

APPENDIX H – CONSTRUCTION TERMS AND DEFINITIONS

"Change Order" The term "Change Order" means a written document signed by City, issued to the Contractor which alters the scope of the Work to be performed by the Contractor, changes the schedule for performance of the Work, increases or decreases the Contractor's compensation, or makes any other change to the Contract.

"Change Request" The term "Change Request" means a document issued by the Contractor or City to the City Project Manager or their authorized representative requesting that a Change Order be issued.

"Construction Manager" The term "Construction Manager" means City's authorized representative, assigned by the City Project Manager, charged with the administration of this construction Contract.

"Construction Schedule" The term "Construction Schedule" means the schedule prepared by the Contractor and accepted by City setting forth the logical sequence of activities required for the Contractor's orderly performance and completion of the Work in accordance with this Contract and specifically to meet the specified milestone dates.

"Consultant" The term "Consultant" means the firm or firms under contract to City which are performing services, including but not limited to engineering, design, project control, construction management, surveying, geotechnical investigations, and environmental assessment in support of the overall Project of which this Contract is a part.

"Contract" The term "Contract" means the written agreement between City and Contractor, including without limitation all Contract Documents describing the Work to be completed and defining the rights and obligations of City and the Contractor.

"Contract Documents" The term Contract Documents means the following: Contract Modifications, Change Orders, the Contract Form, Federal Requirements, Special Provisions, General Provisions, City's Invitation to Bid or Request for Proposal Requirements, Addenda issued to Invitation to Bid or Request for Proposal Requirements, Prevailing Wage Rates, Plans, Specifications, and any other documents incorporated into the Contract.

"Contractor" The term "Contractor" means the person, persons, partnership, joint-venture, company, or corporation entering into this Contract for the performance of the Work required by the Contract.

"Contractor Project Manager" The term "Contractor Project Manager" or "Contractor PM" means the Contractor's executive representative.

"Days" The term "Days" (whether capitalized or not) means calendar days which includes every day of the year.

"Design Build Services" A contracting method whereby an owner contracts with a single entity to perform design and construction services.

"Engineer" The term "Engineer" refers to the Engineer of Record.

"Final Acceptance" The term "Final Acceptance" means written notice by City acknowledging that Contractor has fulfilled all of its obligations under the Contract, including completion of all Punch List items and all administrative items, and that City has accepted the Work as of the date stated in the notice.

"Final Completion" The term "Final Completion" means fulfillment of all the Contractor's obligations under the Contract, including completion of all Punch List items and all administrative items.

"Invitation to Bid" The term "Invitation to Bid" ("ITB") refers to the bid solicitation letter and all attachments thereto.

"Materials" The term "Materials" includes materials, equipment, products, and articles incorporated or to be incorporated into the Work.

"Plans" The term "Plans" includes the drawings, standard drawings, profiles, typical cross-sections, general cross-sections, elevations, diagrams, schedules, and details that show the locations, character, dimensions, and details of the Work.

"Product Data" The term "Product Data" includes written or printed descriptions, illustrations, standard schedules, performance charts, instructions, brochures, diagrams, and other information furnished by the Contractor to describe Materials to be used for some portion of the Work.

"Project" The term "Project" means City's overall objective or endeavor of which this Contract forms a part.

"Project Manager" The term "Project Manager" means authorized representative charged with overall management of this Project through implementation, design, construction, and closeout.

"Punch List" The term "Punch List" means a list or lists of items to be furnished and/or Work to be performed by the Contractor to finally complete the construction portion of the Work.

"Provisional Sum" The term "Provisional Sum" means an amount set by City and included in the Proposal Forms to provide for payment for specified items of work.

"Request for Proposals" The term "Request for Proposals" refers to the proposal solicitation letter and all attachments thereto.

"Samples" The term "Samples" includes physical examples of Materials to be supplied or workmanship, which shall, when approved by City, establish standards by which the Work shall be judged.

"Shop Drawings" The term "Shop Drawing" means drawings, diagrams, schedules, or other data prepared by Contractor or any subcontractor, manufacturer, supplier, or distributor to illustrate or detail some portion of the Work.

"Specifications" The term "Specifications" means that part of the Contract containing written directions and requirements for completing the Work. Standards, or portions thereof, cited in the Specifications by reference shall have the same effect as if physically included in the Contract in their entirety.

"Subcontractor" The term "Subcontractor" means any person, firm, partnership, corporation, or other entity, other than employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and Materials, under this Contract.

"Substantial Completion" The term "Substantial Completion" means completion of the Work, or a designated portion thereof, to a point where the City and any owning agency certifies that the Work or the designated portion can be used for the purpose for which it was intended. Substantial Completion defines commencement of the warranty period.

"Substitute" The term "Substitute" means an Item that does not conform to the Contract and is proposed by the bidder in lieu of the item required by the Contract. The Project Manager must approve the use of the substitute Material or Item.

"Supplier" The term "Supplier" means any person, firm, partnership, corporation, or other entity that provides Materials, including those fabricated to a special design, but usually provides no labor at the Work Site other than delivery.

"Work" The term "Work" means the furnishing of all of the supervision, labor, Materials, equipment, services, and incidentals necessary to complete any individual item and the entire Contract and the carrying out of any duties and obligations imposed on the Contractor by the Contract.

"Work Site" The term "Work Site" means the area where the work is being performed, as shown on the Plans.

"Working Drawings" The term "Working Drawings" means the drawings prepared by the Contractor which depict the sequence, methods, Material, details of construction or procedures for accomplishing a portion of the Work, including, but not necessarily limited to, falsework, shoring, concrete formwork, and excavation plans.