

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

"SECTION 101 - TERMS, ABBREVIATIONS, AND DEFINITIONS

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

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

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

AAN	American Association of Nurserymen
AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
AGC	Associated General Contractors of America
AIA	American Institute of Architects
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
ANSI	American National Standards Institute
APA	American Plywood Association
ARA	American Railway Association
AREA	American Railway Engineering Association

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

130 **101.03 Definitions.** Whenever the following words or terms are used in the
131 contract documents, unless otherwise prescribed therein and without regards to
132 the use or omission of uppercase letters, the intent and meaning shall be
133 interpreted as follows:

134
135 **Addendum (plural - Addenda)** - A written or graphic document, including
136 drawings and specifications, issued by the Director during the bidding period.

137 This document modifies or interprets the bidding documents by additions,
138 deletions, clarifications or corrections.
139
140 **Addition** (to the contract sum) - Amount added to the contract sum by change
141 order.
142
143 **Advertisement** - A public announcement inviting bids for work to be performed
144 or materials to be furnished.
145
146 **Amendment** - A written document issued to amend the existing contract
147 between the State and Contractor and properly executed by the Contractor and
148 Director.
149
150 **Award** - Written notification to the bidder that the bidder has been awarded a
151 contract.
152
153 **Bad Weather Day (or Unworkable Day)** - A calendar day when weather or
154 other conditions prevent a minimum of four hours of work with the Contractor's
155 normal work force on controlling items of work at the site.
156
157 **Bag** – 94 pounds of cement.
158
159 **Barrel** – 376 pounds of cement.
160
161 **Base Course** - The layer or layers of specified material or selected material of a
162 designed thickness placed on a subbase or subgrade to support a surface
163 course.
164
165 **Basement Material** - The material in excavation or embankments underlying the
166 lowest layer of subbase, base, pavement, surfacing or other specified layer.
167
168 **Bid** - See Proposal
169
170 **Bidder** - An individual, partnership, corporation, joint venture or other legal
171 entity submitting, directly or through a duly authorized representative or agent, a
172 proposal for the work contemplated.
173
174 **Bidding Documents (or Solicitation Documents)** - The published solicitation
175 notice, bid requirements, bid forms and the proposed contract documents
176 including all addenda and clarifications issued prior to receipt of the bid.
177
178 **Bid Security** - The security furnished by the bidder from which the State may
179 recover its damages in the event the bidder breaches its promise to enter into a
180 contract with the State, and fails to execute the required bonds covering the
181 work contemplated, if its proposal is accepted.
182

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

Calendar Day – See Day.

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

Completion - See Substantial Completion and Final Completion.

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

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

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

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

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

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

Contract Price - The amount designated on the face of the contract for the performance of work.

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

235
236 **Contracting Officer** – See Engineer.
237

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

241
242 **Critical Path** – Longest logical sequence of activities that must be completed on
243 schedule for the entire project to be completed on schedule.
244

245 **Day** - Any day shown on the calendar, beginning at midnight and ending at
246 midnight the following day. If no designation of calendar or working day is
247 made, "day" shall mean calendar day.
248

249 **Department** - The Department of Transportation, of the State of Hawaii
250 (abbreviated HDOT).
251

252 **Director** - The Director of the HDOT acting directly or through duly authorized
253 representatives.
254

255 **Drawings** - The contract drawings in graphic or pictorial form including the
256 notes, tables and other notations thereon indicating the design, location,
257 character, dimensions and details of the work.
258

259 **Engineer** - The Highway Administrator, Highways Division, HDOT, or the
260 authorized person delegated to act on the Administrator's behalf.
261

262 **Equipment** - All machinery, tools, and apparatus needed to complete the
263 contract.
264

265 **Field Order** - A written order issued by the Engineer or the Engineer's
266 authorized representative to the Contractor requiring a change or changes to the
267 contract work. A field order may (1) establish a price adjustment or time
268 adjustment; or (2) may declare that no adjustment will be made to contract price
269 or contract time; or (3) may request the Contractor to submit a proposal for an
270 adjustment to the contract price or contract time.
271

272 **Final Completion** - The date set by the Director that all work required by the
273 contract has been completed in full compliance with the contract documents.
274

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.

Hawaii Administrative Rules - Rules adopted by the State in accordance with Chapter 91 of the Hawaii Revised Statutes.

Highway, Street, or Road - A public way within a right-of-way designed, intended, and set aside for use by vehicles, bicyclists, or pedestrians.

Highways Division - The Highways Division of the Hawaii Department of Transportation constituted under the laws of Hawaii for the administration of highway work.

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

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

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

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

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

Liquidated Damages - The amount prescribed in Subsection 108.09 - Liquidated Damages for Failure to Complete the Work or Portions of the Work on Time, to be paid to the State or to be deducted from any payments payable to or, which may become payable to the Contractor.

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

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

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

322 **Notice to Proceed** - Written notice from the Engineer to the Contractor
323 identifying the date on which work is to begin. This date shall also be the
324 beginning of contract time.
325
326 **Pavement** - The uppermost layer of material placed on the traveled way or
327 shoulders or both. Pavement and surfacing may be interchangeable.
328
329 **Pavement Structure** - The combination of subbase, base, pavement,
330 surfacing or other specified layer of a roadway constructed on a subgrade to
331 support the traffic load.
332
333 **Payment Bond** - The security executed by the Contractor and Surety or Sureties
334 furnished to the State to guarantee payment by the Contractor to laborers,
335 material suppliers and subcontractors in accordance with the terms of the
336 contract.
337
338 **Plans** - See Drawings.
339
340 **Profile Grade** - The elevation or gradient of a vertical plane intersecting the top
341 surface of the proposed pavement.
342
343 **Project Acceptance Date** - The calendar day on which the Engineer accepts the
344 project as completed. See Final Completion.
345
346 **Project Guarantee** - A guarantee issued by the Contractor to the State. See
347 GUARANTEE.
348
349 **Proposal (Bid)** - The executed document submitted by an offeror in response to
350 a solicitation request, to perform the work required by the proposed contract
351 documents, for the price quoted and within the time allotted.
352
353 **Public Traffic** - Vehicular or pedestrian movement on a public way.
354
355 **Punchlist** - A list compiled by the Engineer specifying work yet to be completed
356 or corrected by the Contractor in order to substantially complete or finally
357 complete the contract.
358
359 **Questionnaire** - The specified forms on which the bidder shall furnish required
360 information as to its ability to perform and finance the work.
361
362 **Request for Change Proposal** - A written notice from the Engineer to the
363 Contractor requesting that the Contractor provide a price and/or time proposal for
364 contemplated changes preparatory to the issuance of a field order or change
365 order.
366

Right-of-Way - Land, property, or property interests acquired by a government agency 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.

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

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

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

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

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

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

Sidewalk - That portion of the roadway primarily constructed for use by pedestrians.

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

Specifications - Compilation of provisions and requirements to perform prescribed work.

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

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

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

416

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

419

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

425

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

429

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

432

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

436

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

440

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

443

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

446

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

448

449 (2) All equipment is in acceptable working condition,

450

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

454

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

457

458 For bridge and highway work, substantial completion is the point at which
459 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.

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

509

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

512

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

516

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

519

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521

522

END OF SECTION 101