

other specific tasks identified in the contract.

(2) Performance warranties for specific products on NHS projects may be used at the STD's discretion. If performance warranties are used, detailed performance criteria must be provided in the Request for Proposal document.

(3) The STD may follow its own procedures regarding the inclusion of warranty provisions on non-NHS Federal-aid design-build contracts.

(4) For best value selections, the STD may allow proposers to submit alternate warranty proposals that improve upon the warranty terms in the RFP document. Such alternate warranty proposals must be in addition to the base proposal that responds to the RFP requirements.

[60 FR 44274, Aug. 25, 1995, as amended at 67 FR 75926, Dec. 10, 2002]

§ 635.417 Convict produced materials.

(a) Materials produced after July 1, 1991, by convict labor may only be incorporated in a Federal-aid highway construction project if such materials have been:

(1) Produced by convicts who are on parole, supervised release, or probation from a prison or

(2) Produced in a qualified prison facility and the cumulative annual production amount of such materials for use in Federal-aid highway construction does not exceed the amount of such materials produced in such facility for use in Federal-aid highway construction during the 12-month period ending July 1, 1987.

(b) *Qualified prison facility* means any prison facility in which convicts, during the 12-month period ending July 1, 1987, produced materials for use in Federal-aid highway construction projects.

[53 FR 1923, Jan. 25, 1988, as amended at 58 FR 38975, July 21, 1993]

APPENDIX A TO SUBPART D OF PART 635—SUMMARY OF ACCEPTABLE CRITERIA FOR SPECIFYING TYPES OF CULVERT PIPES

Type of drainage installation	Alternatives required			AASHTO designations to be included with alternatives	Application	Remarks
	Yes	No	Number			
Cross drains under high-type pavement. ¹	.....	X .....	.....	.....	Statewide	Any AASHTO-approved material. ²
Other cross-drain installations.	X .....	.....	3 minimum	M-170 and M-190.	.....do	Do. ²
Side-drain installations	X .....	.....	.....do	M-36 .....	.....do	Do. ²
Special installation conditions.	.....	X .....	.....	.....	Individual installation.	Specified to meet special conditions.
Special drainage systems (storm sewers, inverted siphons, etc.).	.....	X .....	.....	.....	.....do	Specified to meet site requirements.

¹ High-type pavement is generally described as FHWA construction type codes I, J, K, L, and plant mix and penetration macadam segments, respectively shown in the right-hand columns of type codes G and H having a combined thickness of surface and base of 7 in or more (or equivalent) or that are constructed on rigid bases.

² Types not included in currently approved AASHTO specifications may be specified if recommended by the State with adequate justification and approved by FHWA.

PART 636—DESIGN-BUILD CONTRACTING

Subpart A—General

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