

**BASE DOCUMENT - DB 110
VERSION 1****MAY 25, 2007****DB Section 110 – Organization, Conventions, Acronyms, and Definitions****DB110.00 Organization**

The Specifications are comprised of the following:

- **DB Standard Specifications** defined below in Subsection 110.20. The DB Standard Specifications consist of Parts 00200 through 03000 found within the current edition of the ODOT publication titled *Oregon Standard Specifications for Construction*
- **DB General Provisions** defined below in Subsection 110.20
- Such other Specifications defined below in Subsection 110.20

DB110.05 Conventions Used Throughout the Contract Documents

(a) Capitalization of Terms – Capitalized terms, other than titles, acronyms, and grammatical usage, indicate that they have been given a defined meaning in Subsection 110.20 or in the text accompanying the term. Defined terms will always be capitalized in the **DB General Provisions** and **DB Special Provisions**. In the **DB Standard Specifications** and the **DB Standard Special Provisions** defined terms may not be capitalized.

(b) References to Laws, Acts, Regulations, Rules, Ordinances, Statutes, Orders, and Permits – References are made in the text of the Contract Documents to "Laws," "acts," "rules," "statutes," "codes," "regulations," and "ordinances" (collectively referred to for purposes of this Subsection as "Laws"), and to "orders," "opinions," "programmatic agreements," "authorizations," and "permits" (issued by a governmental or regulatory Authority, whether local, State, or federal, and collectively referred to for purposes of this Subsection as "Permits"). Reference is also made to "applicable Laws and regulations." The following conventions apply in interpreting these terms.

Law – In each case, unless otherwise expressly stated in the Contract Documents, the Law is to be understood to be the current version in effect at the time the event governed by the Law takes place. This applies regardless of whether a specific Law has been cited, included, summarized, or paraphrased in the Contract Documents. Design-Builder is therefore cautioned to check the actual text of the Law to confirm its terms.

Permits – Permits may be modified during the course of performing the Work under the Contract. Therefore, wherever the term "order," "permit," "opinion," "programmatic agreement," or "authorization" is used in the Contract Documents, it is intended to refer to the current version in effect at the time the event governed by it takes place. That version may be embodied in a modified, superseding order, permit, opinion, programmatic agreement, or authorization, or it may consist of all terms and conditions of prior orders, permits, opinions, programmatic agreements, and authorizations that have not been superseded, as well as the additional terms added by amendment or supplement. In certain cases, the orders, permits, opinions, programmatic agreements, and authorizations

DB110.05(b)

are identified by name in the Contract Documents; in other cases the terms are used in their generic sense. Design-Builder is cautioned to check the text of each order, opinion, permit, programmatic agreement, and authorization identified either by name or by generic reference.

(c) References to “Engineer” – The Specifications refer to the “Engineer.” Wherever the term “Engineer” is used in the context of a matter or function that is Design-Builder’s responsibility under its Quality Program or Quality Plan in accordance with **DB General Provisions**, Sections 154, 155, and 156, “Engineer” shall mean “Design-Builder.” Wherever else in the Specifications the term “Engineer” is used, it shall be assumed to mean Agency. If Design-Builder does not agree with the assumption in a given context, Design-Builder shall obtain clarification from the Agency PM prior to acting. Additionally, Agency, without a request from Design-Builder, may issue a clarification to Design-Builder. The Agency’s determination shall be final.

In all cases in which notice is to be given to the “Engineer”/Design-Builder, it shall also be given to the Agency PM.

(d) Section and Subsection Numbering – Section and Subsection numbering is not consecutive within either the **DB General Provisions** or the **DB Standard Specifications**. Where numbering is not consecutive, the interval has been intentionally reserved for future expansion.

(e) Interpretation of Drawings – Notes on a drawing shall take precedence over drawing details. Dimensions shown on a drawing, or that can be computed, shall take precedence over scaled dimensions.

DB110.10 Acronyms – Meanings of acronyms used in the Contract Documents are as follows:

AAR	-	Association of American Railroads
AASHTO	-	American Association of State Highway and Transportation Officials
ABC	-	Associated Builders and Contractors, Inc.
AC	-	Asphalt Concrete
ACI	-	Asphalt Concrete Institute
ACLB	-	Appraiser Certification and Licensing Board, state of Oregon
ACOE	-	Army Corps of Engineers
ACWS	-	Asphalt Concrete Wearing Surface
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
APHIS	-	Animal and Plant Health Inspection Service, USDA
APWA	-	American Public Works Association

ARA	- American Railway Association
AREA	- American Railway Engineering Association
AREMA	- American Railway Engineering and Maintenance of Way Association
ASCE	- American Society of Civil Engineers
ASME	- American Society of Mechanical Engineers
ASTM	- American Society for Testing and Materials
ATPB	- Asphalt-Treated Permeable Base
AWG	- American Wire Gauge
AWPA	- American Wood Preservers Association
AWS	- American Welding Society
AWWA	- American Water Works Association
<i>BDDM</i>	- <i>ODOT Bridge Design and Drafting Manual</i>
BDM	- Basis of Design Memorandum
BLM	- Bureau of Land Management, USDI
BOLI	- Bureau of Labor and Industries, state of Oregon
CAgT	- Certified Aggregate Technician
CAT-1	- Certified Asphalt Technician I
CAT-2	- Certified Asphalt Technician II
CBM	- Certified Ballast Manufacturers
CCO	- Contract Change Order
CCT	- Concrete Control Technician
CDT	- Certified Density Technician
CEBT	- Certified Embankment and Base Technician
CERCLA	- Comprehensive Environmental Response, Compensation and Liability Act
CFR	- Code of Federal Regulations
CMDT	- Certified Mixture Design Technician
COE	- Corps of Engineers, United States Army
CPF	- Composite Pay Factor
CRSI	- Concrete Reinforcing Steel Institute
CS	- Commercial Standard, Commodity Standards Division, USDOC
DB -	- Design-Build
DBE	- Disadvantaged Business Enterprise
DEQ	- Department of Environmental Quality, state of Oregon
DLCD	- Department of Land Conservation and Development, state of Oregon
DOGAMI	- Department of Geology and Mineral Industries, state of Oregon
DSL	- Division of State Lands, state of Oregon
EAC	- Emulsified Asphalt Concrete
EPA	- Environmental Protection Agency, US
ESA	- Endangered Species Act
ESCP	- Erosion and Sediment Control Plan

