

PART I

DEFINITIONS AND TERMS

PART I – DEFINITIONS AND TERMS

DEFINITIONS AND TERMS

1.1 General. The titles and headings of the Sections, Subsections and Subparts herein are intended for convenience of reference and shall not be considered as having bearing on their interpretation.

When a publication is specified, it refers to the most recent date of issue, including interim publications, prior to the date of receipt of bid for the Project unless the issue as of a specific date or year is provided for.

Whenever the following abbreviations, terms or pronouns are used the Contract, the intent and meaning shall be interpreted as follows:

1.2 Abbreviations:

AAN	American Association of Nurserymen
AAR	Association of American Railroads
AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
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
ARA	American Railway Association
AREA	American Railway Engineering Association
ASCE	American Society of Civil Engineers
ASLA	American Society of Landscape Architects
ASME	American Society of Mechanical Engineers
ASTM	American Society of Testing and Materials
AWPA	American Wood Preservers' Association
AWWA	American Water Works Association
AWS	American Welding Society
CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
FSS	Federal Specifications & Standards, General Services Administration
GSA	General Services Administration
MUTCD	Manual on Uniform Traffic Control Devices
NEMA	National Electrical Manufacturers Association
NHDOT	The State of New Hampshire Department of Transportation
OSHA	Occupational Safety and health Administration
RSA	The New Hampshire Revised Statutes Annotated, 1955 together with all revisions amending same to date of invitation for bids
SAE	Society of Automotive Engineers
SSPC	Steel Structures Painting Council
UL	Underwriter's Laboratory

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1.3 Definitions:

Acceptance. The formal written acceptance by the Director of Public Works of an entire contract or subdivision/site plan improvements which have been completed in all respects in accordance with the Plans and Specifications and any modifications previously approved.

Act of God. An unusual, sudden and unexpected manifestation of the forces of nature, the effect of which could not have been prevented by reasonable human foresight, pains and care.

Actual Cost. The cost actually incurred by the Contractor in the performance of work. Actual costs include labor, materials, actual ownership cost of equipment or invoiced rental rates, and administrative overhead.

Addenda. Contract revisions before the bid opening and before opening proposals to the contract documents, drawings and specifications by additions, deletions, clarifications or corrections.

Advertisement. See Invitation for Bids.

Angle of Crossing. The right or acute angle formed by the intersection of the center line of the upper roadway with a line parallel to the face of the abutment of a bridge or with the center line of a culvert.

Award. The acceptance of a proposal by the Department.

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

Bidder. An individual, partnership, firm, corporation or any combination thereof, or joint venture, submitting a proposal.

Bid Bond. See Proposal Guaranty

Bid (Item Bid). A price submitted by a Bidder for a contract pay item contained in the proposal.

Bid (Total). The total dollar amount of the proposal.

Board. The Board of Mayor and Aldermen.

Bridge. As provided by State law, a structure having a clear span of 10 feet or more measured along the center line of the roadway at the elevation of the bridge seats, spanning a water course or other opening or obstruction, on a public highway.

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Calendar Day. A day shown on the calendar.

Cement. Unless otherwise designated, this term will refer to Portland Cement.

Change Order. A written order to the Contractor issued after the effective date of the Contract, signed by the Owner, the Engineer and the Contractor directing the addition, deletion or revision in the Work with or without a change in the contract price or schedule.

City. The City of Manchester, New Hampshire.

Commissioners. The Commissioners of the Department of Highways.

Complete in Place. All work indicated to be performed as part of the contract item except as may be otherwise specified under the Method of Measurement or Basis of Payment.

Completion (Project). Completion of the Project occurs when the Contractor has completed all work required by the Contract and has satisfactorily executed and delivered to the Engineer all documents, certificates and proofs of compliance required by the Contract.

Conduit. Unless the connotation is to the contrary, a tube intended to carry electrical or other utilities.

Construction Zone. As provided in RSA 263:62, a zone designated by The Commissioner of Public Works and Highways in which the provisions as to weight, size and loads as provided in RSA 263:61 have been amended.

Contract. The written agreement between the City and the Contractor setting forth the obligations of the parties thereunder, including but not limited to the performance of the work and the basis of payment.

The contract includes the invitation for bids, proposal, contract form and contract bond, specifications, supplemental notice to proceed, also any change orders and agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

Contract Bond. The approved form of security in compliance with RSA 447:16 executed by the Contractor and his Surety or Sureties, guaranteeing complete execution of the contract and all supplemental agreements pertaining thereto and the payment of all legal debts pertaining to the construction of the project.

Contract Time. The time allowed for completion of the contract, including authorized time extensions. See III, 107.07.

Contract Pay Item. A specifically described item for which a price is provided in the proposal.

