

101- DEFINITIONS AND TERMS

SECTION 101

DEFINITIONS AND TERMS

101.1 RULES OF INTERPRETATION

Use of Imperative Mood. KDOT has generally written the standard specifications in the imperative mood, so the subject and helping verb are implied. Example: "Provide supervision" rather than "The Contractor shall provide supervision".

The word "will" generally pertains to the Kansas Department of Transportation's decisions or actions.

When used before a list, the word "include", "includes", or "including" means "including but not limited to" the items in the list.

Although the Contractor is the most-often implied subject, the subject may also include a subcontractor at any tier, supplier at any tier, vendor, fabricator, manufacturer, or other entity the Contractor engages to perform work (including the supply of materials, products, or equipment for use on the Project).

101.2 ABBREVIATIONS

Wherever the following abbreviations are used in these specifications or in other Contract Documents, they are intended to represent the following organizations, agencies, and/or their respective publications, standards, etc.:
AASHTO - American Association of State Highway and Transportation Officials.

ASTM - American Society for Testing and Materials.

AWS - American Welding Society.

CFR - Code of Federal Regulations.

DME - Designated Materials Engineer.

DWR - Division of Water Resources.

EEO - Equal Employment Opportunity.

FHWA - Federal Highway Administration-U. S. Department of Transportation.

GSA - General Services Administration.

KDOT - Kansas Department of Transportation.

LPA - Local Public Authority

MRC - Materials and Research Center

MUTCD - Manual on Uniform Traffic Control Devices.

OSHA - Occupational Safety and Health Administration.

101.3 DEFINITIONS

A + B BIDDING - A bidding method shown in the Contract Documents in which the bidder bids both the work and the working days or calendar days. KDOT assigns a set dollar value for each working day or calendar day the Contractor bids based upon some or all of the daily road user costs. The Secretary will total the amount bid for the work and the product of the working days or calendar days and the set daily dollar value. The contract is awarded to the lowest responsible and responsive bidder using the combination of the work and time. The contract price is the amount bid for the work. The contract time is the number of working days or calendar days the Contractor bid.

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ACTS OF GOD - A natural event, not preventable by a human agency, such as flood, tornado, or lightning. Forces of nature such as rain, wind, hail, and snow if these forces produce unusually severe weather. Unusually severe weather is adverse weather that at the time of year in which it occurred is abnormal for the place in which it occurred.

ADVERTISEMENT - The public announcement inviting bids for specified work.

AWARD - The State Transportation Engineer's acceptance of a Proposal and a prerequisite to executing a construction contract.

BID BOND - The approved security, on KDOT's form, the bidder and the bidder's surety or sureties execute, guaranteeing the execution of a satisfactory contract and the filing of an acceptable contract bond if the State Transportation Engineer accepts the bidder's proposal.

BIDDER - An individual, partnership, corporation, other legal entity, or any acceptable combination thereof (joint venture) submitting a proposal.

BID PRICE AND CONTRACT PRICE OR AMOUNT - The sum of the products of the quantities of work the Engineer estimates for the Project and the bidder's respective unit prices, lump sum prices, or both as set forth in the Proposal.

BRIDGE - A single or multiple span structure, including supports, erected over a depression or an obstruction, such as water, a highway, or railway, and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than 20 feet between under-copings of abutments or spring lines of arches or extreme ends of openings of multiple boxes. If there are no abutment copings or fillets, the 20 foot measurement shall be between points 6 inches below the bridge seats or, in the case of frame structures, immediately under the top slab. All measurements shall include the width of intervening piers or division walls.

Bridge Length. The greater dimension of a structure measured along the center of the roadway between backs of abutment backwalls or between ends of the bridge floor.

Bridge Roadway Width. The clear width of structure measured at right angles to the center of the roadway between the bottom of curbs or, if curbs are not used, between the inner faces of parapet or railing.

BUSINESS DAY - Any day excluding Saturday, Sunday, federal legal holidays, and state legal holidays.

CALENDAR COMPLETION DATE - A specified date by which the Contractor shall complete Project construction.

CALENDAR DAY - Every day shown on the calendar, beginning at 12:01 a.m. and ending at midnight.

CATALOG CUTS - Manufacturers' technical literature that the Contractor is required to submit to the Engineer for approval. On projects where Buy America requirements apply, note on shop drawing and catalog cuts that steel and iron used meets Buy America, unless otherwise specified.

CENTER LINE OF HIGHWAY - A line equidistant from the edges of the median separating the main traveled ways on a divided highway or the center line of the main traveled way on a non-divided highway.