FAA	-	Federal Aviation Administration, USDOT
FHWA	-	Federal Highway Administration, USDOT
FMV	-	Fair Market Value
FSS	-	Federal Specifications and Standards, GSA
FTA	-	Federal Transit Administration
GSA	-	General Services Administration, US
<i>HDM</i>	-	<i>Highway Design Manual</i> , ODOT
HMAC	-	Hot Mix Asphalt Concrete
HPC	-	High Performance Concrete
IA	-	Independent Assurance
ICEA	-	Insulated Cable Engineers Association (formerly IPCEA)
IES	-	Illuminating Engineering Society
IGA	-	Intergovernmental Agreement
IMSA	-	International Municipal Signal Association
ISO	-	International Standards Organization
ISTEA	-	Intermodal Surface Transportation Efficiency Act
ITE	-	Institute of Transportation Engineers
JMF	-	Job Mix Formula
JV	-	Joint Venture
LRFR	-	Load and Resistance Factor Rating
LLC	-	Limited Liability Company
LLP	-	Limited Liability Partnership
MACMP	-	Monthly Asphalt Cement Material Price
MCTD	-	Motor Carrier Transportation Division, state of Oregon
MEUR	-	Monthly Employment Utilization Report
MFP	-	Monthly Fuel Price
<i>MFTP</i>	-	<i>Manual of Field Test Procedures</i> , ODOT
MIL	-	Military Specifications
MPH	-	Miles per Hour
MSC	-	Minor Structure Concrete
MSDS	-	Material Safety and Data Sheet
MSE	-	Mechanically-Stabilized Earth
<i>MUTCD</i>	-	<i>Manual on Uniform Traffic Control Devices for Streets and Highways</i> , FHWA, USDOT
NCHRP	-	National Cooperative Highway Research Board
NEC	-	National Electrical Code
NEMA	-	National Electrical Manufacturer's Association
NESC	-	National Electrical Safety Code
NEPA	-	National Environmental Policy Act
<i>NFTMAG</i>	-	<i>Non-Field Tested Materials Acceptance Guide</i> , ODOT
NHS	-	National Highway System

NIST	-	National Institute of Standards and Technology
NMFS	-	National Marine Fisheries Service, NOAA, USDOC
NOAA	-	National Oceanic and Atmospheric Administration, USDOC
NPDES	-	National Pollutant Discharge Elimination System
NPS	-	Nominal Pipe Size (dimensionless)
NRCS	-	Natural Resources Conservation Service, USDA
OD	-	Over-Dimension
OAR	-	Oregon Administrative Rules
ODA	-	Oregon Department of Agriculture
ODF	-	Oregon Department of Forestry
ODFW	-	Oregon Department of Fish and Wildlife
ODOT	-	Oregon Department of Transportation
OHWE	-	Ordinary High Water Elevation
OPRD	-	Oregon Parks and Recreation Department
ORS	-	<i>Oregon Revised Statutes</i>
OR-OSHA	-	Oregon Occupational Safety and Health Division of the Department of Consumer and Business Services
OSHA	-	Occupational Safety and Health Administration, USDOL
OWEB	-	Oregon Watershed Enhancement Board
OWR	-	Oregon Water Resources Department
PCA	-	Preconstruction Assessment
PC	-	Price Center
PCA	-	Preconstruction Assessment
PCE	-	Passenger Car Equivalent
PCI	-	Precast/Prestressed Concrete Institute
PCP	-	Pollution Control Plan
PCV	-	Price Center Value
PDA	-	Pile Driving Analyzer
PDLT	-	Project Development Leadership Team
PE -	-	Professional Engineer
PF	-	Pay Factor of a Constituent
PLS	-	Professional Land Surveyor
PM	-	Project Manager
PMBB	-	Plant Mixed Bituminous Base
PTI	-	Post-Tensioning Institute
PUC	-	Public Utility Commission, state of Oregon
QA -	-	Quality Assurance
QC	-	Quality Control
QCT	-	Quality Control Technician
PL	-	Quality Level
QLA	-	Quality Level Analysis

DB110.10

QPL	-	Qualified Products List
QTS	-	Quantity Tracking System
RAP	-	Reclaimed Asphalt Concrete Pavement
REA	-	Rural Electrification Administration, USDA
RMA	-	Radio Manufacturers' Association or Rubber Manufacturers' Association
ROE	-	Right of Entry
ROW	-	Right of Way
SAE	-	Society of Automotive Engineers
SHPO	-	State Historic Preservation Office, OPRD
SI	-	International System of Units (Système Internationale)
SP	-	Special Provision
SRCM	-	<i>Soil and Rock Classification Manual</i> , ODOT
SSPC	-	Steel Structures Painting Council
T	-	Tolerances, AASHTO Test Method
TCD	-	Traffic-Control Devices
TCDE	-	Traffic-Control Design Engineer
TCM	-	Traffic-Control Measure
TCP	-	Traffic-Control Plan
TM	-	Test Method (ODOT)
TMP	-	Traffic-Management Plan
TV	-	Target Value
UBC	-	Uniform Building Code (as adopted by the state of Oregon)
UL	-	Underwriters Laboratory, Inc.
UPC	-	Uniform Plumbing Code (as adopted by the state of Oregon)
US	-	United States
USACE	-	United States Army Corps of Engineers
USC	-	United States Code
USDA	-	United States Department of Agriculture
USDI	-	United States Department of Interior
USDOC	-	United States Department of Commerce
USDOI	-	United States Department of Interior
USDOL	-	United States Department of Labor
USDOT	-	United States Department of Transportation
USFWS	-	United States Fish and Wildlife Service, USDI
USGS	-	United States Geological Survey
WAQTC	-	Western Alliance for Quality Transportation Construction
WBS	-	Work Breakdown Structure

DB110.20 Definitions – Following are definitions of words and phrases used in the RFP and Contract Documents. Other definitions may be found in the text accompanying the term to which they apply.

Accept or Acceptance – The Agency's written statement indicating that the subject Work appears to comply with all Contract requirements and authorizing Design-Builder to proceed at its risk with Contract performance, utilizing the Work or incorporating the Work into the Project. Such Acceptance shall not constitute affirmation that the subject Work complies with all Contract requirements. Further, Acceptance will only be given for those submittals, activities, and Work specifically identified as "for Acceptance" in the Contract Documents. With regard to Final Acceptance, see definition.

Access – The right of ingress and egress from a property abutting a Highway.

Access Control – A limitation of the right and use of Access either by Law or agreement.

Act of God or Nature – A natural phenomenon of such catastrophic proportions or intensity as would prevent performance.

Addendum – A written instruction issued by the Agency adding, deleting, or making material changes in provisions of the RFP or previously issued Addenda.

Additional Work – Increased quantities of any Price Item, within the scope of the Contract, for which a Unit Price has been established.

Agency – The state of Oregon, acting by and through the Oregon Department of Transportation (ODOT).

Agency-Controlled Lands – Real property owned by the Agency, controlled by the Agency under lease or agreement, or under the jurisdiction and control of the Agency for purposes of the Contract.

