

## 100 GENERAL PROVISIONS

### ITEM 101 DEFINITIONS AND TERMS

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**101.01 General.** These Construction and Material Specifications are written to the Bidder before award of the Contract and to the Contractor after award of the Contract. The sentences that direct the Contractor to perform Work are written as commands. For example, a requirement to provide cold-weather protection would be expressed as, "Provide cold-weather protection for concrete," rather than "The Contractor shall provide cold-weather protection for concrete." In the imperative mood, the subject "the Bidder" or "the Contractor" is understood.

All requirements to be performed by others have been written in the active voice. Sentences written in the active voice identify the party responsible for performing the action. For example, "The Engineer will determine the density of the compacted material." Certain requirements of the Contractor may also be written in the active voice, rather than the active voice and imperative mood, if the sentence includes requirements for others in addition to the Contractor. For example, "If the Contractor, at any time, fails to comply with the provisions of 105.14, the Engineer will immediately notify the Contractor of such non-compliance."

Sentences that define terms, describe a product or desired result, or describe a condition that may exist are written in indicative mood. These types of sentences use verbs requiring no action. For example, "The characteristics of the soils actually encountered in the subgrade may affect the quality of the cement and depth of treatment necessary."

**101.02 Abbreviations.** The following abbreviations, when used in the Contract Documents, represent the full text shown below.

AAN	American Association of Nurserymen
ASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
ANSI	American National Standards Institute
AREA	American Railway Engineering Association
ASA	American Standards Association
ASCE	American Society of Civil Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
AWG	American Wire Gage
AWPA	American Wood Preservers' Association
AWS	American Welding Society
AWWA	American Water Works Association

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BMP	Best Management Practice (erosion)
BUSTR	Bureau of Underground Storage Tank Regulations (Division of Fire Marshal)
CCC	Columbus City Codes, 1959
CCRL	Cement and Concrete Reference Laboratory
CFR	Code of Federal Regulations
CMSC	Construction and Material Specifications - City of Columbus
CPESC	Certified Professional in Erosion and Sediment Control
CRSI	Concrete Reinforcing Steel Institute
EI	Edison Electric Institute
EIA	Electronic Industries Alliance
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration, Department of Transportation
FSS	Federal Specifications and Standards, General Services Administration
ICEA	Insulated Cable Engineers Association
IEEE	Institute of Electrical and Electronic Engineers
IES	Illuminating Engineering Society
IME	Institute of Makers of Explosives
IMSA	International Municipal Signal Association
IPCEA	Insulated Power Cable Engineering Association
IPS	International Pipe Standard
ISSA	International Slurry Seal Association
ITE	Institute of Transportation Engineers
JMF	Job Mix Formula
MSDS	Material Safety Data Sheets
NACE	National Association of Corrosion Engineers
NCHRP	National Cooperative Highway Research Program
NEMA	National Electrical Manufacturers Association
NHI	National Highway Institute
NIST	National Institute of Standards and Technology
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OAC	Ohio Administrative Code
ODNR	Department of Natural Resources
ODOT	Ohio Department of Transportation
ODOTCMS	Ohio Department of Transportation, Construction and Material Specifications
OEPA	Ohio Environmental Protection Agency
OMUTCD	Ohio Manual of Uniform Traffic Control Devices
ORC	Ohio Revised Code
ORDC	Ohio Rail Development Commission
OSHA	Occupation Safety & Health Act
OWPCA	Ohio Water Pollution Control Act
PCC	Portland Cement Concrete
PCI	Precast/Prestressed Concrete Institute
QA	Quality Assurance
QC	Quality Control
QPL	Qualified Products List
RACP	Reclaimed Asphalt Concrete Pavement

RAP	Recycled Asphalt Pavement
RH	Relative Humidity
RPCC	Recycled Portland Cement Concrete
SAE	Society of Automotive Engineers
SI	International System of Units (Metric)
SSPC	Society for Protective Coatings
SWPPP	Storm Water Pollution Prevention Plan
UL	Underwriters' Laboratories, Inc.
USACE	United States Army Corps of Engineers
VECP	Value Engineering Change Proposal

**101.03 Definitions.** The following terms or pronouns, when used in the Contract Documents, are defined as follows:

**Addendum or Addenda.** Written instructions issued by the City prior to Bid opening for the purpose of varying, modifying, rescinding or adding to portions of the Contract Documents.

**Advertisement (or Invitation for Bids).** The public announcement, as required by law, inviting Proposals for Work to be performed or materials and equipment to be furnished. Such Proposal will indicate with reasonable accuracy the type, quantity and location of the Work to be done or the character and quality of the materials to be furnished and the time and place of the opening of Proposals.

