

SECTION 105 - CONTROL OF WORK

Make the following amendments to said Section:

(I) Amend 105.02(B) Working and Shop Drawings by revising the fifth paragraph to read as follows:

"The Engineer may take two or more weeks to review the working and shop drawings depending on the complexity. The Contractor shall submit working and shop drawings for review on time and at the earliest possible date after the Notice to Proceed date to meet the construction schedule. The Contractor shall not make changes in the accepted working and shop drawings without the written comments of the Engineer. The Engineer will not consider delays caused by the Contractor's failure to submit the working and shop drawings on time a justifiable reason for contract time extensions."

(II) Amend 105.02(B) Working and Shop Drawings by revising the sixth paragraph to read as follows:

"Review by the Engineer does not relieve the Contractor of its responsibility for the accuracy of the dimensions and details of the working and shop drawings. The Contractor shall be responsible for ensuring that the working and shop drawings conform with the contract. The review of the working and shop drawings shall not justify a waiver of errors, discrepancies or omissions."

(III) Amend 105.02(B) Working and Shop Drawings by revising the last sentence of the fifth paragraph to read as follows:

"The Engineer will not consider delays caused by the Contractor's failure to submit the working and shop drawings on time a justifiable reason for contract time extensions."

(IV) Amend 105.08 Authority and Duties of Project Engineer by revising the first sentence to read as follows:

"**105.08 Authority and Duties of Project Engineer.** As the direct representative of the Engineer, the Project Engineer has immediate charge of the engineering details of its construction project and is responsible for the administration and completion of the project."

(V) Amend 105.12 Removal of Unacceptable and Unauthorized Work to read as follows:

"105.12 Removal of Unacceptable and Unauthorized Work.

(A) Unacceptable Work. The Engineer will consider work not conforming to the contract as unacceptable work. The Contractor is directed to Subsection 105.03 - Conformity with the Contract.

Remove unacceptable work found to exist before the final acceptance of the work. Replace the work according to the contract. Unacceptable work includes poor workmanship and use of defective materials.

The Engineer may remedy such unacceptable work and deduct the costs from monies due or to become due the Contractor if the Contractor fails to comply as specified by the Engineer.

(B) Unauthorized Work. The Engineer will consider work done contrary to the specifications of the Engineer, work done beyond the lines as given, or extra work done without authority as unauthorized. The Engineer will not make payment for such work. The Engineer may order such work removed or replaced at no cost to the State."

(VI) Amend 105.13 Load Restrictions to read as follows:

105.13 Load Restrictions. Comply with legal load restrictions in the hauling of materials on public roads. A special permit will not relieve the Contractor of liability for damage that may result from the moving of material or equipment.

Limit hauling of materials over the base course or surface course under construction according to the contract. The Engineer will not permit loads on a concrete pavement, base or structure before the expiration of the curing period. All loads shall not exceed the legal load limits. The Contractor shall be responsible for damages done while hauling equipment.

When the MTV exceeds legal axle or total weight limits for vehicles under the Hawaii Revised Statutes, Chapter 291, the following are required when crossing bridges within the project limits unless otherwise noted on the plans or specified herein:

- (1)** The MTV shall be fully emptied of mix prior to crossing a bridge.
- (2)** The MTV shall move across the bridge at a relatively constant speed not exceeding 5 miles per hour. The MTV shall not stop on the bridge.
- (3)** No other vehicle or equipment shall be on the bridge while the MTV is crossing the bridge.

Transporting of MTV(s) by means of truck-tractor/trailer combination with size and weight exceeding legal limits shall be according to Chapter 104 of Title 19, Department of Transportation, entitled 'Movement by Permit of Oversize and Overweight Vehicles on State Highways'."

(VII) Amend 105.19(A) General by revising the first sentence to read as follows:

"(A) General. The Contractor and the Department will establish a Disputes Review Board (Board) when the proposal amount is more than fifty million dollars (\$50,000,000) or the completion time is more than 360 working days."

END OF SECTION