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Contractor. The individual, partnership, firm, corporation or any combination thereof, or joint venture, contracting with the Department for performance of prescribed work. Said person or persons shall be designated as the party of the second part to the contract.

Controlled Access Highway. See Right-of-Way Terms.

Cul-De-Sac. A local street open at one end only and with special provision for turning around.

Culvert. Any structure not classified as a bridge which provides an opening under any roadway.

Day. Unless designated as a working day or unless otherwise indicated, this term will mean a calendar day.

Department. The City of Manchester, New Hampshire, Department of Highways, designated as the party of the first part to the contract.

Differing Site Conditions. Subsurface or latent physical conditions that, (1) differ materially from those indicated in the contract, or (2) differ materially from conditions normally encountered or those conditions generally recognized as inherent in the nature of the work required in the Contract, or (3) are unknown conditions of an unusual nature.

Director. The Public Works Director of the City of Manchester, New Hampshire Department of Highways.

Drive and Entrance. See Right-of-Way Terms.

Easement. A right acquired by public authority to use or control property for a designated purpose.

Engineer. The Director of Public Works either acting directly or through any duly authorized representatives.

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

Expression: By or to the Engineer. In order to avoid cumbersome and confusing repetition of expressions in these specifications, it is hereby provided that any and all of the following words or any form of such words, unless clearly indicated otherwise, shall be understood to be followed by the words “by the Engineer” or “to the Engineer”:

Accepted, approved, authorized, condemned, considered or deemed necessary, contemplated, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, unsatisfactory.

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Extra Work. Work not provided for in the contract as awarded but found by the Engineer to be essential to the satisfactory completion of the contract within its intended scope. Such extra work may be performed at bid prices, agreed prices (Supplementary Agreement), or on a force account basis. See III, 103.03.

Force Account. A basis of payment for the directed performance of work with payment based on the actual cost for labor, materials and equipment with consideration for overhead and profit.

Highway. A public way designated for purposes of vehicular travel or vehicular and pedestrian travel, including the entire area within the right-of-way.

Holidays. In the City of Manchester, legal holidays occur:

- January 1st (New Year's Day)
- The third Monday in February (President's Day)
- Martin Luther King Jr. Civil Right's Day
- May 30th (Memorial Day)
- July 4th (Independence Day)
- The first Monday in September (Labor Day)
- The second Monday in October (Columbus Day)
- The first Tuesday in November (Election Day)
- November 11th (Veteran's Day)
- Thanksgiving Day
- Christmas Day

Inspector. The Engineer's authorized representative assigned to make observations of the Work.

Invitation for Bids. The advertisement for Proposals for Work or Materials on which bids are requested. The advertisement will indicate the time and place of the opening of Proposals, the type and location of work to be performed, the character and quantity of the material to be furnished and provide information on how to obtain Plans, Specifications and Proposal forms.

Item Numbers and Section Numbers. In these specifications, items are numbered to correspond to sections. Each item shall be constructed in accordance with the specifications contained in the corresponding section. The section numbers are intended for convenience of reference only and shall not be considered as having any bearing on the interpretation thereof.

In case of discrepancy between what the numbers for the items would indicate and the item as written in words, the item written in words shall govern.

Laboratory. Any testing laboratory which may be designated or approved by the Engineer.

Lane. The portion of the traveled way for the movement of a single line of vehicles.

Limited Access Highway. See Right-of-Way terms.

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Limits of Construction. An area with established boundaries, identified within the highway right-of-way or construction easements, where the construction is permitted.

Loam. Topsoil suitable for use in seeding and planting. See 641.

Lump Sum. A single amount basis of payment for a complete Contract item as defined in the Specifications. Such payment shall be deemed full compensation for the items of work and all work appurtenant thereto.

Materials. Any substances specified for use in the construction of the project and its appurtenances.

Median. That portion of a divided highway separating the traveled ways for traffic in opposite directions.

Non-Participating Item. As used on the plans for Federal Aid projects, an item in which the cost is not shared by the Federal Government.

Notice to Proceed. Written notice to the Contractor designating the official start time of the contract and directing him to proceed with the Contract work.

Pavement Structure. The combination of base and surface courses placed on a subgrade to support the traffic load and distribute it to the roadbed.

Plans. The contract drawings or reproductions thereof, which show the location, character, dimensions and details of the prescribed work, including all alterations thereof permissible under the contract and authorized by duly approved written orders.

Points of Access. See Right-of-Way terms.

Prequalification Statement. A completed form on which the Contractor has furnished information as to his ability to perform and finance the work. See III,101.01.

Prime Contractor. The Contractor as defined above.

Project. The specific area of the work together with all appurtenances to be constructed under the contract.

Proposal. The offer of a Bidder on the proposal form, to perform the prescribed work at the prices quoted.