**Award.** The written acceptance by the Director of a Proposal.

**Bid.** Same as Proposal.

**Bid Documents.** The Bid Documents include the Advertisement for Bids, Instructions to Bidders, Addenda, Proposal, Electronic Bidding Software file(s), Contract, Contract forms and required bonds, Specifications, Supplemental Specifications, Special Provisions, Plans, Plan Notes, Standard Drawings, and any other document specifically designated by the Department as a Bid Document, all of which constitute one instrument. Any other documents provided with the bid are for informational purposes only and are not part of the Bid Documents. The City may request that the Bidder sign an acknowledgement that such informational documents are expressly excluded from the Contract.

**Bidder.** Any individual, firm, partnership, or corporation submitting a Proposal for the advertised work, acting directly or through a duly authorized representative.

**Borrow Area.** The term borrow area refers to locations outside the right-of-way from which natural materials are removed for use in the Work.

**Bridge.** A structure, including supports, erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than 10 feet (3.0 m) between the center line of bearing of abutments or extreme limits of openings for multiple boxes.

A. The length of a bridge structure is the over-all length measured between centerline of abutments.

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B. The roadway width of a bridge structure is the clear width measured at right angles to the longitudinal centerline of the bridge between the bottom of curbs or guardrails or, in the case of multiple height of curbs, between the bottoms of the lower risers. For curb widths of one foot (0.3 m) or less, the roadway width shall be measured between parapets or railings.

**Calendar Day or Day.** Every day shown on the calendar.

**Certified Test Data.** A test report from a manufacturer's laboratory or independent laboratory listing actual test data for the specified City requirements for the samples tested and a statement by a person having legal authority to act for the supplier and/or manufacturer of the material that the test report furnished represents the material delivered to the City of Columbus project. The certification shall include the Laboratory Report No. and the name of the project to which the material is delivered. Laboratory reports signed by a Registered Professional Engineer and those signed by other personnel and notarized will be accepted for this purpose.

**Change Order.** A written order issued by the Engineer to the Contractor covering changes to the terms and conditions, plans and/or quantities, within or beyond the scope of the Contract and establishing the basis of payment from existing funding and any time adjustments for the Work affected by the changes.

**City.** The City of Columbus, acting through its Director or properly authorized agents thereof, such agents acting severally within the scope of the particular duties entrusted to them.

**Claim(s).** A claim is a request, by the Contractor or the City, for adjustment in Contract Sum or Time, or both, when resolution is not reached using other provisions in the Contract.

**Clean Hard Fill.** Construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes. (OAC 3745-400-01(E))

**Clean Soil.** Clean soil consists of soil, rock, sand, and other unaltered nontoxic geological materials that are not contaminated with petroleum, PCB's, hazardous wastes (as defined in ORC 3734.01(J)), raw sewage, trash or other solid wastes (as defined in ORC 3734.01(E)), or mixed with vegetative debris, asphalt, concrete, scrap metal, bricks, pavement, or other man-made materials constituting construction and demolition debris.

**Completion Date.** The date on which the Work shall be completed.

**Conduit.** Any pipe or similar passageway for electricity, gas, water or other utility.

**Construction Limits (Work Limits).** The farthest boundary of the project where the Contractor shall not proceed and is restricted from working beyond the

limits shown on the Drawings without approval by the City.

**Construction and Demolition Debris** consists of materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. “Construction and Demolition Debris” includes particles and dust created during demolition activities. “Materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure,” are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. “Materials resulting from the alteration, construction, destruction, rehabilitation, or repair” do not include materials whose removal has been required prior to demolition, and materials which are otherwise contained within or exist outside the structure such as solid wastes, yard wastes, furniture, and appliances. Also excluded in all cases are liquids including containerized or bulk liquids, fuel tanks, drums and other closed or filled containers, tires, and batteries. (ORC 3714.01(C))

**Contract Documents.** The Contract Documents include the Advertisement for Bids, Instructions to Bidders, Addenda, Proposal, Affidavits, Contract, Contract forms and required bonds, Specifications (CMSC), Supplemental Specifications, Special Provisions, Plans, Plan Notes, Standard Drawings, Notice to Proceed, Notice of Commencement, and Auditor’s Purchase Order as the same are published or may be published and amended by the several Divisions of the City, Change Orders, Contract Modifications, and any other document included by reference by the City as a Contract Document, all of which constitute one instrument.

**Contract Item (Pay Item).** A specifically described unit of Work for which a price is provided in the Contract.

**Contract Modification.** A change to the terms and conditions of the executed Contract Documents beyond that approved by the City Council at the time of Contract award. A Contract Modification must be authorized by City Council.