Agency-Supplied Specifications – The **DB Standard Specifications**; the **DB Standard Special Provisions**; the **DB General Provisions**; and the **DB Special Provisions**.

Aggregate – Rock of specified quality and gradation.

As-Constructed Plans – Plans reflecting the construction Work as actually performed under the Contract.

Associate – An employee, executive, director, Key Personnel, or proposed consultant or Subcontractor of Design-Builder, or any immediate family member of the foregoing.

Authorities – Regulatory agencies, courts, and federal, State, and local political subdivisions with jurisdiction over the activity, the Entity, the workers, the Work, the Project, a particular Work Location or Materials development source, or the Project Site.

Award – Written notification to the Proposer that the Proposer has been awarded a Contract.

BAFO – See, “Proposal Revision.”

Base – A Course of specified Material of specified thickness placed below the Pavement.

Baseline Progress Schedule – The time-scaled, cost-loaded Critical Path network, updated from time to time in accordance with Contract requirements and depicting (a) Price Centers (PCs) and subordinated activities and their respective prices (distributed over time); (b) durations, sequences, and interrelationships that represent Design-Builder's Work plans; (c) Design-Builder's Work Breakdown Structure (WBS) for designing, constructing, and completing the Project; and (d) the Contract Amount, distributed over the term of the Contract.

Best and Final Offer – See, “Proposal Revision.”

Best Value – A selection method utilizing both price and quality evaluation factors.

Bike Lane – A lane in the Traveled Way, designated by striping and Pavement markings for the preferential or exclusive use of bicyclists.

Borrow – Material lying outside of planned or required Roadbed excavation used to complete Project earthwork.

Boulders – Particles of rock that will not pass a 12-inch square opening.

Bridge – A single or multiple span Structure, including supports, that carries motorized and non-motorized vehicles, pedestrians, or Utilities on a Roadway, walk, or track over a watercourse, Highway, Railroad, or other feature.

Business Day – Any Calendar Day, beginning and ending at midnight, between Monday and Friday, inclusive, excluding State-recognized holidays.

Buttress – A rock fill placed at the toe of a landslide or potential landslide in order to resist slide movement.

By-Products – All waste, excess, and other materials generated during or remaining from the manufacture or production of Materials severed from Agency-Controlled Lands.

Calendar Day – Any day shown on the calendar, beginning and ending at midnight.

Camber – A slight arch in a surface or Structure to compensate for loading.

Change Order – A written order issued by the Agency to Design-Builder modifying Work required by the Contract, and, if applicable, establishing the basis of payment or a change in schedule for the modified Work.

Changed Work – Work included in a Price Item and within the scope of the Project that is different from that reflected in the Contract. (See **DB General Provisions**, Subsection 140.30.)

Class of Project – A designation based on the Project’s funding source, i.e., State or federal-aid.

Clay – Soil passing a No. 200 sieve that can be made to exhibit plasticity (putty-like properties) within a range of water contents.

Clear Zone – Roadside border area, starting at the edge of the Traveled Way, that is available for safe use by errant vehicles. Establishing a minimum width Clear Zone implies that rigid objects and certain other hazards within the Clear Zone should be relocated outside the Clear Zone, or shielded, or remodeled to make them break away on impact or be safely traversable.

Close Conformance – Where working tolerances are given on the Plans or in the Specifications, Close Conformance means compliance with those tolerances. Where working tolerances are not given, Close Conformance means compliance, in the Agency’s judgment, with reasonable and customary manufacturing and construction tolerances.

Coarse Aggregate – Crushed Rock or crushed Gravel retained on a ¼-inch sieve, with allowable undersize.

Cobbles – Particles of Rock, rounded or not, that will pass a 12-inch square opening and be retained on a three-inch (3”) sieve.

Commercial Grade Concrete – Concrete furnished according to Contractor proportioning, placed in minor Structures and finished as specified.

Communications – Exchanges between the Agency and Proposers conducted after the Proposal Due Date and preceding establishment of the Competitive Range to enhance the Agency’s understanding of Proposals, allow reasonable interpretation of Proposals, or facilitate the Agency’s evaluation process. Communications may only be conducted with those Entities identified in 23 CFR 636.407.

Competitive Range – The number of highest-scoring Proposers that may be considered for Award.

Context Sensitive and Sustainable Solutions (CS³) – Solutions that (a) reflect social values (community values; cultural, aesthetic, and historic resources; and diversity); (b) maintain safety and mobility; and (c) support economic prosperity. “Sustainable solutions” are those that achieve responsible stewardship of the natural environment and long-term performance.

Contract – The written agreement between the Agency and Design-Builder, including all Contract Documents, describing the Work to be completed and defining the rights and obligations of the Agency and Design-Builder.

Contract Amount – The total amount to be paid for the Work performed under the Contract, as it may be adjusted from time to time to account for Extra Work, Options, and Additional Work required by the Agency, or deductive Change Orders. “Contract Amount” does not include (a) adjustments made pursuant to **DB General Provisions**, Section 195, to account for price fluctuations in designated commodities; (b) amounts paid in incentive

awards pursuant to **DB General Provisions**, Subsection 180.86; (c) amounts deducted from Progress Payments as liquidated damages; (d) amounts authorized under the terms of the Contract to be deducted from Progress Payments as reimbursement for Agency payments made on behalf of Design-Builder or to meet Design-Builder obligations; (e) amounts deducted from Progress Payments pursuant to court order or other legal mandate; or (f) other amounts authorized under terms of the Contract to be deducted from Progress Payments.

Contract Baseline Concepts – Design Documents either (a) included in the Contract as of the Effective Date or (b) developed during the term of the Contract, that meet or exceed minimum Contract requirements, as determined by Agency in its sole discretion, and otherwise comply with all Contract terms.

Contract Completion Date – The date identified in the **DB Agreement**, Article 4.2, by which all Work under the Contract, with the exception of plant establishment and Punch-List Items, must be completed.

Contract Documents – The documents identified as such in Article 11 of the Design-Build Agreement, as well as all documents incorporated therein by reference during the term of the Contract.

Contract Specifications – Specifications from which Design-Builder is authorized to assemble the **Design-Builder Specifications**, which include (a) Agency-Supplied Specifications and (b) such additional Specifications, if any, developed by Design-Builder and authorized for use pursuant to Change Order.

Contract Time – The amount of time allowed under the Contract to complete all Work, except for plant establishment and Punch-List Items, by the Contract Completion Date specified in the **DB Agreement**, Article 4.2. Multiple Interim Completion Dates within the Contract Time may be stipulated in the Contract.