CHANGE ORDER - A written order the Engineer issues to the Contractor and both parties sign, which sets forth any contract change(s). Once both parties execute it, the change order becomes a part of the contract.

CLEANUP TIME (CLEANUP WORKING DAYS) - The number of working days, calendar days, or calendar completion date available to the Contractor after the Project Open Time expires for the Contractor to complete remaining, unfinished contract pay items, subsidiary items, incidental work, final cleanup, and final punch list.

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COMPENSATE (COMPENSATION) - Depending on the context, compensate or compensation refers to time, money, or both money and time.

CONSTRUCTION LIMITS - The limits defined by the contract that actual construction work is to occur within.

CONTRACT - The written agreement between the Secretary and the Contractor setting forth the parties' obligations to perform and pay for the work.

The contract includes the following Contract Documents, all of which constitute one instrument and are incorporated by reference into the contract: the Proposal, exploratory work documents, addenda, amendments, contract form, contract bond, standard specifications, special provisions, project special provisions, general plans, detailed plans, the notice to proceed, material test methods, material test reports, material certifications, Part V of the KDOT Construction Manual, change orders, payment vouchers, guarantees, warranties, and other agreements, if any, that are required to complete the construction of the work timely and in an acceptable manner.

CONTRACT ADJUSTMENT - A contract change order for time, money or both time and money that compensates the Contractor for Contract Changes. A contract change order for time that compensates the Contractor for Acts of God.

CONTRACT BOND - The approved security, on KDOT's form, that the Contractor and the Contractor's surety or sureties execute, guaranteeing completion of the contract (performance of work and payment of all legal debts for the work).

CONTRACT CHANGE - A Contract Change is any event by which the Secretary, the Secretary's authorized representative, or the Secretary's authorized agents modify the contract whether at KDOT's or the Contractor's request. On City-owned or County-owned projects, a Contract Change also includes any event by which Local Public Authority (LPA), the LPA's representative, or the LPA's authorized agents modify the contract whether the LPA, KDOT, or the Contractor initiate the modification. Changes to the contract caused by Acts of God are not Contract Changes.

CONTRACT DOCUMENTS - An all-encompassing term for all documents relating to the contract. The Contract Documents include the Proposal, exploratory work documents, addenda, amendments, contract form, contract bond, standard specifications, special provisions, project special provisions, general plans, detailed plans, the notice to proceed, material test methods, material test reports, materials certifications, Part V of the KDOT Construction Manual, change orders, payment vouchers, guarantees, warranties, and other agreements, if any, that are required to complete the construction of the work timely and in an acceptable manner, all of which are incorporated by reference into the contract.

CONTRACT ITEM (PAY ITEM or BID ITEM) - Specific work item for which the contract provides a unit price or lump sum price.

CONTRACT TIME - The time set forth in the Contract Documents (including authorized extensions) for completing all work on the Project, expressed as working days, calendar days, specific calendar completion dates, or a combination thereof. See also Interim Contract Time.

CONTRACTOR - The individual partnership, corporation, other legal entity, or any acceptable combination thereof (joint venture) contracting with the Secretary to complete the contract. (The second party to the contract.)

CONTROLLED ACCESS FACILITY - A highway, road, or street designed to expedite and control through and local traffic and to give owners or occupants of abutting property restricted rights of access, light, air, or view over, from or to such highway, road, or street.

CONTROLLING ITEM(S) OF WORK. (CIOW) - Those work item(s) that are directly interrelated such that each has a definite influence on progress of the overall work.

CULVERT - Any structure providing an opening under the roadway that does not meet the classification of a bridge.

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DAMAGES - Depending on the context in the specifications, a broad term that includes injury to persons, injury to property, destruction of property, economic loss, and monetary expenses.

DAYLIGHT HOURS - The period ½ hour after sunrise to ½ hour before sunset.

DELAY - When used as a noun, Delay means an event(s) that increases, disrupts, hinders, or interferes with the duration of the Contractor's work. When used as a verb, Delay means the action of increasing, disrupting, hindering, or interfering with the duration of the Contractor's work. The Contractor cannot avoid application of specifications using the term "Delay" by characterizing an event as a disruption, hindrance, or interference with the work.

DETOUR - A designated, temporary traffic route the Secretary has approved around a closed road.

DISTRICT MATERIALS ENGINEER (DME) - Each District has a designated District Materials Engineer. The specifications use the abbreviation DME to refer to these individuals.

