECIFICATIONS

 <-AASHTO <-ASTM <-FHWA <-OTHER

11 APPROVED FOR PROPOSED USE BY HIGHWAY AUTHORITIES OR OTHER AGENCIES IN THE FOLLOWING STATES

12 ARE INSTRUCTIONS OR DIRECTIONS FOR INSTALLATION, APPLICATION OR USE AVAILABLE?

 YES NO
COPY ATTACHED: YES NO

13 WILL DEMONSTRATION BE PROVIDED?

14 ARE EDUCATIONAL COURSES OR VIDEOS AVAILABLE?

 YES NO

15 AVAILABILITY SEASONAL NON-SEASONAL
DELIVERY AT SITE

AFTER RECEIPT OF ORDER.
ARE QUANTITIES LIMITED? YES NO

16 WILL FREE SAMPLE BE FURNISHED?

 YES NO

17 NEW MARKET? YES NO

ALTERNATE FOR WHICH EXISTING PRODUCT? _____

18 IS PRODUCT GUARANTEED? YES NO
CONDITIONS?

19 BACKGROUND DESCRIPTION OF COMPANY AND ITS PRODUCT

20 ADDITIONAL INFORMATION

MP 106.00.02
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PAGE 3 OF 3
ATTACHMENT 1

21 THE FOREGOING INFORMATION IS FURNISHED BY

NAME/TITLE: _____

EMAIL ADDRESS: _____

EMAIL COMPLETED FORMS TO:

DOHNewProducts@wv.gov

Attachment 2: Sample APL Response Language

1. NO APL RESPONSE:

The West Virginia Division of Highways (WVDOH) has evaluated your submittal of <Product Name>, <Product Material> as per Materials Procedure MP 106.00.02. This Division is not approving your material at this time; the WVDOH does not currently have a Specification or Materials Procedure which applies to your product.

The inclusion of the material into project designs does not rest with this Division, though it may be specified at the discretion of WVDOH Designers or requested to be used by Contractors. If a contractor would propose to use it on a WVDOH project, or if the product is specified in Contract Documents, this product may be used, pending an individual evaluation on that project.

2. NON-APPROVAL RESPONSE

This material was submitted to the West Virginia Division of Highways for consideration in accordance with Materials Procedure 106.00.02.

This letter is to notify you that the Division has elected to not approve this product currently. As per Section <XXX> of the Standard Specifications Roads and Bridges, “<Description of Non-Approval Reason>.”

3. APPROVAL RESPONSE

West Virginia Division of Highways (WVDOH) Laboratory Approval Numbers 2XXXXXXX has been issued to your company <Name of Company>, for the above-mentioned product. The approval number, effective Date Month Day, 20XX, must appear on all shipping documentation for said product supplied to the Division of Highways projects.

ATTACHMENT 3: SAMPLE COMPLIANCE FORM
**Certification of Buy America, Build America Compliance
For Source Approval**

Acme Manufacturing Company
123 Main Street
Charleston, WV
25302

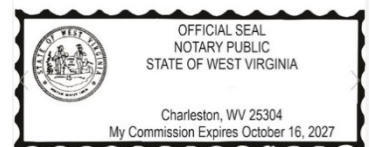
HL 468 Submission Date: 10/31/2022

The below listed materials and products meets all the requirements of all Federal and State Laws for Buy America, including but not limited to: Chapter 5, Article 19 and Chapter 5A, Article 3 Section 56 of the West Virginia Code; 23 U.S.C. 313 Buy America, 23 CFR 635.410 Buy America Requirements, and Build America, Buy America Act, Section 70914.

This Certification of Compliance is for the material listed below:

526.003.004 - Widget, Part Qi
596.003.004 - Widget, Part Hr

Jonathan Doe, Quality Assurance Manager



WVDOH Use Only

Reviewed by:

Reviewed Date:

Status: