
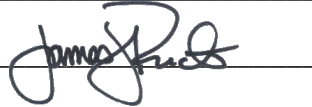


Memorandum

DATE July 21, 2021

TO District Engineers, District Construction Engineers, Assistant District Construction Engineers, Project Managers

FROM Andrew W. Dearmont, Assistant Construction Engineer 

THRU James J. Knott, NDOT State Construction Engineer 

SUBJECT DIRECTIVE CONSTR 21-01
NO PAY FOR NON-REQUIRED SHOULDERING WORK

CONSTRUCTION DIRECTIVE

BACKGROUND:

This Directive provides policy for payment for the items of work “Earth Shoulder Construction” and “Earth Shoulder Restoration” and provides policy of “no payment” for shouldering work that is not required by the Contract nor ordered by the Engineer.

The location for work associated with “Earth Shoulder Construction” and “Earth Shoulder Restoration” is typically defined in the Contract. The “Typical Cross Sections” are the primary means used to define the locations where the shoulder work is to occur. While compensation for shouldering work at locations other than those defined by the “Typical Cross Sections” might be applicable under one of these two pay items as ordered by the Engineer, there are times when shouldering work is not compensable. This Directive sets policy for when shouldering work at locations other than shown in the contract is or is not compensable.

DEFINITIONS:

Earth Shoulder Construction: The item Earth Shoulder Construction compensates the contractor for the work of building the earth shoulder to match the elevation of the pavement when additional material is necessary to adequately construct the shoulders to the dimensions of the typical section.

Earth Shoulder Restoration: The item Earth Shoulder Restoration compensates the contractor for the work of building the earth shoulder to match the elevation of the pavement when NO additional material is necessary to adequately construct the shoulders to the dimensions of the typical section. This situation is typical where a roadway is trench-widened creating more than sufficient material to build the earth shoulders.

Non-compensable shoulder work: No compensation is due the contractor for work on the earth shoulder due to the contractor’s choices regarding the preparation of the earth shoulder for the paving of the roadway. This is generally the case when the pavement determination is a mill and fill of the same depth or lesser depth.

POLICY:

When roadway widening work is needed at locations other than those shown in the Contract that creates a drop-off by means of trenched widening—that creates a windrow of materials that can be used for rebuilding the shoulder—then that work is compensable under the pay item “Earth Shoulder Restoration.”

When the required work is anticipated to produce enough material to perform “Earth Shoulder Restoration” but does not—because of an existing drop-off (or for some other reason) such that additional material must be imported—then that work is compensable under the pay item “Earth Shoulder Construction.”

When roadway work is needed at locations other than shown in the Contract that creates a drop-off—but additional material for the subsequent shouldering work must be hauled in and placed to eliminate a drop-off—then that work is compensable under the pay item “Earth Shoulder Construction.”

When the Contractor exposes the edge of existing pavement to facilitate overlay work (or other work not associated with widening), then the subsequent shouldering work required to fill the drop-off and re-establish the earth shoulder is not compensable and shall be subsidiary to work for which direct payment is made.

Shouldering work ordered by the Engineer that requires the Contractor to haul in additional material to eliminate a drop-off along a roadway edge that existed prior to construction or occurs during construction, but is not due to the Contractor’s activities, is compensable under the pay item “Earth Shoulder Construction.”