



# OHIO DEPARTMENT OF TRANSPORTATION

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JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

April 11, 2014

Randall J. Meyer  
Inspector General  
Office of the Inspector General  
30 East Broad Street – Suite 2940  
Columbus, Ohio 43215-3414

OFFICE OF  
INSPECTOR GENERAL  
2014 APR 15 AM 10: 21

**RE:** IG File 2012-CA00112

Dear Inspector General Meyer:

Thank you for your investigation of Kokosing Materials, Inc., and the allegations surrounding that contractor's actions on ODOT project 3011-11, Morrow County, Interstate 71.

ODOT has reviewed the recommendations of your office, vetted the issues internally and met with the contractor to discuss their shortcomings. Your report contained four specific recommendations. The recommendations and ODOT's response to them are as follows:

**Recommendation #1:** Determine if the contract with Kokosing Construction Company allows for any remedies regarding the submission of the suspect cores samples to ODOT for testing.

**ODOT Response #1:** ODOT has proposed to assess administration fees of 5% for 7, 8, & 9 that had evidence of core mishandling. Typical deductions made for asphalt materials deficiencies range from 5% to 10% of the item price for that lot. The relevant contract sections that ODOT will be following from our Construction and Materials Specifications Manual are:

**105.03 Conformity with Contract Documents.** Perform all Work and furnish all Materials in reasonably close conformity with the lines, grades, cross-sections, dimensions, and material requirements as shown on the Plans and as specified.

If the DCE determines the Work is not in reasonably close conformity with the Contract Documents and determines the Contractor produced reasonably acceptable Work, the DCE may accept the Work based on engineering judgment. The DCE will document the basis of acceptance in a Change Order that provides for an appropriate adjustment to the Contract Price of the accepted Work or Materials.

If the DCE determines the Work is not in reasonably close conformity with the Contract Documents and determines the Work is inferior or unsatisfactory, remove, replace, or otherwise correct the Work at no expense to the Department.

**Recommendation #2:** Revise [ODOT] procedures to ensure that ODOT inspectors and/or engineers not only physically observe the extraction of the cores but that they physically observe the placement of the cores in the core box.

**ODOT Response #2:** The ODOT district construction administrators (“DCAs”) were in general agreement that this approach was acceptable. A couple of districts were very concerned about manpower for oversight. One District stated they do not always have inspectors on site during paving. However, to address the recommendation, ODOT will execute the following changes (in bold/underlined) in its procedures manual:

**2013 MOP Language (2/20/2014)**

There have been incidents where cut cores have been switched out with other cores that presumably would provide better density test values. **Project personnel must witness the coring operation and take immediate possession of the core from the contractor upon removal, to ensure the cores being tested for payment are from the locations selected by the project through the random selection process.** Substitution of cores by cutting in other locations or by replacing cut cores with others is absolutely prohibited and will not be tolerated. **No cores for acceptance testing can be taken by the contractor without project personnel present. Project personnel should immediately take possession, label, place in acceptable core box and maintain custody of all lot core samples until shipped to the District lab for testing.**

**446.05 Density Acceptance. (2/20/2014)**

Within 48 hours after the pavement is placed, obtain ten cores for each Lot at random locations the Engineer determines. **Only obtain core samples in the presence of the Engineer and immediately surrender each core sample to the Engineer for testing.** The Engineer will divide a Lot into five equal sublots and calculate two random core locations in each subplot as described below using an acceptable random number selection method. Both mainline pavement and ramps will be included in Lot determinations. The Engineer will not give the Contractor random core locations early in the Lot placement. The Engineer will tell the Contractor the method used to determine random locations as noted below before project start and will use the same method for all Lots.

**Recommendation #3:** Ensure the core box is secured with evidence tape or another tamper-resistant method after the cores have been placed in the box.

**ODOT Response #3:** Tamper resistant boxes or evidence sealing tape should not be necessary since ODOT personnel will maintain exclusive custody of core samples.

**Recommendation #4:** Consider revising the policies and procedures regarding the taking of additional core samples, not considered “sister” cores, by the construction company, including the possibility of prohibiting such action or specifying the locations where such extractions can occur.

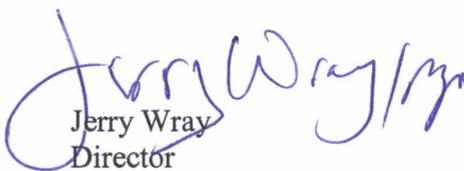
**ODOT Response #4:** ODOT’s Pavements Specification Committee has made changes to 446.05 to address additional core samples. Those changes (in bold/underlined) are as follows:

**446.05 Density Acceptance. (SS800 7/19/2013)**

For each Lot, three cores will be taken as follows from cold longitudinal joints and seven cores will be taken from the mat not including the joints. If locations not according to this specification are given, immediately inform the Engineer. Do not take cores from ramp joints. Take joint cores from the first, last and randomly from one of the three middle sublots. Determine the longitudinal location of the joint core within the subplot randomly and also randomly determine whether or not the cold longitudinal joint core is to be taken from a confined or unconfined joint if both exist in the mat to be cored. Do not take cores on the sloped face of a wedge before the adjoining lane is placed. Take joint cores such that the core's closest edge is six inches (150 mm) from the edge of the joint upper notch of a wedge joint or 4 inches (100 mm) from the edge of a vertical face joint. If a nine inch or wider wedge joint is used take the core three inches from the upper wedge joint notch. Take the seven random mat cores that are not for the joint coring such that the core's closest edge is at least twelve inches from the cold longitudinal joint wedge joint upper notch or vertical face edge. If taken, locate cores for the Contractor's quality control (QC sister core) longitudinally from and within four inches (100 mm) of the random core. **In addition to the QC sister cores, three extra cores may be taken from the first lot of a JMF for testing to correlate density gauges. Do not take additional cores beyond what is noted above unless clearly identified in the approved Contractor's QCP.** Clearly label all cores with mat locations so that they may be readily identified. Any unlabeled cores may be destroyed by the Department. Notify the Laboratory if any questions arise. Do not store additional cores anywhere (project, in vehicles or at the plant) beyond what are required to be taken for testing. **Test all Contractor QC cores and maintain records of all tests (core tests and correlated gauge tests) per the QCP. Destroy all cores immediately after testing is complete.**

Thank you again for your thorough review of ODOT's process and the actions of this contractor. We trust that the directions we have taken address the recommendations and concerns of your office. Please contact the Department if you have any additional questions regarding this response.

Respectfully,

  
Jerry Wray  
Director