

Handwritten initials or mark in the top right corner.

WORKBOOK CHANGE(S)

Add D 0010003.DOT
Rev Date 1-6-04
F.A. Date 1-8-04
Letting Date 7-04

Move D 0010013
To Deleted File 1-8-04
Rev Date 12-30-94
F.A. Date 5-26-95
Letting Date 7-00

Remarks New SS.

Dates

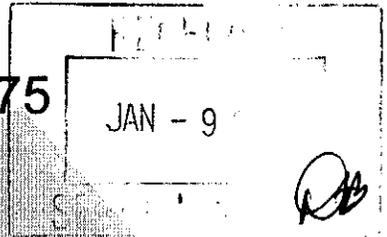
*Copy of Spec to Paul that Impacts
QPL (ONLY) _____
Added to Nextwb file 1-8-04 sh
Deleted from Nextwb file 1-8-04 sh
History File Updated _____
Rolodexed 3/29/04 sh
Additional back-up see _____

Route Slip

U.S. Department of Transportation
 Federal Highway Administration
 Florida Division
 227 N. Bronough Street, Room 2015
 Tallahassee, FL 32301

Distribution:

FDOT MS-75



To: MR. DUANE BRAUTIGAM Or Shirley Harvey	Organization: FDOT, SPECIFICATIONS ENGINEER	Date: January 8, 2004	Routing Symbol: MS-75
---	--	---------------------------------	---------------------------------

- Per Your Request
- For Your Information
- Per Our Conversation
- Comment
- Take Appropriate Action
- Note and Return
- Discuss With Me
- For Your Approval
- For Your Signature
- Please Answer
- Prepare Reply
- For Signature of

Remarks: FLORIDA SPECIFICATIONS:

D0010000.D01 - Supplemental Specifications for Definitions-
 Section 1-3 Definitions, Section 1

D0040032.D03 - Increase, Decrease or Alteration in the Work,
 Section 4

D0080016.D01 - "Bonus" Payment and Waiver of Contractor
 Claim, Section 008

D0081DMS.D01 - Incentive - Disincentive, Section 008

D00800MS.D01 - "Bonus" Payment and Waiver of Contractor
 Claims, Section 008

D008001D.D01 - Incentive-Disincentive, Section 008

D00800ab.D01 - Incentive - Disincentive for A+B, Section 008

D5750000.D02 - Sodding, Section 575

D9870001 - Finish Soil Layer Materials - Description, Section 987

ATTACHMENTS

FOR: JAMES E. ST. JOHN, DIVISION ADMINISTRATOR	Telephone Number: (850) 942-9650, EXT. 3035	FDOT MS: # 29	Org/Rtg Symbol
--	---	----------------------	-----------------------

DON Davis: ANN to file in binders cc: 1 (w/specification) H:\ANN\FORMS\ROUTGSPECS.DOC



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

January 6, 2004

Mr. Donald Davis
Program Operations Engineer
Federal Highway Administration
227 N. Bronough Street, Suite 2015
Tallahassee, Florida 32301

Re: Office of Design, Specifications
Section 1
Proposed Specification: D0010003.D01 – Definitions-Section 1-3 Definitions

Dear Mr. Davis:

We are submitting, for your approval, two copies of a proposed Supplemental Specification for Definitions-Section 1-3 Definitions.

This change was proposed by Marshall Dougherty of the District Specifications Office to delete 'Supplemental Special Provisions' from the list of definitions.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965DB or duane.brautigam@dot.state.fl.us.

If you have any questions relating to this specification change, please call Duane F. Brautigam, State Specifications Engineer at 414-4110.

Sincerely,

Duane F. Brautigam, P.E.
State Specifications Engineer

DFB/sh

Attachment

cc: General Counsel
Florida Transportation Builders' Assoc.
State Construction Engineer

**DEFINITIONS – SECTION 1-3 DEFINITIONS,
(REV 1-6-04)**

Deleted: 8-25-03
Deleted: 11-18-03
Deleted: 12-12-03
Inserted: 11-18-03
Inserted: 12-12-03

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as "Notice to Contractors," or "Notice to Bidders."

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record.

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Plans and Specifications. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

Deleted: Contract Documents

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the expedite program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Deleted: CEB

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications.

Formatted

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Deleted: A

Deleted: . .

Deleted: B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

Deleted: ¶

Deleted: . .

Deleted: C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.

Deleted: ¶

Deleted: E

Deleted: . Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

Inserted: ¶

Deleted: C

Inserted: C

Deleted: D

Inserted: D

Deleted: . Supplemental Specifications: Additions and revisions to the Standard Specifications.

