

1 Amend **Section 101 - Definitions and Terms** to read as follows:
2

3 **"SECTION 101 - TERMS, ABBREVIATIONS, AND DEFINITIONS**
4

5 **101.01 Meaning of Terms.** The specifications are generally written in the
6 imperative mood. In sentences using the imperative mood, the subject, "the
7 Contractor shall", is implied. In the material specifications, the subject may
8 also be the supplier, fabricator, or manufacturer supplying material, products,
9 or equipment for use on the project. The word "will" generally pertains to
10 decisions or actions of the State and/or Engineer.
11

12 **101.02 Abbreviations.** Meanings of abbreviations used in the
13 specifications, on the plans, or in other contract documents are as follows:
14

15	AAN	American Association of Nurserymen
16		
17	AASHTO	American Association of State Highway and
18		Transportation Officials
19		
20	ACI	American Concrete Institute
21		
22	ADA	Americans with Disabilities Act
23		
24	ADAAG	Americans with Disabilities Act Accessibility Guidelines
25		
26	AGC	Associated General Contractors of America
27		
28	AIA	American Institute of Architects
29		
30	AISC	American Institute of Steel Construction
31		
32	AISI	American Iron and Steel Institute
33		
34	ANSI	American National Standards Institute
35		
36	APA	American Plywood Association
37		
38	ARA	American Railway Association
39		
40	AREA	American Railway Engineering Association
41		
42	ASA	American Standards Association
43		
44	ASCE	American Society of Civil Engineers
45		

46	ASLA	American Society of Landscape Architects
47		
48	ASTM	American Society for Testing and Materials
49		
50	AWG	American Wire Gauge
51		
52	AWPA	American Wood Preserver's Association
53		
54	AWS	American Welding Society
55		
56	AWWA	American Water Works Association
57		
58	BMP	Best Management Practice
59		
60	CCO	Contract Change Order
61		
62	CFR	Code of Federal Regulations
63		
64	CRSI	Concrete Reinforcing Steel Institute
65		
66	DCAB	Disability and Communication Access Board
67		
68	DOA	Department of Agriculture
69		
70	DOT	Department of Transportation
71		
72	DOTAX	State Department of Taxation
73		
74	EPA	U.S. Environmental Protection Agency
75		
76	FHWA	Federal Highway Administration, U.S. Department of Transportation
77		
78		
79	FSS	Federal Specifications and Standards, General Services Administration
80		
81		
82	HAR	Hawaii Administrative Rules
83		
84	HRS	Hawaii Revised Statutes
85		
86	ICEA	Insulated Cable Engineers Association (formerly IPCEA)
87		
88	IMSA	International Municipal Signal Association
89		
90	IRS	Internal Revenue Service
91		

92	ITE	Institute of Transportation Engineers
93		
94	MUTCD	Manual on Uniform Traffic Control Devices for Streets and
95		Highways, FHWA, U.S. Department of Transportation
96		
97	NCHRP	National Cooperative Highway Research Program
98		
99	NEC	National Electric Code
100		
101	NEMA	National Electrical Manufacturers Association
102		
103	NFPA	National Forest Products Association
104		
105	NPDES	National Pollutant Discharge Elimination System
106		
107	OSHA	Occupational Safety and Health Administration/Act,
108		U.S. Department of Labor
109		
110	SAE	Society of Automotive Engineers
111		
112	SI	International Systems of Units
113		
114	UFAS	Uniform Federal Accessibility Standards
115		
116	UL	Underwriter's Laboratory
117		
118	USGS	U.S. Geological Survey
119		
120	VECP	Value Engineering Cost Proposal
121		

101.03 Definitions. Whenever the following words or terms are used in the contract documents, unless otherwise prescribed therein and without regards to the use or omission of uppercase letters, the intent and meaning shall be interpreted as follows:

Addendum (plural - Addenda) - A written or graphic document, including drawings and specifications, issued by the Director during the bidding period which modify or interpret the bidding documents, by additions, deletions, clarifications or corrections which shall be considered and made a part of the bid proposal and the contract when executed.

Addition (to the contract sum) - Amount added to the contract sum by change order.

Advertisement - A public announcement inviting bids for work to be performed or materials to be furnished.

Amendment - A written document properly executed by the Contractor and Director issued to amend the existing contract between the State and the Contractor.

Award - Written notification to the bidder that the bidder has been awarded a contract.

