

# DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

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## INTERDEPARTMENT CORRESPONDENCE

**FILE** P.I. # 0012774 **DATE** 9/23/2015  
Cobb County  
Diverging Diamond Interchange: I-75 at CR 7958/Windy Hill  
Road

**FROM**   
Brent A. Story, P.E., State Design Policy Engineer

**TO** Albert V. Shelby, State Program Delivery Engineer  
Attn: Ryan Fernandez , Project Manager

**SUBJECT** Patented and Proprietary Item Approval

The Office of Design Policy and Support has reviewed the request for the use of proprietary items on the diverging diamond interchange project on I-75 at Windy Hill Road in the city of Marietta, Cobb County. This project is not located on the National Highway System (NHS).

GDOT accepts the Cumberland Community Improvement District's certification that the following items are essential for aesthetic synchronization:

- Pedestrian Light Fixture – Cooper, Inc., Model: Epic Modern Large LED, EML-B03-LED-E1-T2-ST-FL-BK-VA6110-XX, Color: black
- Street Light Fixture – Holophane, Inc., Model: MPL 150W 4K AS PB SS, Finish: E-coat under coating applied before polyester powder coat, Color: black

The Department considers the use of the proprietary items listed above to be in compliance with 23 CFR 635.411 (for aesthetic synchronization/where no other compatible item is available). This approval applies only to project PI Number 0012774. The Cumberland Community Improvement District is responsible for ensuring that these items comply with the Buy America Act.

Should you have any questions or concerns, please contact Brent Story at 404-631-1600 or Dave Peters at 404-631-1738.

Attachment: Proprietary Item Request

BAS:DGP:gtw



September 9, 2015

Mr. Albert Shelby  
Georgia Department of Transportation  
Office of Program Delivery (25<sup>th</sup> Floor)  
600 West Peachtree Street, NW  
Atlanta, GA 30308

Subject: Use of Proprietary Items for GDOT P.I. 0012774  
Windy Hill Road/I-75 Diverging Diamond Interchange (DDI),  
Cobb County

Dear Mr. Shelby,

As per Federal Highway Administration regulation in 23 CFR 635.411, the following provides the regulatory authority for FHWA's participation in the cost of a patented or proprietary product. For the Windy Hill Road/I-75 DDI Project, PI# 0012774, I request to use the item(s) documented in this letter based on Federal Guidance in the categories of Synchronization and Public Interest Finding (PIF).

**635.411 Material or Product Selection**

- A. Federal funds shall not participate, directly or indirectly, in payment for any premium or royalty on any patented or proprietary material, specification, or process specifically set forth in the plans and specifications for a project, unless:
  - 1. Such patented or proprietary item is purchased or obtained through competitive bidding with equally suitable unpatented items; or
  - 2. The State transportation department certifies either that such patented or proprietary item is essential for synchronization with existing highway facilities, or that no equally suitable alternate exists; or
  - 3. Such patented or proprietary item is used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes.
- B. When there is available for purchase more than one nonpatented, nonproprietary material, semifinished or finished article or product that will fulfill the requirements for an item of work of a project and these available materials or products are judged to be of satisfactory quality and equally acceptable on the basis of engineering analysis and the anticipated prices for the related item(s) of work are estimated to be approximately the same, the PS&E for the project shall either contain or include by reference the specifications for each such material or product that is considered acceptable for incorporation in the work. If the State transportation department wishes to substitute some other acceptable material or product for the material or product designated by the successful bidder or bid as the lowest alternate, and such substitution results in an increase in costs, there will not be Federal-aid participation in any increase in costs.
- C. A State transportation department may require a specific material or product when there are other acceptable materials and products, when such specific choice is approved by the Division Administrator as being in the public interest. When the Division Administrator's



approval is not obtained, the item will be nonparticipating unless bidding procedures are used that establish the unit price of each acceptable alternative. In this case Federal aid participation will be based on the lowest price so established.