Deleted: ¶

Deleted: D

Inserted: . of a technical nature,

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

E. Developmental Specification: A specification developed around a new process, procedure, or material.

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

Deleted: Supplemental Special Provisions.¶

Deleted: .

Deleted: See definition for Specifications.¶

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 1-6-04)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as "Notice to Contractors," or "Notice to Bidders."

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record.

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Plans and Specifications. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the expedite program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

E. Developmental Specification: A specification developed around a new process, procedure, or material.

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any

rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

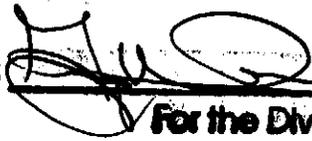
Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

APPROVED:



DATE: 7-8-04

For the Division Administrator



Shirley Harvey

01/06/2004 03:08 PM

To: donald.davis@fhwa.dot.gov

cc: Clay McGonagill/CO/FDOT, bburleson@ftba.com, Ananth Prasad/CO/FDOT, acarlisle@ftba.com, ann.allshouse@fhwa.dot.gov

cc:

Subject: Approval for D0010003.D01 - Definitions-Section 1-3 Definitions



D0010003.D01.doc

Please review the attached draft specification and return your approval/comments within two weeks.

Thanks,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

January 6, 2004

Mr. Donald Davis
Program Operations Engineer
Federal Highway Administration
227 N. Bronough Street, Suite 2015
Tallahassee, Florida 32301

Re: Office of Design, Specifications
Section 1
Proposed Specification: D0010003.D01 – Definitions-Section 1-3 Definitions

Dear Mr. Davis:

We are submitting, for your approval, two copies of a proposed Supplemental Specification for Definitions-Section 1-3 Definitions.

This change was proposed by Marshall Dougherty of the District Specifications Office to delete 'Supplemental Special Provisions' from the list of definitions.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965DB or duane.brautigam@dot.state.fl.us.

If you have any questions relating to this specification change, please call Duane F. Brautigam, State Specifications Engineer at 414-4110.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane F. Brautigam".

Duane F. Brautigam, P.E.
State Specifications Engineer

DFB/sh

Attachment

cc: General Counsel
Florida Transportation Builders' Assoc.
State Construction Engineer

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV ~~8-25-0311-18-0312-12-031-6-04~~)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record.

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the ~~Contract Documents~~ *Plans and Specifications*. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the ~~CEB~~*expedite* program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required

by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

AE. Developmental Specification: A specification developed around a new process, procedure, or material.

~~*B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.*~~

~~_____ C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.~~

~~_____ CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.~~

~~_____ DE. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.~~

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Special Provisions.

~~_____ See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 1-6-04)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record.

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Plans and Specifications. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the expedite program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required

by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

E. Developmental Specification: A specification developed around a new process, procedure, or material.

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any

rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.



Clinton Shaw

01/05/2004 10:06 AM

To: Shirley Harvey/CO/FDOT@FDOT
cc:
Subject: Proposed New D0010003, Definitions, Section 1-3
Responses to Comments Received

Good morning and Happy New Year,

I have placed a copy of Marshall's final markup in the Develop folder. I have added a minor change in the "Developmental Specifications". Please use that version to continue processing.

Thanks

Clinton J. Shaw

(850) 414-4129 SC 994-4129

Clinton.Shaw@dot.state.fl.us

----- Forwarded by Clinton Shaw/CO/FDOT on 01/05/2004 09:58 AM -----



Marshall Dougherty

12/29/2003 02:00 PM

To: Clinton Shaw/CO/FDOT@FDOT
cc: Shirley Harvey/CO/FDOT@FDOT
Subject: Proposed New D0010003, Definitions, Section 1-3
Responses to Comments Received

Clinton,

Here are two files that reflect my final processing for the subject material. The first file is my response to the comments. The second is the "tracked changes" file of the version your office offered for industry review.



Revised D0010003 (Comment response memo).doc



MHD's final mark-up - D0010003.doc

I trust you will find all things in proper order and can proceed with the final implementation.

Please do not hesitate to contact me should you have any questions or need further clarification.

Marshall H. Dougherty, Jr.

marshall.dougherty@dot.state.fl.us

District One - Design Support, M.S. 1-37

(863) 519-2294

SunCom 557-2294

**sDEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 12-2912-03)**

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Plans and Specifications. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor

Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the Expedite program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

(1) Registration as a Professional Engineer in the State of Florida.

(2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or Supplemental Specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida, other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

E. Developmental Specifications: A Specifications developed around a new process, procedure, or material.

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement.

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Specifications.

