

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

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

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

8
9 **101.01 Meaning of Terms.** The specifications are generally written in the
10 imperative mood. In sentences using the imperative mood, the subject, “the
11 Contractor shall”, is implied. In the material specifications, the subject may also
12 be the supplier, fabricator, or manufacturer supplying material, products, or
13 equipment for use on the project. The word “will” generally pertains to decisions
14 or actions of the State. “Must” and “shall” when used in a directive to or describing
15 the use of an action needed to be done by the Contractor are considered a
16 mandatory contractual duty of the Contractor.

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

21
22 **101.02 Abbreviations.** Meanings of abbreviations used in the specifications,
23 on the plans, or in other contract documents are as follows:

24

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

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

91	HDOT	Department of Transportation, State of Hawaii
92		
93	HIOSH	Occupational Safety and Health, Department of Labor and
94		Industrial Relations, State of Hawaii
95		
96	HMA	Hot Mix Asphalt
97		
98	HRS	Hawaii Revised Statutes
99		
100	ICEA	Insulated Cable Engineers Association (formerly IPCEA)
101		
102	IMSA	International Municipal Signal Association
103		
104	IRS	Internal Revenue Service
105		
106	ITE	Institute of Transportation Engineers
107		
108	MASH	AASHTO's Manual for Assessing Safety Hardware
109		
110	MTRB	HDOT's Material and Testing Branch
111		
112	MUTCD	Manual on Uniform Traffic Control Devices for Streets and
113		Highways, FHWA, U.S. Department of Transportation
114		
115	NCHRP	National Cooperative Highway Research Program
116		
117	NEC	National Electric Code
118		
119	NEMA	National Electrical Manufacturers Association
120		
121	NFPA	National Forest Products Association
122		
123	NPDES	National Pollutant Discharge Elimination System
124		
125	OSHA	Occupational Safety and Health Administration/Act,
126		U.S. Department of Labor
127		
128	SAE	Society of Automotive Engineers
129		
130	SI	International Systems of Units
131		
132	UFAS	Uniform Federal Accessibility Standards
133		
134	UL	Underwriter's Laboratory
135		

136 USGS U.S. Geological Survey
137
138 VECP Value Engineering Cost Proposal
139

140 **101.03 Definitions.** Whenever the following words, terms, or pronouns are
141 used in the contract documents, unless otherwise prescribed therein and without
142 regards to the use or omission of uppercase letters, the intent and meaning shall
143 be interpreted as follows:
144

145 **Addendum (plural - Addenda)** - A written or graphic document, including
146 drawings and specifications, issued by the Director during the bidding period. This
147 document modifies or interprets the bidding documents by additions, deletions,
148 clarifications or corrections.
149

150 **Addition** (to the contract sum) - Amount added to the contract sum by change
151 order.
152

153 **Advertisement** - A public announcement inviting bids for work to be performed or
154 materials to be furnished.
155

156 **Amendment** - A written document issued to amend the existing contract between
157 the State and Contractor and properly executed by the Contractor and Director.
158

159 **Award** - Written notification to the bidder that the bidder has been awarded a
160 contract.
161

162 **Bad Weather Day (or Unworkable Day)** - A day when weather or other conditions
163 prevent a minimum of four hours of work with the Contractor's normal work force
164 on critical path activities at the site.
165

166 **Bag** - 94 pounds of cement.
167

168 **Barrel** - 376 pounds of cement.
169

170 **Base Course** - The layer or layers of specified material or selected material of a
171 designed thickness placed on a subbase or subgrade to support a surface course.
172

173 **Basement Material** - The material in excavation or embankments underlying the
174 lowest layer of subbase, base, pavement, surfacing or other specified layer.
175

176 **Bid** - See Proposal.
177

178 **Bidder** - An individual, partnership, corporation, joint venture or other legal entity
179 submitting, directly or through a duly authorized representative or agent, a
180 proposal for the work or construction contemplated.
181

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.

Blue Book - EquipmentWatch Cost Recovery (formerly known as EquipmentWatch Rental Rate Blue Book), available from EquipmentWatch, a division of Penton, Inc.

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 are not limited to (1) establishing a price or time adjustment for changes in the work; (2) establishing full payment for direct, indirect, and consequential costs, including costs of delay; (3) establishing price adjustment or time adjustment for work covered and affected by one or more field orders; or (4) 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.

Comptroller - the Comptroller of the State of Hawaii, Department of Accounting and General Services.

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 Certification Date - The Date on which the Deputy Comptroller for the State of Hawaii (or authorized representative) signs the Contract Certification.

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), notice to proceed, bonds, Standard Specifications, special provisions, specifications, drawings, all modifications, all written amendments, change orders, field orders, orders for minor changes in the work, 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 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.

Informational Submittal - A submittal, e.g., additional-advance-direct submittal by e-mail by the Contractor to the Material Testing and Research Branch (MTRB), of such things as but not limited to, a final copy of fully executed contract change order with attachments, Contractor QC test results or schedules, or other documents that are designated as an Informational Submittal. It is a process to inform the receiver of a task that has been performed or will soon be performed. Submitted for workload scheduling purposes; it does not require a response or action from the designated receiver, in general, is not used for payment purposes unless the Engineer or MTRB designated it as such. Nor does it count as one of the other required submittals in number.

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 - 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.

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

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 Department to guarantee payment by the Contractor to laborers, material suppliers and subcontractors in accordance with the terms of the contract.

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

Pre-Final Inspection - Inspection scheduled when Contractor notifies Engineer 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, i.e., State of Hawaii Standard Specifications for Road and Bridge Construction.

(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, joint venture or other legal entity, as licensed or required to be licensed under Chapter 444, 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 has 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;

503 (5) The need for temporary traffic controls or lane closures at any time
504 has ceased, except for lane closures required for routine
505 maintenance;

506
507 (6) The building, structure, improvement or facility can be used for its
508 intended purpose.

509
510 **Substantial Completion Date** - The date the Substantial Completion is granted
511 by the Engineer in Writing and Contract Time stops.

512
513 **Superintendent** - The employee of the Contractor who is responsible for all the
514 work and is a Contractor's agent for communications to and from the State.

515
516 **Surety** - The qualified individual, firm or corporation other than the Contractor,
517 which executes a bond with and for the Contractor to insure its acceptable
518 performance of the contract.

519
520 **Surfacing** - The uppermost layer of material placed on the traveled way or
521 shoulders. This term is used interchangeably with pavement.

522
523 **Traveled Way** - The portion of the roadway for the movement of vehicles,
524 exclusive of shoulders.

525
526 **Unsuitable Material** - Materials that contain organic matter, muck, humus, peat,
527 sticks, debris, chemicals, toxic matter, or other deleterious materials not suitable
528 for use in earthwork.

529
530 **Utility** - A line, facility, or system for producing, transmitting, or distributing
531 communications, power, electricity, heat, gas, oil, water, steam, waste, or storm
532 water.

533
534 **Utility Owner** - The entity, whether private or owned by a State, Federal, or County
535 governmental body, that has the power and responsibility to grant approval for, or
536 undertake construction work involving a particular utility.

537
538 **Water Pollutant** - Dredged spoil, solid refuse, incinerator residue, sewage,
539 garbage, sewage sludge, munitions, chemical waste, biological materials,
540 radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil,
541 sediment, cellar dirt and industrial, municipal, and agricultural waste.

542
543 **Water Pollution** - (1) Such contamination or other alteration of the physical,
544 chemical, or biological properties of any state waters, including change in
545 temperature, taste, color, turbidity, or odor of the waters, or (2) Such discharge of
546 any liquid, gaseous, solid, radioactive, or other substances into any state waters,
547 as will or is likely to create a nuisance or render such waters unreasonably harmful,
548 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