

SECTION 101**GENERAL INFORMATION, DEFINITIONS AND TERMS**

Whenever in these Specifications and Contracts, or in any documents or instruments pertaining to construction where these Specifications govern, the following terms or pronouns are used, the intent and meaning shall be interpreted as follows:

101.01. ABBREVIATIONS.

Wherever the following abbreviations are used in Contracts, Proposals, these Specifications or on Plans, they are to be construed the same as the respective expressions represented:

AAA	American Arbitration Association
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
AISI	American Iron & Steel Institute
ANSI	American National Standards Institute
ARA	American Railway Association
AREA	American Railroad Engineering Association
ARTBA	American Road and Transportation Builders Association
ASA	American Standards Association
ASCE	American Society of Civil Engineers
ASLA	American Society of Landscape Architects
ASTM	American Society of Testing and Materials
AWPA	American Wood Preservers Association
AWWA	American Water Works Association
AWS	American Welding Society
DEQ	Department of Environmental Quality
EPA	United States Environmental Protection Agency
FHWA	Federal Highway Administration
FSS	Federal Specifications and Standards (General

	Services Administration)
IES	Illuminating Engineering Society
IMSA	International Municipal Signal Association
ITE	Institute of Traffic Engineers
MUTCD	Manual on Uniform Traffic Control Devices for Streets and Highways
NEC	National Electrical Code
NEMA	National Electrical Manufacturers Association
ODOT	Oklahoma Department of Transportation
OSHA	Occupational Safety and Health Administration
SAE	Society of Automotive Engineers
UL	Underwriter's Laboratory
USFWS	United States Fish & Wildlife Service

101.02. ACCEPTANCE DATE.

The date on which the contractor has satisfactorily executed and delivered to the engineer all documents, certificates, and proofs of compliance required by the contract, following completion.

101.03. ADDENDUM.

Contract revisions developed after advertisement and before opening proposals.

101.04. ADVERTISEMENT.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished.

101.05. ALTERATION.

The Department authorized addition, deletion or revision of the work.

101.06. AWARD.

The acceptance by the Commission of a bid.

101.07. BASE COURSE.

The layer or layers of selected material of a designated thickness placed on a subbase or a subgrade to support a surface course.

101.08. BIDDER.

Any individual or legal entity submitting a Proposal.

101.09. (RESERVED)

101.10. BOND.

Maintenance Bond, Performance Bond, Proposal Guaranty, Statutory and Payment Bond. An authorized form of proposal guaranty issued by a Surety as defined in Section 101.73. A bid bond is submitted by a bidder with a bid to assure execution of the Contract if the bidder is the lowest responsible bidder and is awarded the Contract.

- (a) **Maintenance Bond.** A bond, issued by a Surety to the Department of Transportation in a sum not less than the total Contract price to protect the Department of Transportation against defective workmanship and materials for a period of one year after final acceptance of the entire project.
- (b) **Performance Bond.** A bond, issued by a Surety to the Department of Transportation in a sum not less than the total Contract price which shall ensure the proper and prompt completion of the work in accordance with the provisions of the Contract.
- (c) **Proposal Guaranty.** The security furnished with a bid in the form of a bid bond certified check, cashier's check, or irrevocable letter of credit in an amount equal to five percent (5%) of the bid to assure that the bidder will enter into the Contract if his/her offer is accepted. The Proposal Guaranty is for the purpose of repaying the Department of Transportation the cost of republication of notice to bidders, all actual and reasonable expenses incurred by reason of the bidders default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of said bid bond or check, in the event the apparently successful bidder fails to execute the Contract or fails to provide the required bonds and insurance to the Department.
- (d) **Statutory and Payment Bond.** A bond, issued by a Surety to the Department of Transportation in a sum not less than the total amount of the Contract guaranteeing that the Contractor shall pay all reasonable indebtedness incurred by such Contractor or its subcontractors, in the performance of the Contract; State and local taxes accruing as a result of the contract; liquidated damages as provided by the contract, and assessed by the Department of Transportation; and full refund of overpayment of progressive estimate(s) which result in a balance due and owing to the Department of Transportation, as required by the Statutes of the State of Oklahoma.

101.11. BRIDGE.

A structure, including supports, erected over a depression or obstruction, such as water, a highway, or a 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 (6.1 meters) between undercopings of abutments or spring lines or arches or extreme ends of openings for multiple boxes; may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

- (a) **Bridge length.** The length of a bridge structure is the over-all length measured along the line of survey stationing back to the back of backwalls of abutments, if present, otherwise end to end of the bridge floor, but in no case less than the total clear opening of the structure.
- (b) **Bridge Roadway Width** The clear width of the 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.