Cost-Reduction Proposal – A proposal submitted by Design-Builder to the Agency requesting potential modifications in design or construction, such as Materials, methods, finishes, and techniques, that will result in cost savings. Provided, such modifications do not include substitution of Equipment pursuant to **DB General Provisions**, Subsection 180.31.

Course – A specified Surfacing Material placed in one or more Lifts to a specified thickness.

Coverage – One Pass by a piece of Equipment over an entire designated area.

Critical Path – Each path shown on the Baseline Progress Schedule for which there is zero float.

Cross Section – The exact image formed by a plane cutting through an object, usually at right angles to a central axis, to determine area.

DB General Provisions – Contract Documents identified as such in the Design-Build Agreement, consisting of Sections 110 through 199.

DB Special Provisions – Agency-supplied additions and revisions to the **DB Standard Specifications**, the **DB Standard Special Provisions**, and the **DB General Provisions**, that are applicable solely to the Project.

DB Standard Special Provisions – Agency-supplied additions and revisions to the **DB Standard Specifications**, covering conditions not applicable solely to the Project published on the ODOT website as “Special Provisions” at: <http://www.oregon.gov/ODOT/HWY/SPECS/updates.shtml>, and updated periodically.

DB Standard Specifications – Parts 00200 through 03000 of the *Oregon Standard Specifications for Construction* (current edition).

Deficiency – A material failure of a Proposal to meet Agency requirements, or a combination of Significant Weaknesses in a Proposal that increases the risk of unsuccessful Contract performance to a level unacceptable to the Agency.

Definitive Design – Contract Baseline Concepts developed by Design-Builder to such a degree of completion as will enable the Agency to make a meaningful evaluation, and which, upon Agency Acceptance, will form the contractual basis upon which the Plans and **Design-Builder Specifications** must be developed.

Definitive Design Review – The process whereby the Agency: (a) evaluates Design-Builder’s proposed Definitive Design; (b) collaborates with Design-Builder in developing and incorporating any modifications they may agree upon; and (c) formally Accepts the resulting Definitive Design.

Design-Build Project Estimate – The Agency’s Project cost estimate prepared from Project-specific features, components and issues; based upon historical ODOT cost data, trends, and market forecasting.

Design-Builder Intellectual Property – Any intellectual property owned by Design-Builder and developed independently from the Project.

Design-Builder Specifications – Specifications implementing the Plans, and otherwise complying with all Contract requirements, that Design-Builder assembles from (a) the **DB Standard Specifications** and **DB Standard Special Provisions** (modified by Design-Builder as necessary to conform to Contract terminology and requirements); (b) the **DB Special Provisions** that modify the **DB Standard Specifications** and **DB Standard Special Provisions**; and (c) additional Specifications, if any, developed by Design-Builder and authorized for use pursuant to Change Order.

Design Documents – The Contract Baseline Concepts, Definitive Design, Interim Design, Readiness-for-Construction Plans, **Design-Builder Specifications**, As-Constructed Plans, Working Plans, all other design documents, if any, referenced in Section 2.2 of the Design-Build Agreement or required to construct the Project, and all required Quality Management documentation identified in **DB General Provisions**, Section 155.

Design Professional – (a) An architect who is registered and holds a valid certificate in the practice of architecture in the state of Oregon; (b) an engineer who is registered and holds

a valid certificate in the practice of engineering in the state of Oregon; (c) a surveyor who is registered and holds a valid certificate in the practice of land surveying in the state of Oregon; and (d) other professional persons required under Oregon Law to be registered and hold a valid certificate in order to perform Design Services or other Work called for under the Contract.

Design Review – A comprehensive and systematic examination of the design by Design-Builder to verify that the design is in conformance with all Contract requirements.

Design Services – (a) Development of all Programmatic Plans required under the Contract; (b) performance of all necessary pre-design, construction, and Utility relocation engineering, including but not limited to those tasks identified as Design Services in the Design-Build Agreement; (c) development and delivery of all Design Documents; (d) mobilization and demobilization relating to the performance of Design Services; (e) identification of, and compliance with, all applicable Laws, Standards, administrative processing requirements, and permit processing requirements; (f) performance of all necessary geotechnical investigation and data analysis pertaining to site conditions; (g) performance of all Materials and Equipment testing and inspection necessary to confirm quality and conformance to required Specifications; (h) implementation of all aspects of the safety and quality programs and Programmatic Plans related to Design Services; (i) acquisition of all necessary permits not obtained by the Agency, filing of all required documents with Authorities, and payment of all associated fees, including application, filing, Plan review, and appeal fees; (j) performance of ROW Services; and (k) performance of all other design and design-related activities required or reasonably implied under the terms of the Contract, or otherwise reasonably necessary to deliver the Project in accordance with all Contract requirements.

Design Unit – A unit of design, not to exceed an individual Work Location, comprising similar and coherent significant parts of the Project that can be checked and reviewed for design integrity as a self-contained package with due consideration for accommodating interfaces with other Project components.

Designer – A Principal Participant, Subcontractor, or in-house Design Professional who leads Design-Builder's design team in performing the Design Services.

Discussions – Written or oral exchanges that take place after the establishment of the Competitive Range with the intent of allowing the Proposers to revise their Proposals.

Durable Rock – Rock that has a slake durability index of at least 90%, based on a two-cycle slake durability test according to ASTM D 4644. In the absence of test results, the material will be evaluated according to the *Manual of Field Test Procedures*.

Emulsified Asphalt – Emulsified asphalt cement.

Emulsified Asphalt Concrete – A mixture of Emulsified Asphalt and graded Aggregate.

Engineer – See, Subsection 110.05(c).

Entity – A natural person capable of being legally bound, sole proprietorship, limited liability company (LLC), corporation, partnership, limited liability partnership (LLP), limited

partnership, business trust, joint venture (JV), or any other person with legal capacity to contract, or a government or political subdivision thereof.

Equipment – All machinery, tools, manufactured products, and fabricated items either needed to perform the Contract or specified for incorporation into the Project.

Establishment Period – The time specified to assure satisfactory establishment and growth of planted Materials.

Existing Surfacing – Pavements, slabs, curbs, gutters, walks, driveways, and similar constructions of bricks, blocks, portland cement concrete, bituminous treated materials, and granular surfacing materials on existing Highways.

Extra Work – Work within the scope of the Project, but not included in the Contract, that the Agency deems to be necessary to complete the Project, and that is ordered to be performed via Change Order.

Final Acceptance – Written confirmation by the Agency that the Project has been completed in accordance with Contract requirements, with the exception of latent defects and Warranty obligations, if any, and has been accepted.

Final Inspection – The inspection conducted by the Agency to determine that the Project has been completed in accordance with Contract requirements.

