



## New Mexico Department of Transportation

### REFEREE TESTING POLICY

The State Materials Bureau will be responsible for maintaining and administering this procedure in accordance with Section 423.3.7 and 424.3.7 Dispute Resolution. The purpose of this policy is to establish and maintain an objective method to resolve HMA/WMA testing disputes between the Contractor and the Department.

This program is intended to be completely anonymous to both the Contractor and to the Department's project personnel. Consequently, no specific information relative to the location or project from which the sample was obtained will be available to the chosen Referee Testing Lab. Only the State Materials Bureau will know which Referee Testing Lab performs the required tests. The State Materials Bureau will maintain a list of AASHTO re:source Certified Laboratories and choose one from this list to perform the testing that have no involvement or interest in the specific project.

**Note:** *Referee testing shall not be invoked on their own testing. The Department or Contractor can verify their own results internally. In no circumstance will Referee Testing be used to adjust Pay Factors already determined by the PM.*

This policy establishes a means to replace disputed test results used to determine the QLA/Major Paving pay factor on Department Projects. If on-site efforts and evaluations fail to discern the cause of anomalous or disputed test results, this policy can be invoked by either the Department or the Contractor. If the Air Voids, VMA, or Asphalt Content, is disputed, then all volumetric tests will be performed on the referee sample by the Referee Testing Lab, and the test results determined by the Referee Testing Lab for all of these properties will be used in place of the original results as the final entries for these tests.. If the Mat Density is disputed, then the Mat Density of the referee core will be determined and will be used in place of the original Mat Density result as the final entry for this test. All other data that was not subjected to dispute resolution will be retained in the QLA/Major Paving evaluation.

**The results of the referee tests reported by the State Materials Bureau shall replace all test results for that test in the quality level analysis for**

**both the NMDOT and Contractor.**

Volumetric Referee Test Samples will be obtained as a part of the standard sampling procedure. The normal randomly selected sample will be obtained as a part of the normal sampling requirements for the Contractor and the Department. The referee sample will be taken directly in front of the standard random sample (in the direction the Paver is moving) at a distance of 2 +/- 0.5 feet. The Volumetric sample shall be a minimum of 15,000 grams to prevent material reuse during the testing process, leading to quicker turnaround and more accurate test results. The Department shall retain the Contractor's random Volumetric samples until the PM provides approval to discard the samples.

Mat Density cores will be obtained as a part of the standard sampling procedure. The normal randomly selected sample will be obtained as a part of the normal sampling requirements for the Contractor and the Department, and one (1) additional core will be obtained for each of the specimens in the Department's Random Sampling Program. The PM may require the Contractor to obtain one (1) additional core for each of the specimens in the Contractor's Random Sampling Program for Referee Testing as well. The location of Referee Core shall be as close as possible, but not more than 3 inches apart from the original core hole either in front of or behind (in the direction of the paver travel) the original core. Adjacent cores to the right or left will not be obtained. The Department shall retain the Contractor's random Mat Density cores until the PM provides approval to discard the samples.

When the Referee Lab Testing is invoked by either the Department or Contractor, it shall be done in writing to the Project Manager or Contractor within ten (10) Calendar Days after receiving the test results from the other party. The correspondence shall include as a minimum:

- Project/Control Number
- Material Type
- SMB Mix Design No.
- Date Sampled
- Date Tested
- Station Sampled
- Location
- Reason for disputing the other party's test results.

At a minimum, the correspondence invoking the Referee Testing will be sent to the Project Manager, the Assistant District Engineer - Construction, the Contractor's Superintendent/Project Manager, the State Asphalt Engineer and

the District Lab Supervisor.

The Project Manager will deliver the Referee Test Sample to the District Lab; the District Lab will deliver the sample to the State Asphalt Engineer with NMDOT Referee Sample Materials Identification Sheet and a Set of Ignition Oven Calibration Samples\*. The Build Sheet shall be included with the First Referee Testing Sample for Volumetric Analysis on the Project. Submit the corresponding MT-1 Reports for the Tests invoked and send a copy of all the supporting and informational documents through email to the State Asphalt Engineer. NMDOT Referee Sample Materials Identification Sheet is attached to this NMDOT Referee Testing Policy.

