

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 and/or Engineer.

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
ASA	American Standards Association
ASCE	American Society of Civil Engineers

ASLA	American Society of Landscape Architects
ASTM	American Society for Testing and Materials
AWG	American Wire Gauge
AWPA	American Wood Preserver's Association
AWS	American Welding Society
AWWA	American Water Works Association
BMP	Best Management Practice
CCO	Contract Change Order
CFR	Code of Federal Regulations
CRSI	Concrete Reinforcing Steel Institute
DCAB	Disability and Communication Access Board
DOA	Department of Agriculture
DOT	Department of Transportation
DOTAX	State Department of Taxation
EPA	U.S. Environmental Protection Agency
FHWA	Federal Highway Administration, U.S. Department of Transportation
FSS	Federal Specifications and Standards, General Services Administration
HAR	Hawaii Administrative Rules
HRS	Hawaii Revised Statutes
ICEA	Insulated Cable Engineers Association (formerly IPCEA)
IMSA	International Municipal Signal Association
IRS	Internal Revenue Service

ITE	Institute of Transportation Engineers
MUTCD	Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA, U.S. Department of Transportation
NCHRP	National Cooperative Highway Research Program
NEC	National Electric Code
NEMA	National Electrical Manufacturers Association
NFPA	National Forest Products Association
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Administration/Act U.S. Department of Labor
SAE	Society of Automotive Engineers
SI	International Systems of Units
UFAS	Uniform Federal Accessibility Standards
UL	Underwriter's Laboratory
USGS	U.S. Geological Survey
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 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.

Bag - 94 pounds of cement.

Barrel - 376 pounds of cement.

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

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, instructions to bidders, 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

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

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 is bound to furnish all labor, equipment, and materials and to perform the specified work within the contract time stipulated, and by which the State of Hawaii is obligated to compensate the Contractor therefore at the prices set forth therein.

Contract Documents - The contract, addenda, notice to bidders, the instructions to bidders, Contractor's proposal (including wage schedule, list of subcontractors and other documentation accompanying the bid), the notice to proceed, the bonds, these general provisions, the special provisions, the specifications, and the drawings and are more specifically identified in the contract together with all written amendments, change orders, a written order for minor changes in the work and the 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 Performance Bond - The security executed by the Contractor and the surety or sureties furnished to the Department to guarantee the completion of the work in accordance with terms of the contract.

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

Contract Time - The number of working or calendar days provided in the contract for substantial completion of the contract including 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 working days, the contract requires completion by a certain date, the work shall be completed by that date.

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

Critical Path - Sequence of activities that must be completed on schedule for 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.

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

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

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 Chapter 8, HRS, 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 108.08 - Failure to Complete on Time, and Liquidated Damages to be paid to the State or to be deducted from any payments which may become due 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.

Notice to Proceed - Written notice from the Engineer to the Contractor advising it of the date on which it is to begin the prosecution of the work which 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 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.

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 - The portion of a highway, street or road within the limits of construction.

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.

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.

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

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

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 point at which the project is complete such that it can be safely and effectively used by the public without unreasonable delays, disruption, or impediments. For the conventional bridge and highway work, the point at which all bridge deck, parapet, pavement structure, shoulder, permanent signing and markings, traffic barrier, 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 and auxiliary lanes.

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 unless otherwise specified.

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.

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