Final Second Notification – Written acknowledgement by the Agency of the date the Work required to be completed by the Contract Completion Date specified in the **DB Agreement**, Article 4.2, has actually been completed.

Final Trimming and Cleanup – See, **DB General Provisions**, Subsection 140.90.

Fine Aggregate – Crushed Rock, crushed Gravel, or Sand that passes a ¼-inch sieve, with allowable oversize.

First Notification – Written acknowledgment by the Agency of the date on which Design-Builder has begun performance of the Contract, including design, Aggregate source development, or any other Work associated with the awarded Contract.

Force Account Work – Items of Extra Work ordered by the Agency that are to be paid according to **DB General Provisions**, Section 197.

Granular Material – Graded and selected free-draining material composed of particles of Rock, Sand, and Gravel.

Gravel – Particles of Rock, rounded or not, that will pass a three-inch (3") sieve and be retained on a No. 4 sieve.

Hazardous Materials – Any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9601, et seq.; the Hazardous Materials Transportation Act, 49 USC 5101, et seq.; the

Resource Conservation and Recovery Act, 42 USC 6901, et seq.; the Toxic Substances Control Act, 15 USC 2601, et seq.; the Clean Water Act of 1977, 33 USC 1251, et seq.; the Clean Air Act, 42 USC 7401, et seq.; and any other federal, State, or local Law regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous product, waste, substance, or material.

Highway – Every road, street, thoroughfare and place, including Bridges, viaducts and other Structures within the boundaries of the State, open, used, or intended for use by vehicular traffic.

Incidental – A term identifying those acts, services, transactions, property, or items for which the Agency will make no separate or additional payment to Design-Builder under the Contract.

Independent Assurance – Independent evaluation and confirmation of all sampling and testing procedures, Equipment calibration, and qualifications of personnel.

Inspect or Inspection – Visual examination and evaluation by Design-Builder of construction, manufacturing, design, safety, and maintenance practices, processes, and products, including document control and review, to ensure that such practices, processes, and products comply with all Contract requirements. The Agency may conduct Inspections to evaluate whether such practices, processes, and products appear to comply with Contract requirements. However, the Agency's Inspections shall not relieve Design-Builder of its sole responsibility to perform the Contract according to its terms.

Interim Completion Date(s) – The date(s) established in **DB Agreement**, Article 4.2 as the deadline by which certain specified components of the construction Work must be completed, with the exception of plant establishment and Punch-List Items. There may be one or more Interim Completion Dates established for a Project. Any applicable liquidated damages will be identified in **DB Special Provisions**, Section 180.85(b).

Interim Second Notification – Written acknowledgement by the Agency of the date the Work required to be completed by the Interim Completion Date(s) specified in the **DB Agreement**, Article 4.2, has actually been completed.

Key Personnel – Persons and Entities specifically identified in Section 3.4 of the Design-Build Agreement, as well as persons and Entities holding such additional positions as may be identified in **DB General Provisions**, Subsection 150.40(a).

Laws or Legal Requirements – Statutes, regulations, rules, ordinances, codes, permits, opinions, orders, judgments, and decrees issued by Authorities.

Leveling – Placing a variable-thickness Course of Materials to restore horizontal and vertical uniformity to existing Pavements, normally continuous throughout the Project.

Lift – The compacted thickness of Material placed by Equipment in a single Pass.

Listing of Milestones – The listing describing the Milestones and stipulating dates by which Milestones are to be achieved in order to maintain periodic payments in accordance with the Contract.

Major Subcontractors – (a) Subcontractors listed on Form NS or in the Design-Build Agreement, and (b) Subcontractors identified anywhere in the text of the SOQ or Proposal whose participation as part of Proposer's organization in performing the Contract is necessary in order for the Proposer to be selected for the Short List or to meet the minimum qualifications established in the RFP.

Mandatory Source – An Agency-furnished Materials source, use of which by Design-Builder is required.

Materials – Any natural or manmade substance specified for use in the construction of the Project or for incorporation into the Project.

Median – The portion of a divided Highway separating traffic traveling in opposite directions.

Milestone – A defined step, identified on the Schedule of Milestones, toward the completion of Work within a PC.

Multiple-Course Construction – Two or more Courses, exclusive of Patching or Leveling, placed over the entire Roadway width.

Multi-Use Path – That portion of the Highway ROW or a separate ROW, physically separated from motor vehicle traffic and designated for use by pedestrians, bicyclists and other non-motorized users.

Neat Line – Theoretical lines specified or indicated on the Plans for measurement of quantities.

Negotiations – Clarification, after selection of the Best Value Proposal and prior to Contract execution, of any remaining issues regarding scope, schedule, financing, or other information provided by the Proposer, as permitted by 23 CFR 636.513, and in compliance with 23 CFR 636.507 (prohibited subjects).

Nondurable Rock – Rock that has a slake durability index of less than 90% based on a two-cycle slake durability test, as tested by ASTM D 4644, or Rock that is observed to readily degrade by air, water, and mechanical influence.

Non-Specification Materials – See, **DB General Provisions**, Subsection 165.50(b)(2).

Notice of Intent to Award – Written notification issued by the Agency identifying the apparent Best Value Proposer selected for award of the Contract.

Notice to Proceed (NTP) – Written notice authorizing Design-Builder to begin performance of the Work.

On-Site Work – Any Work taking place at a Work Location, including designated staging areas adjacent to the Work Location, except for installation of covered temporary signs.

Options – Work identified as such and included within the scope of the RFP and resulting Contract that the Agency may elect to have performed by Change Order under the Contract, but is not obligated to authorize. Options will be included in the Work that is made the subject of evaluation leading to Best Value determination.

Ordinary High Water Elevation (OHWE) – The line on the bank or shore to which the high water ordinarily rises annually in season. OHWE is indicated in the field by the following characteristics: (a) clear, natural line impressed on the shore; (b) change in vegetation (riparian (e.g. Willows) to upland (e.g. Oak, fir) dominated); (c) textural change of depositional sediment or changes in the character of the soil (e.g. from sand, sand and cobble, cobble and gravel to upland soils); (d) elevation below which no fine debris (needles, leaves, cones, seeds) occurs; (e) presence of litter and debris, water-stained leaves, water lines on tree trunks; and/or (f) other appropriate means that consider the characteristics of the surrounding area.

Organic Soil – A Soil with sufficient organic content to influence the Soil properties.

Panel – The width of specified Material being placed by Equipment in a single Pass.

Partial Suspension – Suspension of the Work on some, but not all, aspects of the Project.

Pass – One movement of a piece of Equipment over a particular location.

Patching – Placing a variable-thickness Course of Materials to correct sags, dips, and/or bumps to the existing grade and Cross Section, normally intermittent throughout the Project.