101.12. CHANGE IN THE WORK, SIGNIFICANT.

When the character of the work, as altered, (1) differs materially in kind or nature from that involved or included in the original proposed construction, or (2) when a major item of work as defined in Section 101.48 is increased in excess of 125 percent or decreased below 75 percent of the original Contract quantity.

101.13. CHANGE ORDER.

A written order to the Contractor for extra work, increases or decreases in Contract quantities, and additions or alterations to the plans or specifications, within the scope of the Contract.

101.13.1. CHANGE IN PLAN.

A written order that documents a change in the work that shall be accomplished by the Contractor who must comply with the changes or directions given. The Change in Plans may not change the contract price or the contract time, but is evidence that the change directed or documented by a Change in Plans will be incorporated in a subsequently issued Change Order and/or Supplemental Agreement.

101.14. CHANNEL.

A natural or artificial water course.

101.15. COMMISSION.

The Transportation Commission of the State of Oklahoma as constituted by State law and which is charged with the duty to administer the affairs of the Department of Transportation acting directly, or through the Transportation Director.

101.16. CONTRACT.

The written agreement between the Transportation Department and the Contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment.

The Contract includes the Invitation for Bids, Proposal, Contract Form, all Contract Bonds, Specifications, Supplemental Specifications, Special Provisions, all Plans, and the Work Order, also any Change Orders and Supplemental Agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions.

101.17. COMPLETION DATE.

The date on which the project and any exceptions are satisfactorily completed.

101.18. CONTRACT PAY ITEM.

A specifically described unit of work for which a price is provided in the Contract.

101.19. CONTRACT TIME.

The number of work days or calendar days allowed for completion of the work required by the Contract, including authorized time extensions, or a date certain by which work must be completed.

- (a) **Calendar Day:** Any day shown on the calendar beginning and ending at midnight.
- (b) **Completion Day:** A date by which all work specified in the contract is to be completed.
- (c) **Working Day:** Every day shown on the calendar, exclusive of Saturdays, Sundays and holidays as set forth in 101.40, on which weather and other conditions not under the control of the Contractor will permit construction operations to proceed for a minimum of six hours with normal working forces engaged in performing the controlling item or items of work. Saturdays, Sundays and holidays on which the Contractor's forces engage in regular work, requiring the presence of an inspector, will be considered as working days.

101.20. CONTRACTOR.

The individual or legal entity contracting with the Department for performance of prescribed work.

101.21. CONTROL OF ACCESS.

The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

- (a) Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and prohibiting crossings at grade or direct private driveway connections.
- (b) Partial control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

101.22. COUNTY ENGINEER.

The duly appointed County Engineer of a County or the Consulting Engineer employed by a county.

101.22.1. CRITICAL PATH.

The logical progression of construction tasks necessary to complete construction of a project with each dependent element properly sequenced to follow the work on which it is dependent.

101.23. CULVERT.

Any structure under the roadway with a clear opening of 20 feet (6.1 meters) or less measured along the center of the roadway.

101.24. DELAY.

A temporary suspension or impediment of all or a portion of the work required by the contract. No delay may be found unless a Progress Schedule (bar chart or CPM) as required by these Standard Specifications has been submitted and accepted.

- (a) **Excusable Delay.** A delay caused by the acts of the Department or an otherwise unforeseeable event beyond the Contractor's control which impacts on an element or elements of work, which are demonstrably critical to the progress and completion of the project. Except as provided in Section 108.07.a., acts of suppliers, fabricators or subcontractors are considered as under control of the Contractor and will not provide a basis for an excusable delay. An excusable delay will provide the basis for an extension of contract time.
- (b) **Compensable Delay.** An excusable delay for which the Contractor may be entitled to additional money compensation.
- (c) **Noncompensable Delay.** Excusable delay for which the Contractor may be entitled to an extension of time but no additional monetary compensation.
- (d) **Nonexcusable Delay.** A delay to the contract or milestone completion date that was reasonably foreseeable and within control of the Contractor for which no monetary compensation or time extension will be granted.

101.25. DEPARTMENT.

The Department of Transportation of the State of Oklahoma, authorized by Article XVI Section 1 of the Constitution of the State of Oklahoma as provided by enactment of the Oklahoma Legislature.