- D. Reference in specifications and on plans to single trade name materials will not be approved on Federal-aid contracts.
- E. In the case of a design-build project, the following requirements apply: Federal funds shall not participate, directly or indirectly, in payment for any premium or royalty on any patented or proprietary material, specification, or process specifically set forth in the Request for Proposals document unless the conditions of paragraph (a) of this section are applicable.

For the Windy Hill Road/I-75 Project, PI# 0012774, the following proprietary items are proposed for use:

**Pedestrian Light Fixture**

Manufacturer: Cooper

Model: Epic Modern Large LED, EML-B03-LED-E1-T2-ST-FL-BK-VA6110-XX

Color: Black

Finish: E-coat under coating applied before polyester powder coat

Quantity in Project: 35 EA

Total Estimated Cost for Pedestrian Light Fixtures: \$150,500

I, Malaika Rivers, Executive Director, of the Cumberland Community Improvement District (CCID), do hereby certify that in accordance with the requirements of 23 CFR 635.411(a)(2), that this patented or proprietary item is essential for synchronization with existing CCID facilities. The use of these products is essential for aesthetic synchronization to match the visual appearance of existing facilities previously installed within the CCID in Cobb County.

**Street Light Fixture**

Manufacturer: Holophane

Model: MPL 150W 4K AS PB SS

Color: Black

Finish: E-coat under coating applied before polyester powder coat

Quantity in Project: 55 EA

Total Estimated Cost for Street Light Fixtures: \$228,250

I, Malaika Rivers, Executive Director, of the Cumberland Community Improvement District (CCID), do hereby certify that in accordance with the requirements of 23 CFR 635.411(a)(2), that this patented or proprietary item is essential for synchronization with existing CCID facilities. The use of these products is essential for aesthetic synchronization to match the visual appearance of existing facilities previously installed within the CCID in Cobb County.

The total estimated costs for materials listed above are based on recent construction bids on similar projects. These costs include materials, labor, tax, and freight.

The estimated total construction cost for the project is \$16,404,978.67. The cost of \$378,750 for proprietary items represents 0.23% of the estimated construction costs.



The Cumberland Community Improvement District respectfully requests that the use of these proprietary products be approved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Malaika Rivers', with a long, sweeping horizontal line extending to the right.

Malaika Rivers  
Executive Director  
Cumberland Community Improvement District

Attachments to include:

- A. Photos of existing benches, waste receptacles, and bollards within the Cumberland Community Improvement District.
- B. Manufacturer details for each proprietary item.
- C. An evaluation of the pool of potential products, and a description of why these products cannot meet the contracting agency's needs.



## ATTACHMENT A

PI # 0012774

COBB COUNTY

### Photos of Existing Proprietary Items

Existing Cooper Epic Pedestrian Light  
Cumberland Community Improvement District, Cobb County



Existing Holophane Street Light w/4 foot arm  
Cumberland Community Improvement District, Cobb County





## **ATTACHMENT B**

**PI # 0012774**

**COBB COUNTY**

### **Manufacturer Details**

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#### **Pedestrian Light Fixture**

Manufacturer:

Cooper  
2300 Badger Drive  
Waukesha, WI 53188  
Office: 262.896.2400  
Model: Epic Modern Large LED, EML-B03-LED-E1-T2-ST-FL-BK-VA6110-XX  
Color – Black

#### **Street Light Fixture**

Manufacturer:

Holophane  
Granville Business Park  
Building A  
3825 Columbus Rd  
Granville, Ohio 43023  
Office: 866-759-1577  
Fax: 866-637-7069  
Model: Mt. Hood Receptacle, WES-MHTR-2245-S-HT  
Color – Black



**ATTACHMENT C**

**PI # 0012774**

**COBB COUNTY**

**Evaluation of Potential Products**

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There are multiple manufactures of items similar to the products listed within this request. However, none are an exact match of the products proposed for PI #0012774, which have been installed in multiple locations throughout the Cumberland Community Improvement District (CCID), within Cobb County. The CCID exclusively uses these products on projects within their district. As a result, no other products are suitable for use on PI #0012774.