Pavement – Asphalt concrete or portland cement concrete placed for the use of motor vehicles, bicycles, or pedestrians on Roadways, Shoulders, Multi-Use Paths and parking areas.

Pay Item – See, “Price Item.”

Pay Request – The formal request for payment for units of Work identified in the Schedule of Prices that is submitted to the Agency and paid only upon the Agency’s approval of the associated Progress Estimate.

Payment Bond – The approved security furnished by Design-Builder's Surety as a guaranty of Design-Builder's performance of its obligation to pay promptly in full all sums due for Materials, Equipment, and labor furnished to complete the Work.

Peat – A Soil composed primarily of vegetative matter in various stages of decomposition, usually with an organic odor, dark brown to black color, and a spongy consistency.

Performance Bond – The approved security furnished by Design-Builder's Surety as a guaranty of Design-Builder's performance of the Contract.

Performance Specifications – Specifications that define the required results in terms of performance attributes, as opposed to specifying the required Materials and means and methods to be used to achieve the required results.

Plans – Drawings prepared by or for Design-Builder and stamped and signed by the Responsible Engineer, that show Work Location, type, dimensions, and details of construction Work to be performed under the Contract, as well as Agency-prepared Standard Drawings and other details produced by the Agency if used in, or referenced in, Design-Builder’s drawings.

Price Center (PC) – A component of the Project, comprised of Price Items, for which Design-Builder provides a Price Center Value for all Work included in the component. A PC may represent all of the Work to be performed at a Work Location, or a grouping of inter-related Work within a Work Location.

Price Center Value (PCV) – The value of a PC, as set out in the Schedule of Prices.

Price Items – Price Center component tasks for which Design Builder has assigned Price Item Values.

Price Item Values – Values assigned by Design-Builder to individual Price Items and task components of individual Price Items for purposes of calculating the value of Work performed, that must be detailed in the Progress Estimate to support payment.

Price Proposal – The document submitted in accordance with the “Proposal Preparation and Submittal Instructions” section of the RFP Standard Instructions to Proposers and the additional instructions included in the Special Instructions to Proposers.

Price Realism – Prices set forth in a Proposer’s Price Proposal: (a) are realistic for the Work to be performed; (b) reflect a clear understanding of all Contract requirements; and (c) are consistent with the costs associated with various elements of the Proposer’s Technical Solutions, if any are requested.

Price Reasonableness – Prices do not exceed what would be paid by a prudent person in the conduct of competitive business. Factors include: (a) whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the Proposer’s business or performance of the Contract; (b) whether the costs reflect generally-accepted sound business practices, arm’s-length bargaining, and federal and State Laws; (c) any significant deviations from the Proposer’s established practices; (d) comparisons of Proposal price information to the Design-Build Project Estimate; and (e) comparison with price information submitted by other Proposers.

Principal Participant – The following Entities: (a) each partner or joint venture member of the Proposer or Design-Builder; and (b) each Entity holding (directly or indirectly) a 15% or greater interest in the Proposer or Design-Builder.

Professional Services – Services required by Law to be performed by or under the direct supervision of Design Professionals.

Programmatic Plans – The Safety Plan, Public Information Plan, Quality Plan, and all other plans identified in the Contract Documents that describe programs or processes to be followed in performing the Contract, other than construction drawings, means or methods.

Progress Estimate – The detailed Price Item Value breakdown of the Work included in a Pay Request, that serves as the basis for measuring the value of Work performed, and which must be approved by the Agency as a condition of payment of the Pay Request.

Project – The sum of all Work to be performed under the Contract.

Project Records – All information in any way relating to the Project or performance of the Contract, including but not limited to all: financial and accounting records and information; correspondence, internal communications, communications with the Agency and Authorities, notices, orders, permits, opinions, field notes, file notes, diary entries; survey drawings, reports, maps, original computations and other data; Materials testing records, Materials certifications; Work Product; and all other documents and information generated by or for, or received by, Design-Builder in performance of the Contract; whether any of such records are paper-based, in the form of electronic data or in electronic/digital format, capable of being reduced to paper-based or electronic/digital format, in audio format, or constitute visual reproductions such as photos or videotape, in any way relating to the Project.

Project Section – A portion of the Project Site designated in terms of Highway milepost numbers or Structure number.

Project Site – The physical location within the confines of which construction and related activities are to be performed, including authorized State-controlled contiguous storage and staging areas.

Proposal – The written offer submitted by a Proposer in response to an RFP, consisting of the Quality Proposal and Price Proposal, to do stated Work in the manner indicated and at the price quoted.

Proposal Due Date – The date and time after which Proposals, Proposal modifications, and Proposal withdrawals will no longer be accepted.

Proposal Evaluation Team – The Agency representatives who are responsible for evaluating Proposals in accordance with the evaluation criteria established in the RFP.

Proposal Revision (Best and Final Offer or BAFO) – A change to a Proposal made after the solicitation closing date at the request of, or as allowed by, the Agency as the result of Discussions.

Proposal Security – A Proposal bond, cashier's check, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, or certified check submitted with a Proposal to assure that the Proposer will enter into the Contract if the Proposal is accepted.

Proposer – The Entity submitting a Proposal in response to a Request for Proposals.

Prospective Source – A Materials source provided by the Agency, from which Design-Builder has the option of obtaining Materials. The Agency makes no guarantee or representation, by implication or otherwise, of the land-use status, quantity, quality, or acceptability of Materials available from it, except as may be stated in the **DB Special Provisions**.

Public Traffic – Vehicular or pedestrian movement, not associated with the Work, on a public way.

Public Works Bond – The statutory bond required under ORS 279C.836 that must be filed with the Construction Contractors Board before starting work on a contract or subcontract for a public works project.

Publicly-Owned Equipment – Equipment acquired by a State or political subdivision primarily for use in its own operations.

Punch-List Items – Minor corrective Work; Final Trimming and Cleanup; demobilization; and submittal of all Design Documents, certifications, bills, forms, warranties, operation and maintenance manuals, certificates of insurance coverage, and other documents required to be submitted to the Agency PM before Third Notification will be issued.

Qualified Products List (QPL) – The list of products the Agency has determined are appropriate for incorporation into Structures and road improvements in Highway construction.

Quality Level Analysis – See, **DB General Provisions**, Subsection 165.40(c).

