

Designers are to calculate the value for the de-minimis value (Value M) according to these instructions. Value M is \$1,000,000 multiplied by the weighted cost percentage of the contract when compared to all planned contracts of the National Environmental Policy Act (NEPA) decision.

1. Example 1. If there are 4 contracts borne from the NEPA decision and all are estimated to be \$5,000,000 then the weighted cost percentage is 25 percent for all 4 contracts. This value will not change regardless of cost changes after the determination of the weighted cost percentage on the first let project.

2. Example 2. If there are 3 contracts borne from the NEPA decision and their engineer estimated costs are Project 1 (\$17,000,000), Project 2 (\$24,000,000), and Project 3 (\$14,000,000), then the respective weighted cost percentages are Project 1 (30.91 percent), Project 2 (43.64 percent), and Project 3 (25.45 percent). After the determination of the weighted cost percentages for the first let project, the values for the weighted cost percentages on the remaining projects must not change, even if the NEPA bundled projects experience extras or overruns.

Any deviation from the weighted cost percentage method is documented as being in compliance with the alternate method shown in chapter 11 of the Road Design Manual. Delete these instructions and submit to the Special Provision mailbox for review when Value M computations and data entry (two locations) are completed.

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
**DE-MINIMIS CALCULATION FOR DOMESTIC MATERIALS, MULTIPLE
CONTRACTS UNDER NATIONAL ENVIRONMENTAL POLICY ACT DECISION**

CFS:JJG

1 of 2

APPR:LLR:KAS:10-27-25

a. Description. The requirements for construction materials and manufactured products are waived for a de-minimis amount defined as when the total value of the non-compliant items is no more than the lesser of \$Value M or 5 percent of total applicable costs for the contract.

b. Materials. As specified in the contract.

c. De-minimus Calculation. The total value of non-compliant items is the value of all construction materials and manufactured products that are not compliant with the descriptions of Construction Materials and Manufactured Products in 20SP-105D-01 - Domestic Materials, Multiple Contracts Under National Environmental Policy Act Decision that are permanently incorporated into the contract.

The total applicable contract costs include the costs of all iron, steel, construction materials, and manufactured products used on the contract.

The 5 percent threshold of total applicable contract costs is based on the following formula.

$$(A / B)$$

Where:

A = the total value of non-compliant construction materials and manufactured products used in the contract; and

B = the total applicable contract costs (iron, steel, construction materials, and manufactured products).

The 5 percent threshold is based on the actual invoiced cost of the iron, steel, construction materials, and manufactured products, not an anticipated cost of those items.

Ensure the value of the non-compliant items is no more than the lesser of **\$Value M** or 5 percent of total applicable costs by tracking the non-compliant value and provide documentation to the Engineer as requested.

d. Construction. Construct the project in accordance with the contract.

e. Measurement and Payment. Preparing and providing documentation of the de-minimis value to the Engineer will not be paid for separately but will be considered included in the cost of other items in the contract.