

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.

11
12 When a publication is specified, it refers to the most recent date of issue,
13 including interim publications, before the bid opening date for the project,
14 unless a specific date or year of issue is provided.

15
16 **101.02 Abbreviations.** Meanings of abbreviations used in the
17 specifications, on the plans, or in other contract documents are as follows:

18

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

45

46	ASA	American Standards Association
47		
48	ASCE	American Society of Civil Engineers
49		
50	ASLA	American Society of Landscape Architects
51		
52	ASTM	American Society for Testing and Materials
53		
54	AWG	American Wire Gauge
55		
56	AWPA	American Wood Preserver's Association
57		
58	AWS	American Welding Society
59		
60	AWWA	American Water Works Association
61		
62	BMP	Best Management Practice
63		
64	CCO	Contract Change Order
65		
66	CFR	Code of Federal Regulations
67		
68	CRSI	Concrete Reinforcing Steel Institute
69		
70	DCAB	Disability and Communication Access Board, Department of
71		Health, State of Hawaii
72		
73	DOTAX	Department of Taxation, State of Hawaii
74		
75	DOTAX	State Department of Taxation
76		
77	EPA	U.S. Environmental Protection Agency
78		
79	FHWA	Federal Highway Administration,
80		U.S. Department of Transportation
81		
82	FSS	Federal Specifications and Standards,
83		General Services Administration,
84		U.S. Department of Defense
85		
86	HAR	Hawaii Administrative Rules
87		
88	HDOT	Department of Transportation, State of Hawaii
89		
90	HIOSH	Occupational Safety and Health, Department of Labor and
91		Industrial Relations, State of Hawaii

92		
93	HRS	Hawaii Revised Statutes
94		
95	ICEA	Insulated Cable Engineers Association (formerly IPCEA)
96		
97	IMSA	International Municipal Signal Association
98		
99	IRS	Internal Revenue Service
100		
101	ITE	Institute of Transportation Engineers
102		
103	MUTCD	Manual on Uniform Traffic Control Devices for Streets and
104		Highways, FHWA, U.S. Department of Transportation
105		
106	NCHRP	National Cooperative Highway Research Program
107		
108	NEC	National Electric Code
109		
110	NEMA	National Electrical Manufacturers Association
111		
112	NFPA	National Forest Products Association
113		
114	NPDES	National Pollutant Discharge Elimination System
115		
116	OSHA	Occupational Safety and Health Administration/Act,
117		U.S. Department of Labor
118		
119	SAE	Society of Automotive Engineers
120		
121	SI	International Systems of Units
122		
123	UFAS	Uniform Federal Accessibility Standards
124		
125	UL	Underwriter's Laboratory
126		
127	USGS	U.S. Geological Survey
128		
129	VECP	Value Engineering Cost Proposal

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.

This document modifies or interprets the bidding documents by additions, deletions, clarifications or corrections.

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 issued to amend the existing contract between the State and Contractor and properly executed by the Contractor and Director.

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

Bad Weather Day (or Unworkable Day) - A calendar day when weather or other conditions prevent a minimum of four hours of work with the Contractor's normal work force on controlling items of work at the site.

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 (or Solicitation Documents) - The published solicitation notice, bid requirements, bid forms and the proposed contract documents including all addenda and clarifications issued prior to receipt of the bid.

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, and fails to execute the required bonds covering the work contemplated, if its proposal is accepted.

184 **Blue Book** – “Rental Rate Blue Book for Construction Equipment” published by
185 Equipment Watch, A Premedia Business Directories and Book Group.
186

187 **Calendar Day** – See Day.
188

189 **Change Order (or Contract Change Order)** - A written order signed by the
190 Engineer issued with or without the consent of the Contractor directing changes
191 in the work, contract time or contract price. The purposes of a change order
192 include, but is not limited to (i) establishing a price or time adjustment for
193 changes in the work; (ii) establishing full payment for direct, indirect, and
194 consequential costs, including costs of delay; (iii) establishing price adjustment
195 or time adjustment for work covered and affected by one or more field orders; or
196 (iv) settling Contractor’s claims for direct, indirect, and consequential costs, or
197 for additional contract time, in whole or in part.
198

199 **Completion** - See Substantial Completion and Final Completion.
200

201 **Completion Date** - The date specified by the contract for the completion of all
202 work on the project or of a designated portion of the project.
203