Quality Management – The activities performed by Design-Builder to ensure that the Work meets all Contract requirements, including documentation of all Quality Program activities. For design Quality Management, this includes, but is not limited to: (a) procedures for evaluating, establishing, monitoring, and maintaining design quality; (b) Design Reviews, and (c) design checks, evaluations, and review of Design Documents for constructability, conformance to applicable Design Professional standards of practice, and compliance with the Law, applicable Standards, and other Contract requirements. For construction workmanship and Materials Quality Management, this includes, but is not limited to: (a) procedures for Materials handling and for evaluating, establishing, monitoring, and maintaining construction quality; (b) inspection of source development and Aggregate production plants, fabrication and production of manufactured products, and Materials certification; (c) inspection, sampling and testing of Materials and manufactured products; (d) calibration and maintenance of Equipment; (e) production process control; and (f) monitoring of environmental compliance. Quality Management also includes preparation of all Quality Management documentation required under the terms of the Contract, including but not limited to **DB General Provisions**, Section 155.

Quality Plan – Design-Builder’s Programmatic Plan for (a) implementing the overall Quality Program and associated Quality Management activities, (b) meeting or exceeding the Contract’s quality requirements, and (c) coordinating Design-Builder’s Quality Management activities with those of the Agency.

Quality Program – Design-Builder’s overall quality program and associated activities, including Quality Management, the Contract’s quality requirements, and the Quality Plan.

Quality Proposal – The document submitted in response to the “Quality Proposal Submittal Information and Instructions” section of the Standard Instructions to Proposers

and the Special Instructions to Proposers, as well as the Proposal Revision submitted in response to a request for BAFOs.

Quality Team – The Project Quality Manager, the Design Quality Manager, the Construction Quality Manager, and all personnel designated by Design-Builder to perform Quality Management functions under the direction of the Project Quality Manager.

Railroad – Publicly- or privately-owned rail carriers, including passenger, freight, and commuter rail carriers, their tenants, and licensees. Also, Utilities that jointly own or use such facilities.

Readiness for Construction (RFC) – See, **DB General Provisions**, Section 155.

Readiness-for-Construction Plans (RFC Plans) – The Plans submitted at RFC Design Review that must be Accepted by the Agency prior to Design-Builder’s commencing any of the construction Work represented therein.

Readiness-for-Construction Specifications (RFC Specifications) – Design-Builder Specifications that describe the construction Work represented in the RFC Plans (collectively, the “Readiness-for-Construction Plans and Specifications”).

Reference Documents – Documents provided by the Agency for informational purposes only.

Regulated Work Area – The portion of each Work Location that is located below the OHWE or is otherwise regulated by the Oregon Division of State Lands (DSL) and/or the Army Corps of Engineers (ACOE). Both the DSL and the ACOE issue permits with restrictions that apply to Work within the Regulated Work Area. Other authorizations, including the Biological Opinion or Letter of Concurrence from the National Marine Fisheries Service (NMFS) and/or the United States Fish and Wildlife Service (USFWS), may also contain Work restrictions relative to the area. The Oregon Department of Fish and Wildlife (ODFW) in-water work period applies to the entire area within the Regulated Work Area. Unless otherwise noted in the issued permits or authorizations, the entire area within the Regulated Work Area is regulated by the in-water Work restrictions, including the in-water Work period, for the purposes of permit conditions, whether or not some of these areas become seasonally or periodically exposed as dry ground.

Request for Proposals (RFP) – The document, including all documents incorporated by reference therein, through which the Agency requests the submittal of Proposals. “Request for Proposals” is equivalent to the term “Solicitation Document” defined in OAR 731-005-0430(35).

Request for Qualifications (RFQ) – The document through which the Agency requests the submittal of Statements of Qualifications (SOQs) by Entities interested in the Project.

Responsible Engineer – The Oregon-registered professional engineer (PE) who must sign and seal the Design Documents for which the Responsible Engineer is in “responsible charge” of the design.

Review and Comment – The Agency's reviews, observations, and/or inspections based solely on information provided by Design-Builder (not based on any independent investigation or inquiry by the Agency) and the Agency's written response resulting from such Agency actions. Review and Comment does not constitute Acceptance, and shall not be construed to waive or excuse Contract obligations or relieve Design-Builder of any aspect of its obligation to perform the Contract according to its terms.

Right of Way (ROW) – Real property or a property interest, usually in a strip, acquired for or devoted to transportation or other public works purposes.

Right of Way Services (ROW Services) – The services set forth in **DB General Provisions**, Section 175.

Roadbed – Completed excavations and embankments for the Subgrade, including ditches, side slopes, and slope rounding, if any.

Roadside – The area between the outside edges of the Shoulders and the ROW boundaries. Unpaved median areas between inside Shoulders of divided Highways and infield areas of interchanges are included.

Roadway – That portion of a Highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or Shoulder. If a Highway includes two or more separate Roadways, the term "Roadway" refers to any such Roadway separately, but not to all such Roadways collectively. (See, "Traveled Way.")

Rock – Natural deposit of solid material composed of one or more minerals occurring in large masses or fragments.

Sand – Particles of Rock that will pass a No. 4 sieve and be retained on a No 200 sieve.

Safety Plan – The Programmatic Plan that sets out Design-Builder's means of complying with its obligations in relation to Project safety.

Schedule of Items – The list of Pay Items, their units of measurement, estimated quantities, and prices.

Schedule of Prices – The breakdown of Price Center and Price Item Values.

Schedule of Values – See, "Schedule of Prices."

Scope of Work – The Work to be performed to design and construct the Project, as described in the Contract.

Short-List – Entities that the Agency determines are the most highly qualified among those responding to an RFQ that will be invited to submit Proposals in response to the RFP.

Shoulder – The part of a Roadbed contiguous to the Traveled Way or Roadway, whether paved or unpaved, for accommodating stopped vehicles, for emergency use, and for lateral support of Base and surface Courses.

Significant Changed Work – See, **DB General Provisions**, Subsection 195.20(b).

Significant Weakness – A flaw in the Proposal that appreciably increases the risk of unsuccessful Contract performance. (See, “Weakness.”)

Silt – Soil passing a No. 200 sieve that is nonplastic or exhibits very low plasticity.

Single-Course Construction – A wearing Course only, not including patching or leveling Courses or partial-width Base Course.

Slope – Vertical distance to horizontal distance, unless otherwise specified.

Soil – Accumulations of particles produced by the disintegration of Rock, which sometimes contains organic matter. Particles may vary in size from Clay to Boulders.

Solicitation Document – See, “Request for Proposals.”

Special Services – Force Account Work that the Agency and Design-Builder agree cannot be satisfactorily performed by Design-Builder’s and Subcontractors’ forces (e.g., fabrication and machining work that is most effectively performed away from the Project Site, or rental of operated Equipment).

Specification Materials – See, **DB General Provisions**, Subsection 165.50(b)(1).

Specifications – (a) The **DB Standard Specifications**; (b) the **DB Standard Special Provisions**; (c) the **DB General Provisions**; (d) the **DB Special Provisions**; (e) the **Design-Builder Specifications**; and (f) such other specifications, if any, that the Agency may authorize via Change Order; together with all provisions of other documents incorporated into the foregoing by reference.