101.26. DIFFERING SITE CONDITIONS.

Subsurface or latent physical conditions at the site 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 physical conditions of an unusual nature.

101.27. DIRECTOR.

The executive officer duly appointed and authorized by the Transportation Commission to direct and control the Department of Transportation of the State of Oklahoma.

101.28. DIVIDED HIGHWAY.

A highway with separated roadways for traffic in opposite directions.

101.29. DRAINAGE DITCH.

An open excavation or ditch constructed for the purpose of carrying off surface water.

101.30. EASEMENT.

A grant of the right of use of property of an owner for a certain purpose at the will of the grantee.

101.31. ENGINEER.

The Chief Engineer of the Department of Transportation and such assistants or representatives as authorized by the Director while acting within the scope of their assigned duties or vested authority.

101.32. EQUIPMENT.

All machinery, tools and apparatus necessary for the proper construction and acceptable completion of contract.

101.33. (RESERVED)**101.34. (RESERVED)****101.35. EXPERIMENTAL CONSTRUCTION.**

Experimental highway construction is construction in which one or more experimental features have been incorporated or utilized, regardless of whether the incorporation or utilization of the experimental feature is a primary or secondary consideration in undertaking the project.

101.36. EXPERIMENTAL FEATURE.

An experimental feature may be either a material, process, method, equipment item, traffic operational device or other feature that has not been sufficiently tested under actual service conditions to merit acceptance without reservation in normal highway construction.

101.37. EXPRESSWAY.

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

101.38. FREEWAY.

An expressway with full control of access.

101.39. GRADE SEPARATION.

Any structure carrying highway traffic over or under another highway or street, or over or under the tracks of any railway.

101.40. HOLIDAYS.

Any day proclaimed a holiday by Executive Order by the Governor.

101.41. INCENTIVE/DISINCENTIVE PROVISIONS.

A provision within a contract which provides for an adjustment to the Contract price of a predetermined amount for: (1) Each day the work is completed ahead of or behind the specified milestone, phase or Contract completion dates; (2) Work products as specified in the contract, which is superior to or less than a specified standard.

101.42. INSPECTOR.

The Resident Engineer's authorized representative assigned to make inspections of Contract performance.

101.43. INVITATION FOR BIDS.

The Advertisement for Proposals for work or materials on which bids are requested. The advertisement will indicate the quantity and location of the work to be performed, the character and quantity of the material to be furnished and the time and place of the opening of Proposals.

101.44. LABORATORY.

The official testing laboratory of the Department or any other testing laboratory which may be designated by the Director or Engineer.

101.45. LETTER OF CREDIT.

An irrevocable letter of credit for the benefit of the State of Oklahoma issued by a financial institution insured by the Federal Deposit Insurance Corporation, or the Federal Savings & Loan Insurance Corporation.

A letter of credit shall be in the form as prescribed by the Office of Central Services. A letter of credit may be submitted in lieu of a bond as set forth in Subsection 101.10. on any Department Contract not exceeding one hundred thousand dollars (\$100,000.00).

101.46. LETTING (BID OPENING).

The time appointed for the opening of the proposals submitted by bidders.

101.47. LOT.

A lot is an isolated quantity of work or materials.

101.48. MAJOR AND MINOR CONTRACT ITEMS.

Any item to be considered as a major or minor item under the terms of the Contract will be based on the item or items percent value of the original total Contract amount.

Major items will be determined from the following schedule:

SCHEDULE FOR MAJOR ITEMS

ORIGINAL TOTAL FROM MORE THAN	CONTRACT AMOUNT TO AND INCLUDING	MAJOR ITEM ¹ ITEM VALUE IN EXCESS OF (PERCENT)
\$ 0	1,000,000	5
1,000,000	4,000,000	2-1/2
4,000,000	No Limit	1-1/2

¹ Based on the percent value of the original total Contract Amount

All other items will be considered as minor items, except when the Contract value of a minor item, due to an increase in quantities exceeds the above percentage of the original total Contract amount. The item will then be considered a major item.

101.49. MATERIALS.

Any substances used in the construction of the project and its appurtenances.

101.50. MEDIAN.

The portion of a divided highway separating the traveled ways of traffic.

101.51. NOTICE TO PROCEED.

Written notice to the Contractor to begin the Contract work; when applicable, the notice will include the starting date of Contract time.

101.52. PAVEMENT STRUCTURE.

The combination of subbase, base course, and surface course placed on a subgrade to support and distribute the traffic load to the roadbed.

