

1 **SECTION 105 – CONTROL OF WORK**

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3 Make the following amendments to said Section:

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6 **(I)** Amend **105.01 – Authority** to read as follows:

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8 **“105.01 Authority.**

9
10 **(A) Authority of the Engineer.** The Engineer is the representative of
11 the Director and has all the authority of the Director with respect to the
12 contract. The Engineer will make decisions on all questions that may
13 arise regarding the contract, such as, but not limited to:

14 **(1)** Interpretation of the contract documents.

15 **(2)** Acceptability of the materials furnished and work performed.

16 **(3)** Manner of performance and rate of progress of the work.

17 **(4)** Acceptable fulfillment of the contract on the part of the
18 Contractor.

19 **(5)** Compensation under the contract.

20
21 The Engineer’s decisions on questions, claims, and disputes will be
22 final and conclusive subject to Subsection 107.15 – Disputes and Claims.

23
24 The Engineer may delegate specific authority to act for the
25 Engineer to a specific person or persons. Such delegation of authority
26 shall be established in writing and shall become effective upon delivery to
27 the Contractor.

28
29 **(B) Authority of the Inspectors.** Inspectors, as a representative of
30 the Engineer or other agencies, will inspect the work done and materials
31 furnished. Such inspection may extend to the preparation, fabrication or
32 manufacture of the materials to be used. The Inspector does not have
33 authority vested in the Engineer unless specifically delegated in writing.
34 The Inspector may not alter or waive the provisions of the contract, issue
35 instructions contrary to the contract, or act as agent or representative of
36 the Contractor.

43 Failure of an Inspector at any time to reject non-conforming work
44 shall not be considered a waiver of the State's right to require work in strict
45 conformity with the contract documents as a condition of final acceptance.

46
47 **(C) Authority of the Consultant and Construction Management.**

48 The State may engage consultants and construction managements to
49 perform duties in connection with the work. Unless otherwise specified in
50 writing to the Contractor, such retained consultants and construction
51 managements shall have no greater authority than an Inspector.”

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53 **(II) Amend Subsection 105.02 - Submittals** by revising the first paragraph
54 from lines 52 to 61 to read as follows:

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56 **“105.02 Submittals.** The contract contains the description of various items
57 that the Contractor must submit to the Engineer for review and acceptance. The
58 Contractor shall review all submittals for correctness, conformance with the
59 requirements of the contract documents and completeness before submitting
60 them to the Engineer. The submittal shall indicate the contract items and
61 specifications subsections for which the submittal is provided. The submittal
62 shall be legible and clearly indicate what portion of the submittal is being
63 submitted for review. The Contractor shall provide six copies of the required
64 submissions at the earliest possible date.”

65
66 **(III) Amend Subsection 105.08 (A) - Furnishing Drawings and Special**
67 **Provisions** to read as follows:

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69 **“(A) Furnishing Drawings and Special Provisions.** The State will
70 furnish the Contractor an electronic set of the special provisions and
71 plans.” The Contractor shall have and maintain at least one set of plans
72 and specifications on the work site, at all times.

73
74 **(IV) Amend Subsection 105.14(D) – No Designated Storage Area** from lines
75 421 to 432 to read as follows:

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77 **“(D) No Designated Storage Area.** If no storage area is designated
78 within the contract documents, materials and equipment may be stored
79 anywhere within the State highway right-of-way, provided such storage
80 and access to and from such site, within the sole discretion of the
81 Engineer, does not create a public or traffic hazard or an impediment to
82 the movement of traffic.”

83
84 **(V) Amend Subsection 105.16(B) – Substituting Subcontractors** from line
85 487 to line 494 to read:

87 **“(B) Substituting Subcontractors.** Under HRS Chapter 103D-302, the
88 Contractor is required to list the names of persons or firms to be engaged
89 by the Contractor as a subcontractor or joint contractor in the performance
90 of the contract. No subcontractor may be added or deleted, unless
91 authorized by the Engineer.”
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96

END OF SECTION 105