204 **Contract** - The written agreement between the Contractor and the State, by -
205 which the Contractor shall provide all labor, equipment, and materials and
206 perform the specified work within the contract time stipulated, and by which the
207 State of Hawaii is obligated to compensate the Contractor at the prices set forth
208 in the contract documents.
209

210 **Contract Completion Date** - The calendar day on which all work on the project,
211 required by the contract, must be completed. See CONTRACT TIME.
212

213 **Contract Documents** - The contract, solicitation, addenda, notice to bidders,
214 Contractor’s bid proposal (including wage schedule, list of subcontractors and
215 other documentations accompanying the bid), the notice to proceed, bonds,
216 general provisions, special provisions, specifications, drawings, all
217 modifications, all written amendments, change orders field orders, orders for
218 minor changes in the work, Engineer’s written interpretations and clarifications
219 issued on or after the effective date of the contract.
220

221 **Contract Item (Pay Item)** - A specific unit of work for which there is a price in the
222 contract.
223

224 **Contract Modification (Modification)** - A change order that is mutually agreed
225 to and signed by the parties to the contract.
226

227 **Contract Price** - The amount designated on the face of the contract for the
228 performance of work.
229

Contract Time (or Contract Duration) - The number of calendar or working days provided for completion of the contract, inclusive of authorized time extensions. The number of days shall begin running on the effective date in the notice to proceed. If in lieu of providing a number of calendar or working days, the contract requires completion by a certain date, the work shall be completed by that date.

Contracting Officer – See Engineer.

Contractor – Any individual, partnership, firm, corporation, joint venture, or other legal entity undertaking the execution of the work under the terms of the contract with the State.

Critical Path – Longest logical sequence of activities that must be completed on schedule for the entire project to be completed on schedule.

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

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

Director - The Director of the HDOT acting directly or through duly authorized representatives.

Drawings - The contract drawings in graphic or pictorial form including the notes, tables and other notations thereon indicating the design, location, character, dimensions and details of the work.

Engineer - The Highway Administrator, Highways Division, HDOT, or the authorized person delegated to act on the Administrator's behalf.

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

Field Order - A written order issued by the Engineer or the Engineer's authorized representative to the Contractor requiring a change or changes to the contract work. A field order may (1) establish a price adjustment or time adjustment; or (2) may declare that no adjustment will be made to contract price or contract time; or (3) may request the Contractor to submit a proposal for an adjustment to the contract price or contract time.

Final Completion - The date set by the Director that all work required by the contract has been completed in full compliance with the contract documents.

276 **Float** – The amount of time between when an activity can start and when an
277 activity must start, i.e., the time available to complete non-critical activities
278 required for the performance of the work without affecting the critical path.
279
280 **Guarantee** - Legally enforceable assurance of the duration of satisfactory
281 performance of quality of a product or work.
282
283 **Hawaii Administrative Rules** - Rules adopted by the State in accordance with
284 Chapter 91 of the Hawaii Revised Statutes.
285
286 **Highway, Street, or Road** - A public way within a right-of-way designed,
287 intended, and set aside for use by vehicles, bicyclists, or pedestrians.
288
289 **Highways Division** - The Highways Division of the Hawaii Department of
290 Transportation constituted under the laws of Hawaii for the administration of
291 highway work.
292
293 **Holidays** - The days of each year which are set apart and established as State
294 holidays pursuant to HRS Chapter 8 as amended.
295
296 **Inspector** - The Engineer's authorized representative assigned to make detailed
297 inspections of contract performance, prescribed work, and materials supplied.
298
299 **Laboratory** - The testing laboratory of the Highways Division or other testing
300 laboratories that may be designated by the Engineer.
301
302 **Laws** - All Federal, State, and local laws, executive orders, and regulations
303 having the force of law.
304
305 **Leveling Course** - An aggregate mixture course of variable thickness used to
306 restore horizontal and vertical uniformity to existing pavements or shoulders.
307
308 **Liquidated Damages** - The amount prescribed in Subsection 108.09 -
309 Liquidated Damages for Failure to Complete the Work or Portions of the Work
310 on Time, to be paid to the State or to be deducted from any payments payable
311 to or, which may become payable to the Contractor.
312
313 **Lump Sum (LS)** – When used as a payment method means complete payment
314 for the item of work described in the contract documents.
315
316 **Material** - Any natural or manmade substance or item specified in the contract to
317 be incorporated in the work.
318
319 **Notice to Bidders** - The advertisement for proposals for all work or materials on
320 which bids are required. Such advertisement will indicate the location of the
321 work to be done or the character of the material to be furnished and the time and
322 place for the opening of proposals.