Bag - 94 pounds of cement.

Barrel - 376 pounds of cement.

Base Course - The layer or layers of specified material or selected material of a designed thickness placed on a subbase or subgrade to support a surface course.

Basement Material - The material in excavation or embankments underlying the lowest layer of subbase, base, pavement, surfacing or other specified layer.

Bid - See Proposal

Bidder - An individual, partnership, corporation, joint venture or other legal entity submitting, directly or through a duly authorized representative or agent, a proposal for the work contemplated.

Bidding Documents - The "Notice to Bidders" or the invitation to bid, proposal requirements, the bid form and the proposal contract documents including all addenda issued prior to receipt of bids.

Bid Security - The security furnished by the bidder from which the State may recover its damages in the event the bidder breaches its promise to enter into a contract with the State, or fails to provide the required bonds covering the work contemplated, if its proposal is accepted.

Blue Book - "Rental Rate Blue Book for Construction Equipment" published by Equipment Watch, A Premedia Business Directories and Book Group.

Calendar Day. Any day shown on the calendar, beginning at midnight and ending at midnight of the following day. If no designation of calendar or working day is made, "day" shall mean calendar day.

Change Order - A written order signed by the Engineer that establishes the full payment and final settlement of all claims for direct, indirect, and consequential costs, including costs of delays, and establishes any adjustments to contract time related to the work covered and affected by one or more field orders, or for change work done or agreed to be done without issuance of a separate field

183 order. A change order signed by all parties to the contract constitutes a
184 supplemental agreement.

185
186 **Completion** - See Substantial Completion and Final Completion.

187
188 **Completion Date** - The date specified by the contract for the completion of all
189 work on the project or of a designated portion of the project.

190
191 **Contract** - The written agreement between the Contractor and the State by
192 which the Contractor is bound to furnish all labor, equipment, and materials and
193 to perform the specified work within the contract time stipulated, and by which
194 the State of Hawaii is obligated to compensate the Contractor therefore at the
195 prices set forth therein.

196
197 **Contract Documents** - The contract, addenda, notice to bidders, Contractor's
198 proposal (including wage schedule, list of subcontractors and other
199 documentation accompanying the bid), the notice to proceed, the bonds, these
200 general provisions, the special provisions, the specifications, and the drawings
201 and are more specifically identified in the contract together with all written
202 amendments, change orders, a written order for minor changes in the work and
203 the Engineer's written interpretations and clarifications issued on or after the
204 effective date of the contract.

205
206 **Contract Item (Pay Item)** - A specific unit of work for which there is a price in the
207 contract.

208
209 **Contract Performance Bond** - The security executed by the Contractor and the
210 surety or sureties furnished to the Department to guarantee the completion of the
211 work in accordance with terms of the contract.

212
213 **Contract Price** - The amount designated on the face of the contract for the
214 performance of work including any allowances.

215
216 **Contract Time** - The number of working or calendar days provided in the
217 contract for substantial completion of the contract, including authorized time
218 extensions. The number of days shall begin running on the effective date in
219 the notice to proceed. If in lieu of providing a number of working days, the
220 contract requires completion by a certain date, the work shall be completed by
221 that date.

222
223 **Contractor** - Any individual, partnership, corporation, joint venture, or other
224 legal entity undertaking the execution of the work under the terms of the contract
225 with the State of Hawaii, and acting directly or through its agents, or employees.

226
227 **Critical Path** - Sequence of activities that must be completed on schedule for
228 the entire project to be completed on schedule.

Department - The Department of Transportation, of the State of Hawaii
(abbreviated DOT).

Director - The Director of the Hawaii Department of Transportation acting
directly or through their duly authorized representatives.

Drawings - The contract drawings and plans (including standard plans) which
show in pictorial or pictorial form including the notes, tables and other notations
thereon the design, location, character, dimensions and details of the work to be
done.

Effective Dates and Laws - Reference to government laws, ordinances,
regulations, standard specifications, and rules includes amendments thereto
effective as of the date of the call for sealed tenders.

Engineer - The Airports, Harbors, or Highway Administrator or the authorized
person designated to act in the Administrator's behalf.

Equal or Approved Equal - A brand or article, qualified in accordance with
Subsection 102.16- - Substitution of Materials and Equipment, that may be
used in place of the one specified.

Equipment - All machinery, tools, and apparatus needed to complete the
contract.

Extra Work - (See Subsection 104.03 - Extra Work.)