EMBANKMENT - That portion of the work that is constructed from natural material, such as soil, shale, rock, or a combination thereof either as a fill section.

ENGINEER - The State Transportation Engineer acting directly or through duly authorized representative(s) for engineering and administrative supervision of the contract. Authorized representatives for engineering and administrative supervision of the contract include the KDOT Director of Operations, Bureau Chief of Construction and Materials, Bureau Chief of Research, District Engineer, District Construction Engineer, Metro Engineer, Field Engineering Administrator, Area Engineer, Area Construction Engineer, and Construction Managers.

ENGINEER OF TESTS - The Engineer of the Materials Test Unit of the Bureau of Construction and Materials. The Engineer of Tests is located at the Kansas Department of Transportation, Materials and Research Center, 2300 Van Buren, Topeka, Kansas 66611.

EQUIPMENT - All machinery, tools, and apparatus necessary to complete the contract, including fuels, lubricants, and other parts required to use, operate, and maintain such machinery, tools, and apparatus.

EQUIPMENT SPREAD - Machinery necessary to excavate, move, spread, and compact rock or common material.

EXPLORATORY WORK DOCUMENTS - Documents KDOT, local government owners, or Engineering Design Consultants develop to determine the Project's engineering requirements. These may include geotechnical foundation investigation reports; soils reports; geology reports; hydraulic investigations; hydrological investigations; bridge reports; earth work computations; boring logs; surveys; rock investigations; soils investigations; environmental investigations; building investigations; bridge investigations; and other geological, geotechnical, or design information for the Project. Exploratory work documents are Contract Documents.

EXTRA WORK - See **subsection 104.6**.

FIELD ENGINEER - The KDOT employees directly in charge of administering contracts for KDOT. This term includes the KDOT Metro Engineer, Field Engineering Administrator, Area Engineer, Area Construction Engineer, or Construction Manager.

FREEWAY - A controlled-access highway with access to interchanges.

FRONTAGE ROAD - A highway, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property.

GENDER REFERENCES - No particular gender is intended by the use of the words "he," "she," "him," or "her" in these specifications or other Contract Documents.

HIGHWAY - The whole right-of-way used in constructing a facility for the purpose of vehicular travel as part of the State Highway System and under the Secretary's jurisdiction.

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HIGHWAY DISTRICTS - There are 6 Highway Districts each headed by a District Engineer. Each District has from 16 to 19 Counties which represent the boundaries of the District. Obtain details of the District boundaries from the KDOT District Offices in Topeka, Salina, Norton, Chanute, Hutchinson, Garden City, or KDOT's Bureau of Construction and Materials.

INSPECTOR - The Engineer's authorized representative assigned to both observe and check contract performance at Project sites, field laboratories, manufacturers' establishments, fabricators' facilities, Contractors' home offices, or other work locations.

INTERIM CALENDAR COMPLETION DATE - A specified date by which the Contractor shall complete construction of certain parts of the Project.

INTERIM CONTRACT TIME - The time allowed (including authorized extensions) for completing certain parts of the Project, expressed as hourly periods, working days, calendar days, a calendar completion date, or a combination thereof.

INTERSTATE HIGHWAY - Any highway the Secretary officially designates and the Federal government approves as a part of the National System of Interstate and Defense Highways.

KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) - Kansas Department of Transportation as constituted under the laws of Kansas headed by the Secretary of Transportation and created to administer various transportation activities for roads and bridges throughout the state of Kansas. Contract Documents may use the term "Department" or "Agency" as well as "KDOT".

KANSAS TEST METHOD (KT-*) - Testing methods found in Part V of the KDOT Construction Manual. The (*) refers to the actual test number. Those test methods identified in the Contract Documents are the acceptable method of testing materials.

LEGAL HOLIDAYS - Legal holidays are defined as State Civil Service holidays, including New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Governor of the State of Kansas, Saturdays following a Friday holiday, and Saturdays preceding a Monday holiday. When the Contract Documents use the term "Business Days", the list will also include Columbus Day, Presidents Day, and any other federal holiday not recognized by the state of Kansas.

LETTING - An event conducted at a specific time and location at which bidders proposals are read by KDOT in public.

LIQUIDATED DAMAGES - Predetermined amounts owed (subtracted or withheld from the contract price if possible) for each day work remains uncompleted beyond specific Interim Contract Times or Contract Times.