\*For the Binder Ignition Calibration Samples for the Referee Tests, refer to the NMDOT Procedure for Determination of Ignition Oven Calibration Factors.

Upon receipt of the Referee Test Sample(s), the State Asphalt Engineer or designee will ensure the safety, integrity and chain of custody of the sample.

The sample(s) submitted to the Referee Testing Lab will have no identification or other markings which might provide any information related to the source or location of the material or the project for which the testing is being performed. Only that information required by the Referee Testing Laboratory to complete the test will be provided to the laboratory.

Test results and all worksheets by the Referee Testing laboratory must be reported in writing to the State Asphalt Engineer within five (5) Calendar Days after the Referee Test Samples are delivered.

The State Asphalt Engineer will electronically transmit the results to the Project Manager, Assistant District Construction Engineer, and the District Laboratory Supervisor. The Project Manager shall immediately transmit this information to the Contractor.

The Project Manager will notify the Contractor's Project Superintendent of the test results. Additionally, the referee test result(s) will be entered into the QLA/Major Paving spreadsheet replacing all disputed test results and saved under a separate file name so that the original QLA/Major Paving file will not be lost.

It will be determined whether the Referee Test results increased or decreased the combined pay factor. If the Referee Test results increase the pay factor, the Department will bear the cost of the Referee Testing. If the Referee Test results reduce the pay factor or leave the pay factor the same, the Contractor will pay the cost of the Referee Testing in accordance with Table 1: "Costs of Referee Testing". If the Contractor is responsible for the cost of the Referee Testing, a negative Change Order will be processed reflecting these charges.

Table 1: Costs of Referee Testing

<b><u>Test</u></b>	<b><u>Price</u></b>
Air Voids/VMA/ Asphalt Content	\$1500
Mat Density	\$400

The results of the Referee Test Sample shall be incorporated immediately after the referee test samples have been reported. The Project Manager will not wait until the end of the lot to enter the test results to determine whether the combined test results validate, as determined in accordance with Section 904 QLA.

If Referee Testing is not invoked within ten (10) Calendar Days of receiving test results the original test results will be deemed accepted and the Referee Test Sample shall be disposed of.

All Referee Test Samples shall include the attached document:

**New Mexico Department of Transportation**  
**Referee Sample Materials Identification Sheet**

**Check ONE:**                    \_\_\_State                    \_\_\_Contractor

All split samples, including cores, for referee testing will be clearly labeled as “Referee Samples”, as directed by the Project Manager. All fields must be clearly filled in.

Project Number: \_\_\_\_\_ Control Number: \_\_\_\_\_

SMB Mix Design No. \_\_\_\_\_

Date Sampled \_\_\_\_\_ Time Sampled \_\_\_\_\_

Technician who obtained the sample \_\_\_\_\_

Date tested \_\_\_\_\_

Technician who performed the test \_\_\_\_\_

Lot/ Sub-lot identification \_\_\_\_\_

Station Sampled \_\_\_\_\_

Location (i.e., SBDL, bottom mat) \_\_\_\_\_

Asphalt Report No. \_\_\_\_\_ Test No. \_\_\_\_\_

Date the subject test is invoked: \_\_\_\_\_

Project Manager \_\_\_\_\_ Phone: \_\_\_\_\_

District Lab Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_

Assistant District Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

In order to ensure the anonymity for each sample, this information will not be marked directly on any sample, but will be kept with each sample.

Submit a Set of BIO Calibration Samples along with the Build Sheet for the First Referee Testing Sample of Volumetric Analysis. Also, submit Asphalt Daily Reports for the Tests invoked. Please send a copy of all the supporting and informational documents through email to the State Asphalt Engineer.