

1 Amend **Section 101 - TERMS, ABBREVIATIONS, AND DEFINITIONS** to read
2 as follows:

3
4 **"DIVISION 100 - GENERAL PROVISIONS**

5
6 **SECTION 101 - TERMS, ABBREVIATIONS, AND DEFINITIONS**

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

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

18
19 **101.02 Abbreviations.** Meanings of abbreviations used in the
20 specifications, on the plans, or in other contract documents are as follows:

21

22	AAN	American Association of Nurserymen
23		
24	AASHTO	American Association of State Highway and
25		Transportation Officials
26		
27	ACI	American Concrete Institute
28		
29	ADA	Americans with Disabilities Act
30		
31	ADAAG	Americans with Disabilities Act Accessibility Guidelines
32		
33	AGC	Associated General Contractors of America
34		
35	AIA	American Institute of Architects
36		
37	AISC	American Institute of Steel Construction
38		
39	AISI	American Iron and Steel Institute
40		
41	ANSI	American National Standards Institute
42		
43	APA	American Plywood Association
44		
45	ARA	American Railway Association
46		

47	AREA	American Railway Engineering Association
48		
49	ASA	American Standards Association
50		
51	ASCE	American Society of Civil Engineers
52		
53	ASLA	American Society of Landscape Architects
54		
55	ASTM	American Society for Testing and Materials
56		
57	AWG	American Wire Gauge
58		
59	AWPA	American Wood Preserver's Association
60		
61	AWS	American Welding Society
62		
63	AWWA	American Water Works Association
64		
65	BMP	Best Management Practice
66		
67	CCO	Contract Change Order
68		
69	CFR	Code of Federal Regulations
70		
71	CRSI	Concrete Reinforcing Steel Institute
72		
73	DCAB	Disability and Communication Access Board, Department of
74		Health, State of Hawaii
75		
76	DOTAX	Department of Taxation, State of Hawaii
77		
78	EPA	U.S. Environmental Protection Agency
79		
80	FHWA	Federal Highway Administration,
81		U.S. Department of Transportation
82		
83	FSS	Federal Specifications and Standards,
84		General Services Administration, U.S. Department of
85		Defense
86		
87	HAR	Hawaii Administrative Rules
88		
89	HDOT	Department of Transportation, State of Hawaii
90		
91	HIOSH	Occupational Safety and Health, Department of Labor and
92		Industrial Relations, State of Hawaii
93		

94	HMA	Hot Mix Asphalt
95		
96	HRS	Hawaii Revised Statutes
97		
98	ICEA	Insulated Cable Engineers Association (formerly IPCEA)
99		
100	IMSA	International Municipal Signal Association
101		
102	IRS	Internal Revenue Service
103		
104	ITE	Institute of Transportation Engineers
105		
106	MTRB	Material Testing and Research Branch (Hwy-2)
107		
108	MUTCD	Manual on Uniform Traffic Control Devices for Streets and
109		Highways, FHWA, U.S. Department of Transportation
110		
111	NCHRP	National Cooperative Highway Research Program
112		
113	NEC	National Electric Code
114		
115	NEMA	National Electrical Manufacturers Association
116		
117	NFPA	National Forest Products Association
118		
119	NPDES	National Pollutant Discharge Elimination System
120		
121	OSHA	Occupational Safety and Health Administration/Act,
122		U.S. Department of Labor
123		
124	SAE	Society of Automotive Engineers
125		
126	SI	International Systems of Units
127		
128	UFAS	Uniform Federal Accessibility Standards
129		
130	UL	Underwriter's Laboratory
131		
132	USGS	U.S. Geological Survey
133		
134	VECP	Value Engineering Cost Proposal
135		

101.03 Definitions. Whenever the following words, terms, or pronouns 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 day when weather or other conditions prevent a minimum of four hours of work with the Contractor's normal work force on critical path activities 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 or construction 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, or fails to execute the required bonds covering the work contemplated, if its proposal is accepted.

188
189 **Blue Book** - EquipmentWatch Cost Recovery (formerly known as
190 EquipmentWatch Rental Rate Blue Book), available from EquipmentWatch, a
191 division of Penton, Inc.
192
193 **Calendar Day** - See Day.
194
195 **Change Order (or Contract Change Order)** - A written order signed by the
196 Engineer issued with or without the consent of the Contractor directing changes
197 in the work, contract time or contract price. The purposes of a change order
198 include, but are not limited to (1) establishing a price or time adjustment for
199 changes in the work; (2) establishing full payment for direct, indirect, and
200 consequential costs, including costs of delay; (3) establishing price adjustment
201 or time adjustment for work covered and affected by one or more field orders; or
202 (4) settling Contractor's claims for direct, indirect, and consequential costs, or
203 for additional contract time, in whole or in part.
204
205 **Completion** - See Substantial Completion and Final Completion.
206
207 **Completion Date** - The date specified by the contract for the completion of all
208 work on the project or of a designated portion of the project.
209
210 **Comptroller** - the Comptroller of the State of Hawaii, Department of Accounting
211 and General Services.
212
213 **Contract** - The written agreement between the Contractor and the State, by -
214 which the Contractor shall provide all labor, equipment, and materials and
215 perform the specified work within the contract time stipulated, and by which the
216 State of Hawaii is obligated to compensate the Contractor at the prices set forth
217 in the contract documents.
218
219 **Contract Certification Date** - The Date on which the Deputy Comptroller for the
220 State of Hawaii (or authorized representative) signs the Contract Certification.
221
222 **Contract Completion Date** - The calendar day on which all work on the project,
223 required by the contract, must be completed. See CONTRACT TIME.
224
225 **Contract Documents** - The contract, solicitation, addenda, notice to bidders,
226 Contractor's bid proposal (including wage schedule, list of subcontractors and
227 other documentations accompanying the bid), notice to proceed, bonds,
228 standard specifications, special provisions, specifications, drawings, all
229 modifications, all written amendments, change orders, field orders, orders for
230 minor changes in the work, the Engineer's written interpretations and
231 clarifications issued on or after the effective date of the contract.
232
233 **Contract Item (Pay Item)** - A specific unit of work for which there is a price in the
234 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.