Notice to Proceed - Written notice from the Engineer to the Contractor identifying the date on which work is to begin. This date shall also be the beginning of contract time.

Pavement - The uppermost layer of material placed on the traveled way or 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 an offeror in response to a solicitation request, to perform the work required by the proposed contract documents, for the price quoted and within the time allotted.

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.

369 **Right-of-Way** - Land, property, or property interests acquired by a government
370 agency for, or devoted to transportation purposes.
371

372 **Roadbed** - The graded portion of a highway within top and side slopes,
373 prepared as a foundation for the pavement structure and shoulders.
374

375 **Roadside** - The area between the outside edges of the shoulders and the right-
376 of-way boundaries. Unpaved median areas between inside shoulders of
377 divided highways and infield areas of interchanges are included.
378

379 **Roadway** - In general, the portion of a highway, including shoulders, for
380 vehicular use. In construction specifications, the portion of a highway within
381 the construction limits.
382

383 **Saturated, Surface-Dry** - Condition of an aggregate particle or other porous
384 solid when the permeable voids are filled with water, but there is no water on the
385 exposed surface.

386 **Section and Subsection** - Section or subsection shall be understood to refer to
387 these specifications unless otherwise specified.
388

389 **Shop Drawings** - All drawings, diagrams, illustrations, schedules and other data
390 or information which are specifically prepared or assembled by or for Contractor
391 and submitted by Contractor to illustrate some portion of the work.
392

393 **Shoulder** - The portion of the roadway next to the traveled way for:
394 accommodation of stopped vehicles, placement of underground facilities,
395 emergency use, and lateral support of base and surface courses.
396

397 **Sidewalk** - That portion of the roadway primarily constructed for use by
398 pedestrians.
399

400 **Solicitation** - An invitation to bid or request for proposals or any other document
401 issued by the Department to solicit bids or offers to perform a contract. The
402 solicitation may indicate the time and place to receive the bids or offers and the
403 location, nature and character of the work, construction or materials to be
404 provided.
405

406 **Specifications** - Compilation of provisions and requirements to perform
407 prescribed work.
408

409 (A) **Standard Specifications.** Specifications by the State intended
410 for general application and repetitive use.
411

412 (B) **Special Provisions.** Revisions and additions to the standard
413 specifications applicable to an individual project.
414

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

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

State Waters - All waters, fresh, brackish, or salt, around and within the State, including but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as a part of a water pollution control system are excluded.

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

Subbase - A layer of specified material of specified thickness between the subgrade and a base.

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

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

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

Substantial Completion - The status of the project when the Contractor has completed the work except for plant establishment and;

(1) All utilities and services are connected and working,

(2) All equipment is in acceptable working condition,

(3) Additional activity by the Contractor to correct punchlist items will not prevent or disrupt use of the work or the facility in which the work is located, and

(4) The building, structure, improvement or facility can be used for its intended purpose.

For bridge and highway work, substantial completion is the point at which all bridge deck, parapet, pavement structure, shoulder, permanent traffic

signals, signs, and markings, traffic barrier, highway lighting and safety appurtenance work is complete.

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

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

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

Traveled Way - The portion of the roadway for the movement of vehicles, exclusive of shoulders.

Unsuitable Material - Materials that contain organic matter, muck, humus, peat, sticks, debris, chemicals, toxic matter, or other deleterious materials not suitable for use in earthwork.

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

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

Water Pollutant - Dredged spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, sediment, cellar dirt and industrial, municipal, and agricultural waste.

Water Pollution - (1) Such contamination or other alteration of the physical, chemical, or biological properties of any state waters, including change in temperature, taste, color, turbidity, or odor of the waters, or (2) Such discharge of any liquid, gaseous, solid, radioactive, or other substances into any state waters, as will or is likely to create a nuisance or render such waters unreasonably harmful, detrimental, or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agricultural and industrial research and scientific uses of such waters or as will or is likely to violate any water quality standards, effluent standards, treatment and pretreatment standards, or standards of performance for new sources adopted by the Department of Health.

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

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

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

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

END OF SECTION 101