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

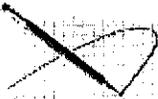
A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

 **Marshall Dougherty**
12/29/2003 02:00 PM

To: Clinton Shaw/CO/FDOT@FDOT
cc: Shirley Harvey/CO/FDOT@FDOT
Subject: Proposed New D0010003, Definitions, Section 1-3
Responses to Comments Received

Clinton,

Here are two files that reflect my final processing for the subject material. The first file is my response to the comments. The second is the "tracked changes" file of the version your office offered for industry review.



Revised D0010003 (Comment response memo).doc



MHD's final mark-up - D0010003.doc

I trust you will find all things in proper order and can proceed with the final implementation.

Please do not hesitate to contact me should you have any questions or need further clarification.

Marshall H. Dougherty, Jr.
marshall.dougherty@dot.state.fl.us
District One - Design Support, M.S. 1-37
(863) 519-2294
SunCom 557-2294

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 12-2912-03)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Plans and Specifications. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor

Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the Expedite program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Special Provisions.

See definition for Specifications

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

(1) Registration as a Professional Engineer in the State of Florida.

(2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or Supplemental Specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida, other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

E. Developmental Specification: A specification developed around a new process, procedure, or material.

Standard Specifications.

See definition for Specifications.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement.

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Specifications.

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.



Clinton Shaw
12/12/2003 10:16 AM

To: Shirley Harvey/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

Ms Shir,

This is a comment from Juanita Moore. I am letting you know now because I think it is important to have this change made. Didn't want to risk the chance of it getting overlooked by the originator.

Thanks

Clinton J. Shaw
(850) 414-4129 SC 994-4129
Clinton.Shaw@dot.state.fl.us
----- Forwarded by Clinton Shaw/CO/FDOT on 12/12/2003 10:13 AM -----



Duane F Brautigam
12/12/2003 07:11 AM

To: Clinton Shaw/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us
----- Forwarded by Duane F Brautigam/CO/FDOT on 12/12/2003 07:10 AM -----



Juanita Moore
12/11/2003 04:54 PM

To: Duane F Brautigam/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

I would recommend "Plans and Specifications".

Juanita Moore
Duane F Brautigam



Duane F Brautigam
12/11/2003 04:18 PM

To: Juanita Moore/CO/FDOT@FDOT
cc: Clinton Shaw/CO/FDOT@FDOT
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

Good comments.

What kind of fix would you recommend? How about "certain" Contract Documents, or "signed and sealed" Contract Documents, or maybe "Plans and Specifications" and eliminate "Contract Documents" altogether?

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us
Juanita Moore

*Made changes as noted
12-12-03
sh*



Juanita Moore

12/11/2003 04:02 PM

To: Duane F Brautigam/CO/FDOT@FDOT
cc:
Subject: Proposed Spec D0010003 - Definitions Section 1 - 3

Comments:

1. Engineer of Record - The definition gives this person responsibility for the preparation of the "Contract Documents". The definition of "Contract Documents" includes documents that are not prepared by the EOR.

2. Proposal Form - Change "CEB" to Expedite.

Juanita Moore

DEFINITIONS – SECTION 1-3 DEFINITIONS.

(REV ~~8-25-03~~11-18-03)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

xpide → The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

AE. Developmental Specification: A specification developed around a new process, procedure, or material.

~~*B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.*~~

~~*C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.*~~

~~*CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.*~~

~~*DE. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.*~~

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

~~**Supplemental Special Provisions.**~~

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

Clay McGonagill
12/17/2003 08:37 PM

To: Shirley Harvey/CO/FDOT@FDOT
cc:
Subject: Re: Comments for D0010003 - Definitions-Section 1-3 Definitions 

Thanks. I have no comments. Clay

E. Clay McGonagill, Jr.
Special Counsel
(SC) 994-5296
(850) 414-5296
Shirley Harvey



Shirley Harvey
12/17/2003 02:12 PM

To: Clay McGonagill/CO/FDOT@FDOT
cc:
Subject: Comments for D0010003 - Definitions-Section 1-3 Definitions

Sorry that I forgot to include you in on the memo attached.

Merry Christmas,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us
----- Forwarded by Shirley Harvey/CO/FDOT on 12/17/2003 02:12 PM -----



Shirley Harvey
12/17/2003 02:02 PM

To: Marshall Dougherty/D1/FDOT@FDOT
cc:
Subject: Comments for D0010003 - Definitions-Section 1-3 Definitions



D0010003.doc

Please review the attached comments and return your response as soon as possible so that we may continue with the review process.