Field Order - A written order issued by the Engineer or the Engineer's
authorized representative to the Contractor requiring the contract work to be
performed in accordance with a change or changes in the work. A field order
may (1) establish a price adjustment and/or time adjustment in an amount the
Engineer believes is reasonable for the change; or (2) may declare that the
Engineer does not intend to adjust contract time or price for the work; or (3) may
request the Contractor to submit a proposal for an adjustment to the contract
time and/or price by a certain date.

Final Completion - The date set by the Director that all work required by the
contract and any amendments or changes thereto is in full compliance with the
contract

Float - The amount of time between when an activity can start and when an
activity must start, i.e., the time available to complete non-critical activities
required for the performance of the work without affecting the critical path.

Guarantee - Legally enforceable assurance of the duration of satisfactory
performance of quality of a product or work.

275 **Hawaii Administrative Rules (HAR)** – Rules adopted by the State in
276 accordance with Chapter 91 of the Hawaii Revised Statutes.

277
278 **Highway, Street, or Road** - General term indicating a public way used by
279 vehicles, bicyclists, and pedestrians. Includes entire area within the right-of-
280 way.

281
282 **Highways Division** - The Highways Division of the Hawaii Department of
283 Transportation constituted under the laws of Hawaii for the administration of
284 highway work.

285
286 **Holidays** - The days of each year which are set apart and established as State
287 holidays pursuant to Chapter 8, HRS, as amended.

288
289 **Inspector** - The Engineer's authorized representative assigned to make detailed
290 inspections of contract performance, prescribed work, and materials supplied.

291
292 **Laboratory** - The testing laboratory of the Highways Division or other testing
293 laboratories that may be designated by the Engineer.

294
295 **Laws** - All Federal, State, and local laws, executive orders, and regulations
296 having the force of law.

297
298 **Leveling Course** - An aggregate mixture course of variable thickness used to
299 restore horizontal and vertical uniformity to existing pavements or shoulders.

300
301 **Liquidated Damages** - The amount prescribed in Subsection 108.08 - Failure to
302 Complete on Time, and Liquidated Damages to be paid to the State or to be
303 deducted from any payments which may become due the Contractor.

304
305 **Lump Sum (LS)** – When used as a payment method means complete payment
306 for the item of work described in the contract documents.

307
308 **Material** - Any natural or manmade substance or item specified in the contract to
309 be incorporated in the work.

310
311 **Notice to Bidders** - The advertisement for proposals for all work or materials on
312 which bids are required. Such advertisement will indicate the location of the
313 work to be done or the character of the material to be furnished and the time and
314 place for the opening of proposals.

315
316 **Notice to Proceed** - Written notice from the Engineer to the Contractor advising
317 it of the date on which it is to begin the prosecution of the work which date shall
318 also be the beginning of contract time.

319
320 **Pavement** - The uppermost layer of material placed on the traveled way or
321 shoulders or both. Pavement and surfacing may be interchangeable.

Pavement Structure - The combination of subbase, base, pavement, surfacing or other specified layer of a roadway constructed on a subgrade to support the traffic load.

Payment Bond - The security executed by the Contractor and Surety or Sureties furnished to the State to guarantee payment by the Contractor to laborers, material suppliers and subcontractors in accordance with the terms of the contract.

Plans - See Drawings.

Profile Grade - The elevation or gradient of a vertical plane intersecting the top surface of the proposed pavement.

Project Acceptance Date - The calendar day on which the Engineer accepts the project as completed. See Final Completion.

Project Guarantee - A guarantee issued by the Contractor to the State. See GUARANTEE.

Proposal (Bid) - The executed document submitted by a bidder in the prescribed manner, in response to a request for proposals or invitation to bid, to perform at the prices quoted, for the work specified under the contract, within the time prescribed for performance.

Public Traffic - Vehicular or pedestrian movement on a public way.

Punchlist - A list compiled by the Engineer specifying work yet to be completed or corrected by the Contractor in order to substantially complete or finally complete the contract.

Questionnaire - The specified forms on which the bidder shall furnish required information as to its ability to perform and finance the work.

Request for Change Proposal - A written notice from the Engineer to the Contractor requesting that the Contractor provide a price and/or time proposal for contemplated changes preparatory to the issuance of a field order or change order.

Right-of-Way - Land, property, or property interests acquired for or devoted to transportation purposes.