Contract Time (or Contract Duration) - The number of calendar or working days provided for completion of the contract, inclusive of authorized time extensions. Contract time shall commence on the Start Work Date and end on the Substantial Completion Date. 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 proceeding up to, but not including, 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.

Plans (or 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 Acceptance - The Status of the project when the Engineer finds that the Contractor has satisfactorily completed all contract work in compliance with the contract including all plant establishment requirements, and all the materials have been accepted by the State.

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.

Final Inspection - Inspection where all contract items (with the exception of Planting Period and Plant Establishment Period) are accepted by the Engineer. Substantial Completion will be issued by the Engineer based on the satisfactory results of the Final Inspection.

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, as amended.

Highway (Street, Road, or Roadway) - 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 Chapter 8 of the Hawaii Revised Statutes, 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.

328 **Leveling Course** - An aggregate mixture course of variable thickness used to
329 restore horizontal and vertical uniformity to existing pavements or shoulders.
330

331 **Liquidated Damages** - The amount prescribed in Subsection 108.08 -
332 Liquidated Damages for Failure to Complete the Work or Portions of the Work on
333 Time, to be paid to the State or to be deducted from any payments payable to
334 or, which may become payable to the Contractor.
335

336 **Lump Sum (LS)** - When used as a payment method means complete payment
337 for the item of work described in the contract documents.
338

339 **Material** - Any natural or manmade substance or item specified in the contract to
340 be incorporated in the work.
341

342 **Notice to Bidders** - The advertisement for proposals for all work or materials on
343 which bids are required. Such advertisement will indicate the location of the
344 work to be done or the character of the material to be furnished and the time and
345 place for the opening of proposals.
346

347 **Notice to Proceed** - Written notice from the Engineer to the Contractor
348 identifying the date on which the Contractor is to begin procuring materials and
349 required permits and adjusting work forces, equipment, schedules, etc. prior to
350 beginning physical work.
351

352 **Pavement** - The uppermost layer of material placed on the traveled way or
353 shoulders or both. Pavement and surfacing may be interchangeable.
354

355 **Pavement Structure** - The combination of subbase, base, pavement, surfacing
356 or other specified layer of a roadway constructed on a subgrade to support the
357 traffic load.
358

359 **Payment Bond** - The security executed by the Contractor and surety or sureties
360 furnished to the Department to guarantee payment by the Contractor to laborers,
361 material suppliers and subcontractors in accordance with the terms of the
362 contract.
363

364 **Physical Work** - Physical construction activities on the project site or at
365 appurtenant facilities including staging areas. It includes (i) building or installing
366 any structures or facilities including, but not limited to sign erection; BMP
367 installation; field office site grading and building; (ii) removal, adjustment, or
368 demolition of physical obstructions on site; (iii) any ground breaking activities;
369 and (iv) any utility work. It does not include pre-construction environmental
370 testing (such as water quality baseline measurements) that may be required as
371 part of contract.
372

373 **Pre-Final Inspection** - Inspection scheduled when Contractor notifies Engineer
374 that all physical work on the project, with the exception of planting period and

plant establishment period, has been completed. Notice from Contractor of substantial completion will suspend contract time until Contractor receives punchlist from Engineer.

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.

Proposal (Bid) - The executed document submitted by a Bidder 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 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 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.

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 the Contractor and submitted by the 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.

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.

Start Work Date - Date on which Contractor begins physical work on the contract. This date shall also be the beginning of Contract Time.

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 of the Hawaii Revised Statutes,

as amended, 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 the planting period and plant establishment period, and each of the following requirements are met:

- (1) All traffic lanes (including shoulders, ramps, sidewalks and bike paths) are in their final configuration as designed and the final wearing surface and all required permanent pavement markings have been installed;
- (2) All operational and safety devices have been installed in accordance with the contract documents including guardrails, end treatments, traffic barriers, required signs and pavement markings, drainage, parapet, and bridge and pavement structures;
- (3) All required illumination and lighting for normal and safe use and operation is installed and functional in accordance with the contract documents;
- (4) All utilities and services are connected and working;
- (5) The need for temporary traffic controls or lane closures at any time has ceased, except for lane closures required for routine maintenance;
- (6) The building, structure, improvement or facility can be used for its intended purpose.

Substantial Completion Date - The date the Substantial Completion is granted by the Engineer in Writing and Contract Time stops.

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, material, 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) Day in which the Engineer suspends work for four or more hours through no fault of the Contractor."

END OF SECTION 101