LOCAL PUBLIC AUTHORITY (LPA) - A division of government at the County, City, or Township level responsible for a system of roads, streets, and bridges under that entity's jurisdiction. Generally, KDOT acts as the agent for the Local Public Authority when the Local Public Authority is the owner of the Project but the Project is financed by federal or state funds in whole or in part.

MAJOR AND MINOR CONTRACT ITEMS - A major contract item is any contract item, excluding mobilization, having an original contract value of 5% or more of the original contract amount. Any other contract item shall be considered a minor contract item.

MATERIALS - Substances specified for use in constructing the Project and its appurtenances.

MATERIALS AND RESEARCH CENTER (MRC) - The Materials and Research Center located at 2300 Van Buren, Topeka, KS 66611.

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MEDIAN - The portion of a divided highway or street separating the traveled ways for traffic moving in opposite directions.

NOTICE TO PROCEED - Written notice to the Contractor to begin the contract work including, when applicable, the date from which the Engineer will start charging Contract Time.

PAVEMENT STRUCTURE - The combination of subbase, base course, and surface course placed on a prepared or treated sub-grade to support the traffic load and distribute the load to the underlying materials.

- Subgrade: The top surface of an embankment or finished cut upon which the pavement structure, shoulders, and curbs are constructed.
- Subgrade Treatment: Stabilization of underlying earthen material or roadbed material.
- Subbase: The layer or layers of specified material of designed thickness placed on a subgrade to support a base course.
- Base Course: The layer or layers of specified material of designated thickness placed on a subbase or a subgrade to support a surface course.
- Surface Course: The layer or layers of pavement structure designed to accommodate the traffic load. The top layer resists skidding, traffic abrasion, and the disintegrating effects of climate and may be identified as the "Wearing Course".

PART V - Part V of the KDOT Construction Manual which primarily refers to materials and tests for materials used in the Project. Part V is a Contract Document.

PLANS - The KDOT-prepared, LPA-prepared, or Consultant-prepared and owner approved plan profiles, typical cross sections, and other detail sheets showing the location, character, dimensions, and details of the work.

PRIME CONTRACTOR - See CONTRACTOR.

PROFILE GRADE - The trace of a vertical plane intersecting the top surface of the proposed wearing surface, usually along the longitudinal centerline of the traveled way. Profile grade means either elevation or gradient of such trace according to the context.

PROJECT - The specified location on which construction is to be performed together with all improvements to be constructed under the contract.

PROJECT LIMITS - The limits of all work that is associated with the Project, including traffic control and detours.

PROJECT OPEN TIME - The time allowed (including authorized extensions) for completing work on the Project necessary to open the Project to unrestricted traffic, expressed as working days, calendar days, a specific calendar completion date, or a combination thereof.

PROPOSAL (BID) - A bidder's offer, on the prescribed form to perform the work at the prices quoted.

PROPOSAL FORM - The prescribed form that the Secretary provides and that the Secretary requires a bidder to use in preparing its offer or Proposal.

QUALIFICATION STATEMENT AND EXPERIENCE QUESTIONNAIRE - The specified form, filed annually, on which the Contractor shall provide the required information as to the Contractor's ability to perform and finance the work.

RIGHT-OF-WAY - Land, property, or an interest therein the Secretary acquires for transportation or transportation-related purposes.

ROAD - A public way for purposes of vehicular travel, including the entire area within the right-of-way.

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ROADSIDE - The land area adjoining the outer edge of roadway. The land area as well as the median, if any, between the roadways of a divided highway.

ROADWAY - The portion of a highway from outside edge of shoulder to outside edge of shoulder including the traveled way.

SECRETARY - The Secretary of Transportation, Kansas Department of Transportation, appointed by the Governor. The Chief Executive Officer of the Kansas Department of Transportation.

SHOP DRAWINGS - See WORKING DRAWINGS.

SHOULDER - The portion of the roadway contiguous with the traveled way that contributes to the lateral support of the base and surface courses and that is used by stopped vehicles in emergency situations.

SIDEWALK - That portion of the right-of-way primarily constructed for the use of pedestrians.

SPECIAL PROVISIONS AND PROJECT SPECIAL PROVISIONS -

a. **SPECIAL PROVISIONS.** Approved additions or revisions to the standard specifications.

b. **PROJECT SPECIAL PROVISIONS.** Approved additions or revisions to the standard specifications that address conditions particular to an individual Project.

STABILIZATION - Modification of soils or aggregates by incorporating materials that will increase load bearing capacity, firmness, and resistance to weathering or displacement.