Proposal Form. The prescribed form on which the Department requires bids to be submitted. See III,101.02.

Proposal Guaranty. The security furnished with a bid to guarantee that the Bidder will enter into the contract if his bid is accepted.

Responsive Bid. A bid that meets all the requirements of the invitation to bid.

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Right-of-Way. A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to transportation purposes.

Right-of-Way Terms:

Limited Access Highway. A highway laid out under the provisions of Chapter 230:45, RSA and to which all ingress or egress from abutting tracts of land is prohibited after completion of the work.

Controlled Access Highway. A highway laid out under the provisions of Chapter 230:45, RSA and to which ingress and egress from abutting tracts of land may be permitted.

Drive and Entrance. The roadway over which a vehicle must operate for ingress and egress from the highway to abutting tracts of land.

Road. See Highway.

Roadbed. A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

Roadside Development. Those items necessary for the preservation or replacement of landscape materials and features that may include suitable plantings and other improvement or ground cover to preserve and enhance the appearance and stability of the highway right of way or acquired easements.

Roadway. The portion of a highway within the limits of construction.

Rock. Where used in these specifications, this term shall be construed to mean igneous, metamorphic or sedimentary rock.

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

Sidewalk. That portion of the roadway primarily constructed for the use of pedestrians.

Special Attention. Notices calling bidders attention to issues applicable to an individual project.

Special Provisions. Additions and revisions to the standard and supplemental specifications applicable to an individual project.

Specifications. The compilation of Standard Specifications, Supplemental Specifications, Special Provisions, Special Attentions and other requirements for the performance of prescribed work.

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Specified Completion Date. The date on which the contract work is specified to be completed.

Standard Specifications. The City of Manchester "Standard Specifications for Road, Sewer and Drain Construction" approved for general application and repetitive use.

Standardized Plant Names. The official Code of Standardized Plant Names of the American Joint Committee on Horticultural Nomenclature.

State. The State of New Hampshire.

Street. See Highway.

Structures. Bridges, conduits, culverts, catch basins, drop inlets, retaining walls, cribbing, manholes, headwalls, end sections, buildings, sewers, service pipes, underdrains and other features which may be encountered in the work and not otherwise classed herein.

Stump. The part of a tree remaining in the earth after the stem or trunk falls or is cut off, a standard tree trunk from which the upper part and the branches have been removed.

Subbase. Layers of specified material thickness placed on a subgrade to support a base course.

Subcontractor. An individual, partnership, firm, corporation or any combination thereof, or joint venture, to whom the Contractor sublets any part of the contract.

Subgrade. The top surface of a roadbed upon which the pavement structure and shoulders are constructed.

Subsidiary and Subsidiary Item. These terms are used to indicate work for which no direct payment will be made. Such work is considered to be incidental to items having contract prices and the bid prices submitted by the Contractor, shall be sufficient to absorb the cost of all work designated as subsidiary or as subsidiary items.

Substructure. All of that part of a bridge below the bearings of simple and continuous spans, skewbacks of arches and tops of footings of rigid frames, together with the backwalls and wingwalls.

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

Superstructure. The entire bridge except the substructure.

Supplemental Specifications. Approved additions and revisions to the Standard Specifications.

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Supplementary Agreement. A written agreement executed by the Contractor and the Department covering the performance of work not included in the original contract.

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

Topsoil. The surface layer of soil and sod encountered during construction.

Traffic. The movement of vehicles, pedestrians, animals, and any other conveyance either singly or together through an area of the project or along a route.

Traffic Control Devices. As defined in the MUTCD all signs, signals, markings, and devices placed on, over or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.

Traffic Control Plan. A document which gives the Contractor specific requirements and procedures for controlling traffic during the course of construction.

Traffic Lane. See Lane.

Traffic Manual. The edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways” current on the date of advertisement for bids; which manual is approved by the Federal Highway Administrator as the national standard for all highways open to the public travel.

Traveled Way. The portion of the roadway provided for the movement of vehicles, exclusive of shoulders.

Wear. The percent of wear of aggregate as determined by the AASHTO T 96 (Los Angeles Abrasion Test). The grading shall be Grading A, unless otherwise specified.

Weighmaster. An individual licensed by the Commissioner of Agriculture of New Hampshire as a licensed public weighmaster.

Work. The furnishing of all labor, materials, equipment and incidentals necessary or convenient to the successful completion of the project and the carrying out of the duties and obligations imposed by the contract.

Working Day. A calendar day during which construction operations could proceed for a major part of a shift; normally excludes Saturdays, Sundays and legal holidays recognized by the City, and the period between November 15 to April 1 inclusive.

Working Drawings. Stress sheets, shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, or any other supplementary plans or similar data which the Contractor is required to submit for approval.