Purpose

The purpose of this Regional Design Instruction (RDI) is to re-issue guidance on identifying the specialty items for a contract and on preparing the special note that lists those items.

A special note designating Specialty Items should only be prepared on an exception basis when appropriate for the contract. If a Project Manager/Designer feels that the designation of Specialty Items is appropriate, he or she should discuss with the Construction Supervisor at the Advance Detail Plan stage and at the PS&E preparation.

Background

As defined by §108-05 of the Standard Specifications:

“Specialty Items” shall be construed to be limited to work that requires specialized knowledge, skill or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

Section 108-05 SUBLETTING OR ASSIGNING THE CONTRACT, of the Standard Specifications, discusses the State’s designation of “Specialty Items” on contracts. This reference document provides clarification to Section 108-05, and guidance to Designers on when Specialty Items should and should not be designated on the contract.

The only impact of the designation of Specialty Items by the Designer is on the amount of work that the prime contractor can subcontract out. The value of subcontracted work cannot exceed 50% of the total original contract bid price, excluding those pay items designated as Specialty Items. Specialty Items have no impact on D/M/WBE goals, and the Designer should not routinely identify Specialty Items.

On occasions where there may be a need for the contractor to subcontract a large amount of work to a type of firm that would not normally bid Department work, it may be beneficial to designate Specialty Items. This technique should not be employed to routinely favor one segment of the construction industry over others.
Examples of contracts where the designation of Specialty items may be appropriate are:

- An ITS project that includes excavation work, conduit, cable, electronics, software, etc. The excavation and conduit installation work may be designated as Specialty Items because the Department would desire the prime contractor to be able to perform the complex integration of hardware, but the prime contractor may want to subcontract work for cameras, software, etc. The prime contractor may not have all the capabilities to perform all of the varied tasks in this case, and the designation of Specialty Items provides the prime contractor more flexibility to subcontract additional work.

- A bridge repair/painting contract that is approximately one-half structural repairs and one-half structural painting. The designation of structural painting items as Specialty Items will likely result in a bridge contractor being the low bidder. In this case, the primary and most critical part of the project is structural repairs, and the potential bidding pool of structural painting contractors may not have adequate experience in acting as a prime contractor for this type of project.

**Policy**

During Advance Detail Plan Stage and subsequent PS&E preparation, the designer will consult with the Construction Supervisor to identify any pay items to be designated as specialty items. Any specialty items must be listed in a special note in the PS&E package, as indicated in §21.5.2 of the Highway Design Manual. When there are no specialty items, the special note should indicate this. This special note should be placed as the first special note in the PS&E package.

For highway work, the following work may be considered as specialty items: guide rail, signals, signs, pavement markings, specialized geotechnical work, survey, asbestos removal, fencing, and landscaping.

For structural work, the following work may be considered as specialty items: removing existing superstructure, asbestos removal, asphalt concrete paving, piles, transverse sawcut grooving, stud shear connectors, structural steel, bridge rail, guide rail, bridge painting, fencing, survey, signals, signs, pavement markings, specialized geotechnical work, and landscaping.

Designers are cautioned that work which may be considered as specialty work should not be designated as such on contracts that are primarily composed of that type work. For example, although guide rail would may be considered as specialty work on a highway 3R project, it should not be designated as specialty work on a guide rail replacement project. As a rule of thumb, specialty items should not exceed 50% of the value of the project as a whole.
References:

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<td>HDM Chapter 21.5.2 - Special Notes</td>
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