**Contract Performance and Payment Bond(s).** The approved form of security, executed by the Contractor and its surety or sureties, guaranteeing complete execution of the Work as required by the Contract Documents and the payment of all legal debts pertaining to the construction of the Project.

**Contract Price.** The amount of compensation bid by the Contractor for a Contract Item in the Proposal or the amount of compensation established for a Contract Item added or modified pursuant to the Contract Documents.

**Contract Sum.** The Contract Sum is stated in the Contract and, including authorized adjustments thereto, is the total amount payable by the City to the Contractor for the performance of the Work under the Contract Documents. The

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Contract Sum may include a contingency amount; however, the contingency amount is not due to the Contractor unless approved by Change Order.

**Contract Time.** The number of workdays or calendar days, including authorized adjustments, allowed for completion of the Project. When a specified Completion Date is shown in the Contract Documents instead of the number of workdays or calendar days, completion of the Project shall occur on or before that date. Specified Completion Date and Calendar Day Contracts shall be completed on or before the day indicated even when that date is a Saturday, Sunday, or holiday.

**Contract.** The written agreement between the City and the Contractor setting forth the obligations of the parties, including, but not limited to, legal terms and conditions, the performance of the Work, the furnishing of labor and materials, and the basis of payment.

**Contractor.** The individual, firm, partnership, corporation, or other entity contracting with the City for performance of prescribed Work, acting directly or through a duly authorized representative and qualified under the requirements of the Contract Documents.

**County.** The designated county in which the Work specified is to be done.

**Culvert.** Any structure not classified as a Bridge that provides an opening under the roadway.

**Department.** The department of the City of Columbus under which the Project is being performed.

**Director.** The Director of the City department under which the Project is being funded or the department that is holding the Contract.

**Engineer.** The Engineer, Architect, Planner, or other authorized representative of the City of Columbus working under the supervision of the Administrator of the Division under which the project is being performed. The Engineer, or the Engineer's authorized representative, is the duly authorized agent of the City acting within the scope of its authority for purposes of engineering and administration of the Contract.

**Equipment.** All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the Work.

**Extra Work.** An item of Work not provided for in the Contract as awarded but found necessary to the satisfactory completion of the Contract within its intended scope.

**Fabricator.** The individual, firm, or corporation that fabricates structural metals or prestressed concrete members as an agent of the Contractor.

**Field Order.** A written order to the Contractor directing a minor change in the Work but that does not involve an adjustment in the Contract Sum or an extension of the Contract Time and is not inconsistent with the intent of the Contract Documents.

**Inspector.** The Engineer's authorized representative assigned to make detailed inspections of Contract performance.

**Laboratory.** The testing laboratories of the City or a reputable testing laboratory that is designated by or acceptable to the Director for rendering testing and inspection services.

**Materials.** Any materials or products specified for use in the construction of the Project and its appurtenances.

**Metrication.** Throughout these specifications, the English units are used as the primary unit with the metric equivalents shown in parentheses. The metric equivalents were arrived at using "soft conversion" where the metric equivalent to the standard English unit is a straight mathematical conversion. The conversions shown are for information and training purposes only, and should not be regarded as the standards. Industry standard metric values have not been used in these specifications.

**National Holidays.** New Years Day, January 1; Martin Luther King's Birthday - the Third Monday in January; Presidents' Day, the Third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the First Monday in September; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25.

**Notice of Award.** Written notice by the City to the apparent successful bidder stating that upon compliance with the conditions enumerated therein, within the time specified, the City intends to enter into a Contract.

**Notice of Commencement.** Legal notice by the City indicating the beginning of construction on a public improvement.

**Notice to Proceed.** Written notice to the Contractor, by the Director or the Director's authorized representative, authorizing the beginning of Work and setting forth the Completion Date.

**Owner.** The Department or Division of the City of Columbus that invited Bids and is financially responsible for the Project.

**Plans.** The general and detailed plans, profiles, typical cross-sections, standard drawings, contract drawings and supplemental drawings, approved by the Director, or exact reproductions thereof, which show the location, character, dimensions and details of the Work. Plans do not include any electronic data provided as information to the Bidder and expressly identified as "for informational purposes only".

**Prebid Question.** A written inquiry submitted by a prospective Bidder.

**Profile Grade.** The trace of a vertical plane intersecting the top of curb, centerline of roadway, or as indicated on the plans. Profile grade means either elevation or gradient of such trace according to the context.

**Project.** The Work together with all appurtenances and construction to be performed thereon under the Contract.

**Project Limits.** Project limits are points on the mainline centerline of

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construction where the proposed improvement, as described in the project description on the Title Sheet (excluding incidental construction), begins and ends.