- (a) **Base Course.** One or more layers of specified material thickness placed on a subbase or a subgrade to support a surface course.
- (b) **Subbase.** Layers of specified material thickness placed on a subgrade to support a base course.
- (c) **Subgrade.** The top surface of a roadbed upon which the pavement structure, shoulders, and curbs are constructed.
- (d) **Subgrade Treatment.** Modification of roadbed material by stabilization.
- (e) **Surface Course.** Layer(s) of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called the "Wearing Course."

101.53. PLANS.

Approved Contract drawings showing the location, type, dimensions, and details of Contract work to be performed.

- (a) **Standard Plans.** Detailed drawings approved for repetitive use.
- (b) **Plan Notes.** Plan notes are insertions on standard plans primarily to facilitate design considerations. Whenever there appears to be conflict in plan notes, Contractor shall notify the Resident Engineer prior to commencement of affected work. The Resident Engineer will determine the applicability of the note(s) in question to the specific project.
- (c) **Working Drawings.** Supplemental design sheets or similar data that the Contractor is required to submit to the Resident Engineer such as shop drawings, erection plans, false work plans, framework plans, cofferdam plans, and bending diagrams for reinforcing steel.
- (d) **Work Plans.** Supplemental procedures or data developed by the Contractor as his/her methodology to construct the work required by the Plans for the project, the Standard Specifications and any applicable Special Provisions.

101.54. PRE-QUALIFICATION.

The process of qualifying a prospective bidder prior to the issuance of bidding documents in conformance with the rules, regulations, policies and procedures of the Transportation Commission.

Prequalification Questionnaire. The approved form of the Department upon which the prospective bidder shall furnish information as to financial condition, experience, the equipment to be used and to indicate ability to finance and perform the work.

101.55. PROFILE GRADE.

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

101.56. PROJECT.

The specific section of the highway or proposed highway or other facilities together with all appurtenances and construction to be performed under the Contract.

101.57. PROPOSAL.

The written offer of the bidder, submitted on the prescribed form or electronic media, to perform the work described in the Plans and Specifications, and to furnish the labor and materials at the prices quoted by the bidder.

101.57.1. RESIDENT ENGINEER.

The direct representative of the Department for oversight of construction projects with authority for oversight of all aspects of the construction project.

101.58. RESPONSIVE BID.

A bid that meets all requirements of the invitation for bids.

101.59. RESPONSIBLE BIDDER.

A bidder that the Department determines has the ability to perform the Contract work.

101.60. RIGHT-OF-WAY.

A general term denoting land, property, or an interest therein, acquired for highway purposes.

101.61. ROAD. FRONTAGE ROAD, PUBLIC ROAD, LOCAL ROAD AND INTERCHANGE-COLLECTOR-DISTRIBUTOR ROAD

- (a) **Frontage Road.** A road constructed on Department owned right-of-way, adjacent and parallel to, but separated from the highway, and which has connections to the highway at least on both ends, for service to abutting property and for control of access.
- (b) **Public Road.** A road constructed on Department owned right-of-way to connect other public roads or streets but not connected to the highway nor allowing access to the highway.
- (c) **Local Road.** A road constructed on Department owned right-of-way to provide access to property abutting or adjacent to the highway and which has but one connection to the highway.
- (d) **Interchange-Collector-Distributor Road.** A road constructed on Department owned right-of-way, parallel to the mainline, that collects and distributes traffic between ramps and the mainline and is not connected to any crossroads.
- (e) **Highway, Street or Road.** A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.
- (f) **Parkway.** An arterial highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.
- (g) **Ramp.** A connecting roadway between two intersecting highways at a highway separation, or a road connecting the highway with other roads or entrances.

101.62. ROADWAY, ROADBED, ROADSIDE, SHOULDER, SIDEWALK, TRAVELED WAY.

- (a) **Roadbed.** The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.
- (b) **Roadside.** 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.
- (c) **Roadside Development.** Those items necessary for the preservation or replacement of landscape materials and features that may include suitable plantings and other improvements or ground cover to preserve and enhance the appearance and stability of the highway right-of-way or acquired easements for scenic improvements.

- (d) **Roadway.** That portion of the Right-of-Way between the outer edges of the shoulder.
- (e) **Shoulder.** The portion of the roadway contiguous with the traveled way designed for emergency use, and for lateral support of base and surface courses.
- (f) **Sidewalk.** That portion of the Right-of-Way constructed for the use of pedestrians.
- (g) **Traveled Way.** The portion of the roadway for the movement of vehicles, exclusive of shoulders.

