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## DIVISION 100 - GENERAL PROVISIONS

### 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

## 101.02

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

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

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

136  
 137 **Addendum (plural - Addenda)** - A written or graphic document, including  
 138 drawings and specifications, issued by the Director during the bidding period.  
 139 This document modifies or interprets the bidding documents by additions,  
 140 deletions, clarifications or corrections.

141

### 101.03

142 **Addition** (to the contract sum) - Amount added to the contract sum by change  
143 order.

144

145 **Advertisement** - A public announcement inviting bids for work to be performed  
146 or materials to be furnished.

147

148 **Amendment** - A written document issued to amend the existing contract  
149 between the State and Contractor and properly executed by the Contractor and  
150 Director.

151

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

154

155 **Bad Weather Day (or Unworkable Day)** - A day when weather or other  
156 conditions prevent a minimum of four hours of work with the Contractor's normal  
157 work force on controlling items of work at the site.

158

159 **Bag** - 94 pounds of cement.

160

161 **Barrel** - 376 pounds of cement.

162

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

166

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

169

170 **Bid** - See Proposal.

171

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

175

176 **Bidding Documents (or Solicitation Documents)** - The published solicitation  
177 notice, bid requirements, bid forms and the proposed contract documents  
178 including all addenda and clarifications issued prior to receipt of the bid.

179

180 **Bid Security** - The security furnished by the bidder from which the State may  
181 recover its damages in the event the bidder breaches its promise to enter into a  
182 contract with the State, or fails to execute the required bonds covering the work  
183 contemplated, if its proposal is accepted.

184

185 **Blue Book** - "Rental Rate Blue Book for Construction Equipment" published by  
186 Equipment Watch, A Premedia Business Directories and Book Group.

187

188 **Calendar Day** - See Day.

189

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

199

200 **Completion** - See Substantial Completion and Final Completion.

201

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

204

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

207

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

213

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

216

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

224

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

227

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

230

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

233

234 **Contract Time (or Contract Duration)** - The number of calendar or working  
235 days provided for completion of the contract, inclusive of authorized time

### 101.03

236 extensions. The number of days shall commence on the effective date in the  
237 notice to proceed. If in lieu of providing a number of calendar or working days,  
238 the contract requires completion by a certain date, the work shall be completed  
239 by that date.

240

241 **Contracting Officer** - See Engineer.

242

243 **Contractor** - Any individual, partnership, firm, corporation, joint venture, or  
244 other legal entity undertaking the execution of the work under the terms of the  
245 contract with the State.

246

247 **Critical Path** - Longest logical sequence of activities that must be completed on  
248 schedule for the entire project to be completed on schedule.

249

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

253

254 **Department** - The Department of Transportation of the State of Hawaii  
255 (abbreviated HDOT).

256

257 **Director** - The Director of the HDOT acting directly or through duly authorized  
258 representatives.

259

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

263

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

266

267 **Equipment** - All machinery, tools, and apparatus needed to complete the  
268 contract.

269

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

276

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

279

280 **Float** - The amount of time between when an activity can start and when an  
281 activity must start, i.e., the time available to complete non-critical activities  
282 required for the performance of the work without affecting the critical path.

283

284 **Guarantee** - Legally enforceable assurance of the duration of satisfactory  
285 performance of quality of a product or work.

286

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

289

290 **Highway (Street, Road, or Roadway)** - A public way within a right-of-way  
291 designed, intended, and set aside for use by vehicles, bicyclists, or  
292 pedestrians.

293

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

297

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

300

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

303

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

306

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

309

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

312

313 **Liquidated Damages** - The amount prescribed in Subsection 108.08 -  
314 Liquidated Damages for Failure to Complete the Work or Portions of the Work on  
315 Time, to be paid to the State or to be deducted from any payments payable to  
316 or, which may become payable to the Contractor.

317

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

320

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

323

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

328

### 101.03

329 **Notice to Proceed** - Written notice from the Engineer to the Contractor  
330 identifying the date on which work is to begin. This date shall also be the  
331 beginning of contract time.

332  
333 **Pavement** - The uppermost layer of material placed on the traveled way or  
334 shoulders or both. Pavement and surfacing may be interchangeable.

335  
336 **Pavement Structure** - The combination of subbase, base, pavement,  
337 surfacing or other specified layer of a roadway constructed on a subgrade to  
338 support the traffic load.