Thanks,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

MEMORANDUM

DATE: December 17, 2003

TO: Marshall Dougherty, District Specifications Engineer

COPY: Clay McGonagill, Office of the General Counsel

FROM: Clinton J. Shaw, State Specifications Office 

SUBJECT: **Proposed Modifications To Specification: D0010003 – Definitions-Section 1-3 Definitions**

Comments received, regarding the subject modification to the Standard Specifications, are attached. Please review these comments and advise of any further modifications by December 31, 2003. Also, please submit an electronic summary, of your decisions concerning these comment(s) in memorandum format. This summary will be posted on the State Specifications Office Web Page and included in the Specifications folder for future reference, should someone question your response. Your assistance will be appreciated.

Please Email submittals to SP965CS or clinton.shaw@dot.state.fl.us.

CS/sh

Attachment

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV ~~8-25-03~~ ~~11-18-03~~ 12-12-03)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the ~~Contract Documents~~ *Plans and Specifications*. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the ~~CEB~~ *expedite* program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

(1) Registration as a Professional Engineer in the State of Florida.

(2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

AE. Developmental Specification: A specification developed around a new process, procedure, or material.

~~*B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.*~~

~~*C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.*~~

~~*CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.*~~

~~*DE. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.*~~

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Special Provisions.

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any

rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

Duane F Brautigam

12/03/2003 11:50 AM

To: Clinton Shaw/CO/FDOT@FDOT
cc:
Subject: Data posted to form 1 of http:
//www11.myflorida.com/specificationsoffice/IndustryReview.htm

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us

----- Forwarded by Duane F Brautigam/CO/FDOT on 12/03/2003 11:50 AM -----

<webmaster@dot.state.fl.us>

12/03/2003 11:28 AM

To: <duane.brautigam@dot.state.fl.us>
cc:
Subject: Data posted to form 1 of http:
//www11.myflorida.com/specificationsoffice/IndustryReview.htm

File: D0010003 - Definitions - Section 1-3
Definitions
Username: Gerald Avery
UserEmail: gerald.avery@dot.state.fl.us
UserTel: 813. 744-6070
UserFAX: 813. 744-6069
ContactRequested:
Remote Name: 156.75.109.104
Remote User:

Comments:

Laboratory: An Official Testing Laboratory used or approved by the Department. This would then include an approved Laboratory that the contractor could take items for testing but the Department may not necessarily routinely use.

WORKING DAYS: I don't know if there is a minimum amount of time that a contractor can prepare and begin to work and then stop before being

D0010003
All Jobs

charged as a full workday.

Duane F Brautigam

12/11/2003 10:49 AM

To: Clinton Shaw/CO/FDOT@FDOT
cc:
Subject: Proposed Specification Change: D0010003 - Definitions - Section 1-3 Defi

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us

----- Forwarded by Duane F Brautigam/CO/FDOT on 12/11/2003 10:49 AM -----

Greg Vickery

Sent by: Casey Johns

12/11/2003 10:36 AM

To: Duane F Brautigam/CO/FDOT@FDOT
cc: Edward Prescott/D3/FDOT@FDOT, James M Rodgers/D3/FDOT@FDOT,
Steve Benak/D3/FDOT@FDOT, Keith A Hinson/D3/FDOT@FDOT
Subject: Proposed Specification Change: D0010003 - Definitions - Section 1-3 Defi

MEMORANDUM

DATE: December 10, 2003

TO: Duane F. Brautigam, P.E., State Specifications Engineer, MS 75

FROM: H. E. Prescott, P.E., District Secretary

COPIES: Jimmy Rodgers, Steve Benak, Keith Hinson

SUBJECT: **Proposed Specification Change: D0010003 - Definitions - Section 1-3 Definitions**

=

Pursuant to request, we have reviewed the referenced document, entitled "D0010003 - Definitions - Section 1-3 Definitions," and offer the following comment for your consideration.

Item of Specifications, (C): We feel that supplemental specifications should be capitalized.

Thank you for the opportunity to provide input. If you have any questions or need additional information, please do not hesitate to contact me, at (850) 638-0250, extension 200.

Handled by:

Greg Vickery
Office of the District Secretary
(850) 638-0250, extension 529

D0010003
All Jobs

Suncom 767-1529
FAX (850) 638-6159 / Suncom 769-6159
mailto:greg.vickery@dot.state.fl.us

Duane F Brautigam

12/12/2003 07:11 AM

To: Clinton Shaw/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us

----- Forwarded by Duane F Brautigam/CO/FDOT on 12/12/2003 07:10 AM -----

Juanita Moore

12/11/2003 04:54 PM

To: Duane F Brautigam/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

I would recommend "Plans and Specifications".