101.62.1. SHUT DOWN ORDER.

A written order issued by the Resident Engineer to the Contractor directing the Contractor to cease all or any specific part of the contract work. No work prohibited by the Shut Down Order may be resumed until a written authorization rescinding the Shut Down Order is issued by the Resident Engineer.

101.63. SPECIFICATIONS.

The compilation of provisions and requirements for the performance of prescribed work.

- (a) **Standard Specifications.** The book of Specifications approved for general application and repetitive use.
- (b) **Supplemental Specifications.** The book of approved additions and revisions to the Standard Specifications.
- (c) **Special Provisions.** Revisions to the Standard and Supplemental Specifications applicable to an individual project.

101.64. SPEED CHANGE LANE.

An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the highway. Speed Change Lanes are described as Acceleration Lanes, Deceleration Lanes or Median Lanes.

101.65. STABILIZATION.

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

101.66. STATE.

The State of Oklahoma.

101.67. STRUCTURE.

Bridge, culvert, catch basin, drop inlet, retaining wall, cribbing, manhole, endwall, headwall, building, sewer, service pipe, underdrain, and foundation drain and other features which may be encountered in the work and not otherwise classified.

101.68. SUBCONTRACTOR.

An individual or legal entity that performs part of the required work through a contract agreement with the Contractor.

101.69. SUBSTRUCTURE, BRIDGE.

All of that part of the structure below the bearings of simple and continuous spans, skewbacks of arches and tops of footings of rigid frames, together with the backwalls, wingwalls and wing protection railings.

101.70. SUPERINTENDENT.

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

101.71. SUPERSTRUCTURE, BRIDGE.

The entire structure except the substructure.

101.72. SUPPLEMENTAL AGREEMENT.

A written agreement signed by the Department and the Contractor for the performance of work beyond the scope of the original Contract that the Department elects to perform in conjunction with the existing Contract.

101.73. SURETY.

The insurance company or other body, authorized under the laws of Oklahoma to ensure the Contractor's faithful performance of the Contract, the payment of all indebtedness incurred in the performance of the Contract by the Contractor, and where applicable, the liability for any defects resulting from defective workmanship and/or materials furnished by the Contractor.

101.74. TITLES (OR HEADINGS).

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

101.75. (RESERVED)**101.76. UNBALANCED BID, MATERIALLY.**

A bid that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Department.

101.77. UNBALANCED BID, MATHEMATICALLY.

A bid containing lump sum or unit bid items that do not reflect reasonable estimated costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.

101.77.1. UNILATERAL CHANGE ORDER.

A change order issued by the Resident Engineer in accordance with his/her determination of an equitable price and time adjustment, but to which the contractor does not agree and does not sign.

101.78. VALUE ENGINEERING.

Value Engineering is the formal technique by which contractors may voluntarily suggest methods for performing the contract requirements more economically and share in the resulting savings, without impairing essential functions or characteristics.

101.79. WORK.

The furnishing of all labor, materials, equipment, and other incidentals necessary to complete the work under the Contract.

SECTION 102 BIDDING REQUIREMENTS AND CONDITIONS

102.01. PRE-QUALIFICATION OF BIDDERS.

Pre-qualification shall be a prerequisite for bidding on all projects unless prohibited by law or waived by the Transportation Department.

Prequalification of bidders shall be accomplished in conformance with the most current issue of the Oklahoma Administrative Code, copies of which are available from the Office Engineer, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

102.02. NOTICE TO CONTRACTORS.

After the date is set for the receipt of proposals, the Department will give notice of bid opening to prospective bidders. The notice will contain a description of the proposed work, together with information regarding access to Proposal forms, Plans and Specifications, and the amount of Proposal Guaranty. This notice to Contractors will also be published as an advertisement giving notice of the request for bids, as required by State Law. The notice to Contractors will become part of the Contract documents.

102.03. CONTENTS OF PROPOSAL FORMS.

The Proposal Form will state the location and description of the contemplated construction, show the estimate of the various item quantities and kinds of work to be performed or materials to be furnished. A schedule of items for which unit bid prices are invited will be included along with the specified time in which the work must be completed, amount of the Proposal guaranty, and the date, time and place of the opening of Proposals. The form will also include or designate any specifications or requirements that vary from, or are not contained in the Standard Specifications.

Papers bound with or attached to the Proposal Form are considered a part of the Proposal.