**CITY OF BILOXI**

**SPECIAL PROVISION NO. 907-106-1 CODE: (SP)**

**DATE: 06/12/2017**

**SECTION 106 - CONTROL OF MATERIALS**

# Subsection 106.02.2 - Contractor Furnished Sources

Delete Subsection 106.02.2 in its entirety and insert the following:

The Contractor shall provide sources of materials meeting the requirements of the contract and shall bear all costs involved, including the cost of sampling and testing for source approval.

The Contractor shall assume the cost of acceptance sampling and testing during production and use of the materials.

# Subsection 106.02.3 - All Sources

Delete Subsection 106.02.3 in its entirety and insert the following:

In compliance with the laws of the State of Mississippi, in choosing materials for the project, the successful bidder shall be required to give preference to materials grown, produced, prepared, made or manufactured within the State of Mississippi. The foregoing notwithstanding, no preference shall be given to materials grown, produced, prepared, made or manufactured in the State of Mississippi when other materials of like quality produced outside the State of Mississippi may be purchased or secured at less cost, or any other materials of better quality produced outside the State of Mississippi can be secured at a reasonable cost.

All materials that the successful bidder will use on the project shall be grown, produced, prepared, made or manufactured within the United States.

# Subsection 106.03 – Samples, Tests, and Cited Specifications

Delete the second paragraph of Subsection 106.03 and insert the following:

All testing shall be by an independent testing laboratory approved for use by the Mississippi Department of Transportation. All costs to the contractor for tests or sampling or any associated costs for testing or sampling shall be the responsibility of the contractor.

The City reserves the right to retest all materials even though they have been tested and approved earlier and to reject all retested materials that do not meet the requirements of the contract. All costs associated with retesting shall be the responsibility of the Contractor.

All test reports shall be submitted to the City Engineer or his authorized representative for review and approval. Any material used on the project without prior written approval by the City Engineer or his authorized representative shall be at the Contractor’s own risk. Any material, which is incorporated into the job that is not approved by the City Engineer or his authorized representative shall be removed and replaced at no additional cost to the City.

Delete the last paragraph of Subsection 106.03 in its entirety.

# Subsection 106.07 - Foreign Materials

Delete Subsection 106.07 in its entirety and insert the following:

The Contractor shall not use any materials on the project that are grown, produced, prepared, made or manufactured outside the United States.

# Subsection 106.12 – Substitute Materials

Delete Subsection 106.12 in its entirety and insert the following:

Any materials to be used as a substitute to any material specified in the contract shall be approved by the City Engineer or his authorized representative prior to use. The contractor shall be responsible for submitting all information needed by the City Engineer or his authorized representative to show all properties, characteristics, test reports, etc. to make an informed decision as to the compliance, of the proposed material, with the contract.