STANDARD SPECIFICATIONS - The current edition of the Kansas Department of Transportation's Standard Specifications for State Road and Bridge Construction.

STATE - The State of Kansas acting through its authorized representative, the Secretary of Transportation.

STATES DELAY OR OWNERS DELAY - An event(s) that increases, disrupts, hinders, or interferes with the duration of the Contractor's work (Delay) caused by actions of KDOT or a LPA (including authorized representatives and agents).

STATE TRANSPORTATION ENGINEER - The Deputy Secretary & State Transportation Engineer reporting to the Secretary of Transportation and having authority over all engineering and construction functions of KDOT (See **subsection 105.1**).

STREET - A public way for vehicular travel, including the entire area within the right-of-way, that is generally located within cities and developed areas.

STRUCTURES - Bridges, culverts, catch basins, drop inlets, retaining walls, manholes, headwalls, buildings, sewers, service pipes, underdrains, foundation drains and other features encountered in the work.

SUBCONTRACTOR - An individual, partnership, corporation, other legal entity, or any combination thereof (joint venture) to which the Contractor sublets part of the contract. Subcontractors are not a party to the contract between the Secretary and Contractor. However, the Contractor assumes liability for the subcontractors as if the Contractor were performing the sublet work with its own forces. Thus, when the specifications refer to the word "Contractor" but subcontractors are performing the work, the word "Contractor" includes the subcontractors.

SUBGRADE - The top surface of an embankment or finished cut upon which the pavement structure, shoulders, and curbs, if any, are constructed.

SUBSIDIARY - Materials, labor, or other elements that because of their nature or quantity have not been identified as a separate contract item and are included within the contract item on which they necessarily depend.

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SUBSTRUCTURE - All of that part of a structure below the bearing of simple and continuous spans, skewbacks of arches or top of footings of rigid frames, together with backwalls, wingwalls and wing protection railings.

SUPERINTENDENT - The Contractor's representative that has authority to communicate with the KDOT Field Engineer and Inspectors and to coordinate the Contractor's, subcontractors', and suppliers' activities. See **subsection 105.7d**.

SUPERSTRUCTURE - All of that part of a structure above and including the bearing of simple and continuous spans, skewbacks of arches or top of footings of rigid frames, excluding backwalls, wingwalls, and wing protection railings.

SUPPLIERS - An individual, partnership, corporation, other legal entity, or any combination thereof (joint venture) from which the Contractor obtains commodities needed to fulfill the contract. Suppliers are not a party to the contract between the Secretary and Contractor. However, the Contractor assumes liability for the suppliers as if the Contractor were providing the commodities with its own forces. Thus, when the specifications refer to the word "Contractor" but suppliers are providing the commodities the word "Contractor" includes the suppliers.

SURETY - An individual, partnership, corporation, or other legal entity (not the Contractor) executing a bond provided by the Contractor. The Surety shall be licensed by the State of Kansas to do business in the State.

TRAFFIC CONTROL DEVICES - All items used to control the movement of traffic through work zones, including safety barrels, barricades, fences, traffic signs, warning signs, striping, traffic lights, and traffic signals.

TRAVELED WAY - The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes. This may be 1 or multiple driving lanes in each direction.

UNRESTRICTED TRAFFIC - All roadways (lanes, turn lanes, ramps, side roads, medians, shoulders, etc.) within the Project limits are open to unobstructed, continuous traffic flow with temporary or permanent striping, temporary or permanent signing, and required safety features such as guardrail and traffic control device in place and operational. Unobstructed continuous traffic flow means traffic is following the final lane configurations required by the plans and there are no lane closures.

UTILITY or UTILITY OWNER - Electric, telephone, cable, water, gas, pipeline, or sewer service owned and operated by a corporation or an LPA.

WORK - The providing of all labor, materials, equipment, and other incidentals necessary to complete the contract, regardless of whether the Contractor, subcontractors at any tier, suppliers at any tier, or a combination thereof carry out the contract obligations. In context, the term "work" may also refer to providing labor, materials, equipment, and other incidentals necessary to complete physical construction of the Project or a specific portion of the Project or contract.

WORKING DAY - A working day shall be any day the Contractor is not restricted from prosecuting the CIOW because of KDOT, LPAs, or weather as further provided in **subsection 108.5**.

WORKING DRAWINGS - Stress sheets, shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, other supplementary plans, or similar information that the Contractor is required to submit to the Engineer for approval. On projects where Buy America requirements apply, note on shop drawing and catalog cuts that steel and iron used meets Buy America, unless otherwise specified.