Stakeholder – The Stakeholders for the Project may include the following: (a) the State, primarily represented by the Agency, including its subsidiary agencies and departments; (b) FHWA, for federal-aid projects and projects on or affecting the Dwight D. Eisenhower National System of Interstate and Defense Highways or the National Highway System (NHS); (c) other states and/or multi-state Authorities directly affected by or cooperating with the development of the Project; (d) federal and State regulatory and permitting agencies having jurisdiction over portions of the Work or Project Site; (e) Native American Tribes and tribal members of Oregon affected by the Project; (f) counties, cities, towns, and villages within the State directly affected by the Project; (g) other public or private Entities impacted or potentially impacted by the Project, such as political subdivisions, Utility owners, transit systems, and Railroads; and (h) other Entities specifically identified by the Agency.

Standard Drawings – The Agency-prepared detailed drawings for Work or methods of construction that normally do not change from project to project.

Standards – Standards labeled as such in the Contract Documents, including but not limited to publications by Authorities that are required to be complied with by the Agency or the issuing Authority in performance of the Work.

State – The state of Oregon.

Statement of Qualifications (SOQ) – The written response to an RFQ submitted by an Entity describing the Entity’s qualifications for performing certain Work to be performed under a Contract to be awarded through the ensuing RFP solicitation process.

Structures – Bridges, retaining walls, endwalls, cribbing, buildings, culverts, manholes, catch basins, drop inlets, sewers, service pipes, underdrains, foundation drains, pedestrian bridges, high mast luminaries, overhead sign support structures, and other similar features encountered at a Work Location or specified in the Work to be performed, as well as all components and systems incorporated into a Structure.

Subbase – A Course of specified Material of specified thickness between the Subgrade and a Base.

Subcontractor – Any Entity with whom Design-Builder contracts to perform a portion of the Work, with the exception of suppliers, vendors, and delivery/transport services.

Subgrade – The top surface of completed earthwork on which Subbase, Base, Surfacing, Pavement or a Course of other Materials is to be placed.

Substructure – Those parts of a Structure which support the Superstructure, including bents, piers, abutments, and integrally built wingwalls, up to the surfaces on which bearing devices rest. Substructure also includes portions above bearing surfaces when those portions are built integrally with a Substructure unit (e.g., backwalls of abutments). When Substructure and Superstructure elements are built integrally, the division between Substructure and Superstructure is considered to be at the bottom soffit of the longitudinal or transverse beam, whichever is lower. Culverts and rigid frames are considered to be entirely Substructure.

Superstructure – Those parts of a Structure above the Substructure, including bearing devices.

Supplemental Drawings – The Agency-prepared detailed drawings for Work or methods of construction that are Project-specific, and are denoted by title in the Project title block.

Surety – An insurer (a) having at least either an AA-/AAA rating by two nationally-recognized rating agencies or an A-VII rating by A.M. Best and Company, (b) listed on Treasury Department Circular 570, and (c) holding a current certificate of authority to transact surety business in the state of Oregon.

Surfacing – The Course or Courses of material on the Traveled Way, auxiliary lanes, Shoulders, or parking areas for vehicle use.

Temporary Right of Entry – Temporary legal authority to enter onto private property for a purpose specified in the permit.

Third Notification – Written acknowledgment by the Agency, subject to Final Acceptance, of the date Design-Builder has completed all Work for the Project in accordance with the Contract, including without limitation completion of all plant establishment and Punch-List

DB110.20

Items and submittal of all Design Documents, certifications, bills, forms warranties, and other documents required under the Contract.

Third Party Intellectual Property – Any intellectual property owned by parties other than Agency or Design-Builder.

Topsoil – Soil ready for use in a planting bed.

Traffic Lane – That part of the Traveled Way marked for moving a single line of vehicles.

Traveled Way – That part of the Highway for moving vehicles, exclusive of auxiliary lanes, berms and Shoulders.

Typical Section – That Cross Section established by the Plans which represents in general the lines to which the Contractor shall work in the performance of the Contract.

Unsuitable Material – Frozen material, or material that contains organic matter, muck, humus, peat, sticks, debris, chemicals, toxic matter, or other deleterious materials not normally suitable for use in earthwork.

Uniform Act – The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 USC 4601 et seq., Pub. L 91-646) and amendments thereto, including the Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), Pub. L. 100-17, 101 Stat. 246-256.

Unit Price – The price established by the Contract for a specified unit or quantity of Work that is measured for payment.

Utility – A line, facility, or system for producing, transmitting, or distributing communications, power, electricity, heat, gas, oil, water, steam, waste, storm water not connected with Highway drainage, or any other similar commodity which directly or indirectly serves the public. The term may also mean the Utility company, district, or cooperative owning and operating such facilities, including any wholly-owned or controlled subsidiary.

Verification Sampling and Testing – Sampling and testing performed to validate the quality of the Material or product.

Warranty Bond – The approved security furnished by Design-Builder's Surety as a guaranty of Design-Builder's performance of its warranty obligations.

Weakness – A flaw in the Proposal that increases the risk of unsuccessful Contract performance. (See, "Significant Weakness.")

Wetlands – Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetted Channel – Any flowing stream, river, or standing water within the Regulated Work Area. The boundaries and extent of the Wetted Channel shall be established by Design-Builder during ESA consultation with NMFS and USFWS.

Work – Design, construction, and Quality Management, which collectively include the furnishing of all Materials, Equipment, tools, labor, services, and Incidentals necessary to successfully complete any individual Contract item or the entire Contract, and the carrying out of all duties and obligations imposed by the Contract.

Work Location – The physical location within a Project Site where Work will be performed.

Work Product – Contract Baseline Concepts, Definitive Design, Drawings, Plans, **Design-Builder Specifications**, and all other documents, analysis, computations, models, computer programs, and information obtained or developed for the Project or in performance of the Contract, in or capable of being reduced to tangible paper-based, electronic, audio, or video format, whether or not designated as a deliverable under the Contract.

Work Zone – An area within the Work Location where a particular aspect of the Work is performed.

Working Plans or Working Drawings – Those Plans prepared by Design-Builder to specify particular details and procedures for construction of the Project, including the following:

- Construction details
- Erection Plans
- Fabrication Plans
- Field design change Plans
- Stress sheets
- Shop Plans
- Lift Plans
- Bending diagrams for reinforcing steel
- Falsework Plans
- Similar data required for the successful completion of the Work

DB110.31 Use of Customary ("English") System - Design-Builder Specifications shall identify dimensions in customary units of measurement, also known as "English units." Only customary units may be used in the Design Documents.