**Proposal Form.** The approved form on which the City requires Proposals to be prepared and submitted for the Work.

**Proposal Guaranty.** The approved form of security furnished with a Proposal to guarantee that the Bidder will enter into the Contract if its Proposal is accepted.

**Proposal (or Bid).** The offer of a Bidder, on the prescribed forms properly signed and guaranteed, to perform the Work and to furnish the labor and materials at the prices quoted. Throughout the Contract, the terms Proposal and Bid are used interchangeably.

**Reasonably Close Conformity.** Reasonably close conformity means compliance with reasonable and customary manufacturing and construction tolerances where working tolerances are not specified. Where working tolerances are specified, reasonably close conformity means compliance with such working tolerances and the completed Work or portion of Work functions or performs as intended.

**Registered Professional Engineer.** An engineer registered with the Ohio State Board of Registration for Professional Engineers and Surveyors to practice professional engineering in the State of Ohio.

**Registered Surveyor.** A surveyor registered with the Ohio State Board of Registration for Professional Engineers and Surveyors to practice professional surveying in the State of Ohio.

**Request for Information (RFI).** Request from Contractor seeking interpretation or clarification of the Contract Documents.

**Right-of-Way.** A general term denoting land, property, or interest therein, acquired for or devoted to Project purposes and extending to the limits under the control of the state or local authority.

**Road.** A general term denoting a public way for purposes of vehicular travel, including the entire area within the Right-of-Way.

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

**Roadside.** The areas 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 or street within limits of construction.

**Sewer.** Pipe or conduit intended for carrying storm or sanitary flow.

**Shoulder.** The portion of the roadway contiguous to the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**Sidewalk.** The facility within the public Right-of-Way primarily constructed for the use of pedestrians.

**Special Provisions.** Additions and revisions to the standard and Supplemental Specifications covering conditions applicable to an individual Project.

**Specialty Items.** Work specified by the Contract Documents that requires specialized knowledge and/or equipment and materials to perform.

**Specifications (CMSC).** The directions, provisions, and requirements contained herein as supplemented by the Supplemental Specifications and Special Provisions.

**State.** The State of Ohio acting through its authorized representative.

**Street.** A general term denoting a public way for purpose of vehicular travel, including the entire area within the Right-of-Way.

**Structures.** Bridges, culverts, catch basins, curb inlets, drop inlets, retaining walls, cribbing, manholes, endwalls, buildings, curbs, pavements, sewers, water mains, service pipes, underdrains, foundation drains, and other features that may be encountered in the Work and not otherwise classified herein.

**Subcontractor.** The individual, firm, partnership or corporation to which the Contractor sublets part of the Contract to be performed on the job site.

**Subgrade.** The surface upon which a structure or work and appurtenances are to be constructed.

**Substructure.** All of that part of the structure below the bearings of simple and continuous spans, skewbacks of arches, and tops of footings of rigid frames, together with backwalls and wings.

**Superintendent.** The Contractor's authorized representative in responsible charge of the Work.

**Superstructure.** The entire structure except the Substructure.

**Supplement.** A list of requirements for fabrication plants, methods of test, or other miscellaneous requirements that are maintained on file with either the City of Columbus (CS) or the Ohio Department of Transportation (OS).

**Supplemental Specifications.** Detailed specifications supplemental to or superseding the Specifications.

**Surety.** The corporation, partnership, or individual, other than the Contractor, executing a bond (or bonds) furnished by the Contractor.

**Titles (or Headings).** The titles or headings of the sections and subsections herein are intended for convenience of reference and shall not be considered as having any bearing on their interpretation.

**Waste Area.** The term waste area refers to locations outside the right-of-way upon which materials from the Work are to be deposited as waste.

**Water Line.** Conduit for carrying public water supply.

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**Work.** The furnishing of all labor, services, materials, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the carrying out of all duties and obligations imposed by the Contract Documents.

**Work Days.** Wherever indicated inside these specifications, workdays are defined as: Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, excluding National Holidays and, if applicable, the day that a National Holiday is observed.

**Working Drawings.** Stress sheets, shop drawings, erection plans, falsework plans, installation plans, certified drawings, frame work plans, cofferdam plans, bending diagrams for reinforcing steel, or any other supplementary plans or similar data that the Contractor is required to submit in order to describe any portion of the Work.

**101.04 Interpretations.** In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be, done, if, as, or, when, or where “contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, accepted, satisfactory, unsatisfactory, sufficient, insufficient, rejected, or condemned,” unless expressly otherwise provided, it shall be understood as if the expression were followed by the words “by the Engineer” or “to the Engineer”.