Roadbed - The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

367 **Roadside** - The area between the outside edges of the shoulders and the right-
368 of-way boundaries. Unpaved median areas between inside shoulders of
369 divided highways and infield areas of interchanges are included.
370

371 **Roadway** - The portion of a highway, street or road within the limits of
372 construction.
373

374 **Section and Subsection** - Section or subsection shall be understood to refer to
375 these specifications unless otherwise specified.
376

377 **Shop Drawings** - All drawings, diagrams, illustrations, schedules and other data
378 or information which are specifically prepared or assembled by or for Contractor
379 and submitted by Contractor to illustrate some portion of the work.
380

381 **Shoulder** - The portion of the roadway next to the traveled way for:
382 accommodation of stopped vehicles, placement of underground facilities,
383 emergency use, and lateral support of base and surface courses.
384

385 **Sidewalk** - That portion of the roadway primarily constructed for use by
386 pedestrians.
387

388 **Specifications** - Compilation of provisions and requirements to perform
389 prescribed work.
390

391 (A) **Standard Specifications.** Specifications by the State intended
392 for general application and repetitive use.
393

394 (B) **Special Provisions.** Revisions and additions to the standard
395 specifications applicable to an individual project.
396

397 **Standard Plans** - Drawings provided by the State for specific items of work
398 approved for repetitive use.
399

400 **State** - The State of Hawaii, its Departments and agencies, acting through its
401 authorized representative(s).
402

403 **Structures** - Bridges, culverts, catch basins, drop inlets, retaining walls,
404 cribbing, manholes, endwalls, buildings, sewers, service pipes, underdrains,
405 foundation drains, and other such features that may be encountered in the work.
406

407 **Subbase** - A layer of specified material of specified thickness between the
408 subgrade and a base.
409

410 **Subcontract** - Any written agreement between the Contractor and its
411 subcontractors which contains the conditions under which the subcontractor is to
412 perform a portion of the work for the Contractor.
413

414 **Subcontractor.** An individual, partnership, firm, corporation, or joint venture
415 or other legal entity as covered in Chapter 444, Hawaii Revised Statutes, which
416 enters into an agreement with the Contractor to perform a portion of the Work.
417

418 **Subgrade** - The top surface of completed earthwork on which subbase, base,
419 surfacing, pavement, or a course of other material is to be placed.
420

421 **Substantial Completion** - The point at which the project is complete such that it
422 can be safely and effectively used by the public without unreasonable delays,
423 disruption, or impediments. For the conventional bridge and highway work,
424 the point at which all bridge deck, parapet, pavement structure, shoulder,
425 permanent signing and markings, traffic barrier, and safety appurtenance work
426 is complete.
427

428 **Superintendent** - The employee of the Contractor who is responsible for all the
429 work and is a Contractor's agent for communications to and from the State.
430

431 **Surety** - The qualified individual, firm, or corporation, other than the Contractor,
432 which executes a bond with and for the Contractor to insure its acceptable
433 performance of the contract.
434

435 **Surfacing** - The uppermost layer of material placed on the traveled way or
436 shoulders. This term is used interchangeably with pavement.
437

438 **Traveled Way** - The portion of the roadway for the movement of vehicles,
439 exclusive of shoulders and auxiliary lanes.
440

441 **Unsuitable Material** - Materials that contain organic matter, muck, humus,
442 peat, sticks, debris, chemicals, toxic matter, or other deleterious materials not
443 suitable for use in earthwork unless otherwise specified.
444

445 **Utility** - A line, facility, or system for producing, transmitting, or distributing
446 communications, power, electricity, heat, gas, oil, water, steam, waste, or
447 storm water.
448

449 **Utility Owner** - The entity, whether private or owned by a State, Federal, or
450 County governmental body, that has the power and responsibility to grant
451 approval for or undertake construction work involving a particular utility.
452

453 **Work** - The furnishing of all labor, materials, equipment, and other incidentals
454 necessary or convenient for the successful execution of all the duties and
455 obligations imposed by the contract.
456

457 **Working Day** - A calendar day in which a Contractor is capable of working four
458 or more hours with its normal work force, exclusive of:
459

460 (1) Saturdays, Sundays, and recognized legal State holidays and
461 such other days specified by the contract documents as non-working
462 days,
463

464 (2) Days in which the Engineer suspends work for four or more hours
465 through no fault of the Contractor."
466

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468
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471
472 **END OF SECTION 101**
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474
475