339  
340 **Payment Bond** - The security executed by the Contractor and surety or sureties  
341 furnished to the Department to guarantee payment by the Contractor to laborers,  
342 material suppliers and subcontractors in accordance with the terms of the  
343 contract.

344  
345 **Plans** - See Drawings.

346  
347 **Profile Grade** - The elevation or gradient of a vertical plane intersecting the top  
348 surface of the proposed pavement.

349  
350 **Project Acceptance Date** - The calendar day on which the Engineer accepts the  
351 project as completed. See Final Completion.

352  
353 **Project Guarantee** - A guarantee issued by the Contractor to the State. See  
354 Guarantee.

355  
356 **Proposal (Bid)** - The executed document submitted by an Offeror in response to  
357 a solicitation request, to perform the work required by the proposed contract  
358 documents, for the price quoted and within the time allotted.

359  
360 **Public Traffic** - Vehicular or pedestrian movement on a public way.

361  
362 **Punchlist** - A list compiled by the Engineer specifying work yet to be completed  
363 or corrected by the Contractor in order to substantially complete or finally  
364 complete the contract.

365  
366 **Questionnaire** - The specified forms on which the bidder shall furnish required  
367 information as to its ability to perform and finance the work.

368  
369 **Request for Change Proposal** - A written notice from the Engineer to the  
370 Contractor requesting that the Contractor provide a price and/or time proposal for  
371 contemplated changes preparatory to the issuance of a field order or change  
372 order.

373  
374 **Right-of-Way** - Land, property, or property interests acquired by a government  
375 agency for, or devoted to transportation purposes.



376

377 **Road** – See Highway.

378

379 **Roadbed** - The graded portion of a highway within top and side slopes,  
380 prepared as a foundation for the pavement structure and shoulders.

381

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

385

386 **Roadway** – See Highway.

387

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

391

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

394

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

398

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

402

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

405

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

411

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

414

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

417

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

420

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

423

### 101.03

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

426

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

432

433 **Street** – See Highway.

434

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

438

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

441

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

445

446 **Subcontractor** - An individual, partnership, firm, corporation, or joint venture  
447 or other legal entity, as covered in HRS Chapter 444, which enters into an  
448 agreement with the Contractor to perform a portion of the work.

449

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

452

453 **Substantial Completion** - The status of the project when the Contractor has  
454 completed the work, except for plant establishment, and each of the following  
455 requirements are met:

456

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

458

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

460

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

464

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

467

468 For bridge and highway work, in addition to the above requirements,  
469 substantial completion is the point at which all bridge deck, parapet, pavement  
470 structure, shoulder, drainage, traffic signal, guardrail, safety appurtenance,  
471 traffic barrier, lighting, and required signs and markings work are complete.

472

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

475

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

479

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

482

483 **Traveled Way** - The portion of the roadway for the movement of vehicles,  
484 exclusive of shoulders.

485

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

489

490 **Utility** - A line, facility, or system for producing, transmitting, or distributing  
491 communications, power, electricity, heat, gas, oil, water, steam, waste, or  
492 storm water.

493

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

497

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

502

503 **Water Pollution - (1)** Such contamination or other alteration of the physical,  
504 chemical, or biological properties of any state waters, including change in  
505 temperature, taste, color, turbidity, or odor of the waters, or **(2)** Such  
506 discharge of any liquid, gaseous, solid, radioactive, or other substances into  
507 any state waters, as will or is likely to create a nuisance or render such waters  
508 unreasonably harmful, detrimental, or injurious to public health, safety, or  
509 welfare, including harm, detriment, or injury to public water supplies, fish and  
510 aquatic life and wildlife, recreational purposes and agricultural and industrial  
511 research and scientific uses of such waters or as will or is likely to violate any  
512 water quality standards, effluent standards, treatment and pretreatment  
513 standards, or standards of performance for new sources adopted by the  
514 Department of Health.

515

516 **Work** - The furnishing of all labor, material, equipment, and other incidentals  
517 necessary or convenient for the successful execution of all the duties and  
518 obligations imposed by the contract.

**101.03**

519

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

522

523 (1) Saturdays, Sundays, and recognized legal State holidays and  
524 such other days specified by the contract documents as non-working  
525 days,

526

527 (2) Day in which the Engineer suspends work for four or more hours  
528 through no fault of the Contractor.

529

530

531

532

533

534

**END OF SECTION 101**