Juanita Moore

Duane F Brautigam

12/11/2003 04:18 PM

To: Juanita Moore/CO/FDOT@FDOT
cc: Clinton Shaw/CO/FDOT@FDOT
Subject: Re: Proposed Spec D0010003 - Definitions Section 1 - 3

Good comments.

What kind of fix would you recommend? How about "certain" Contract Documents, or "signed and sealed" Contract Documents, or maybe "Plans and Specifications" and eliminate "Contract Documents" altogether?

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us

Juanita Moore

12/11/2003 04:02 PM

To: Duane F Brautigam/CO/FDOT@FDOT
cc:
Subject: Proposed Spec D0010003 - Definitions Section 1 - 3

Comments:

1. Engineer of Record - The definition gives this person responsibility for the preparation of the "Contract Documents". The definition of "Contract Documents" includes documents that are not prepared by the EOR.
2. Proposal Form - Change "CEB" to Expedite.

Juanita Moore

Duane F Brautigam

11/19/2003 09:26 PM

To: Clinton Shaw/CO/FDOT@FDOT
cc:
Subject: Section 1-3 comments

Duane F. Brautigam, P.E.
State Specifications Engineer
Florida Department of Transportation
(850) 414-4130; SC 994-4130
duane.brautigam@dot.state.fl.us

----- Forwarded by Duane F Brautigam/CO/FDOT on 11/19/2003 09:26 PM -----

Robert Robertson

11/19/2003 07:59 AM

To: Duane F Brautigam/CO/FDOT@FDOT
cc:
Subject: Section 1-3 comments

The definition of Tech Spec should include wording about a tech spec is not written to change other specs. For most folks the difference between a SP and a TSP is not clear. When does one write a SP versus TSP? The definitions could be written to incorporate the answer. The TSP definition should include wording that this is for work not currently covered by other specifications and is not to be used to modify other specification types.

Robert Robertson
FDOT Tallahassee Structures
SC 994-4267
(850) 414-4267

L Alan Reese
11/19/2003 09:40 AM

To: Donald Duncan/CO/FDOT@FDOT
cc: Frances Thomas/CO/FDOT@FDOT
Subject: Re: Industry Review for D0010003 - Definitions -

Section 1-3
Definitions

I do not have a problem with the text changes to the definition of Specifications and deleting the definition of Supplemental Specifications as it exists. I do have a problem with creating a 7 page Supplemental Specification to change a couple of paragraphs. Could this change be accomplished in a manner so that it did not require a 7 page document be added to every contract let.

L. Alan Reese
State Maintenance Office
Contracts and Agreements Administrator
MT954AR
lalan.reese@dot.state.fl.us
Phone Number 850-410-5757
Fax Number 850-410-5511



1
STED 11/18/2003
JAE

Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

MEMORANDUM

DATE: November 18, 2003

TO: Specification Review Distribution List

FROM: Duane F. Brautigam, P.E., State Specifications Engineer 

SUBJECT: **Proposed Specifications Change: D0010003 – Definitions – Section 1-3 Definitions**



In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change to Definitions – Section 1-3 Definitions.

This change was proposed by Marshall Dougherty, of the District Specifications Office to delete ‘Supplemental Special Provisions’ from the list of definitions.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at SP965DB or duane.brautigam@dot.state.fl.us. Comments received after December 16, 2003 may not be considered. Your input is encouraged.

DFB/sh

Attachment

COMMENTS:

Submitted by:

Phone #:

DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 8-25-03/11-18-03)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Standard Specifications: "Standard Specifications for Road and Bridge Construction" a bound book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

B. Supplemental Specifications: Approved additions and revisions to the Standard Specifications, applicable to all Department Contracts.

C. Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

D. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

AE. Developmental Specification: A specification developed around a new process, procedure, or material.

~~*B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.*~~

~~*C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.*~~

~~*CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.*~~

~~*DE. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.*~~

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

~~**Supplemental Special Provisions.**~~

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any

rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.



Department of Transportation

399-0450

JOSÉ ABREU
SECRETARY

JEB I
GOVERNOR

Clinton
~~_____~~
I have a few additional suggestions for this. Let's discuss
Thanks
DB

MEMORANDUM

DATE:

TO:

FROM:

Duane F. Brautigam, P.E., State Specifications Engineer

SUBJECT: **Proposed Specifications Change: D0010003 – Definitions – Section 1-3 Definitions**

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change to Definitions – Section 1-3 Definitions.

This change was proposed by Marshall Dougherty, of the District Specifications Office to delete 'Supplemental Special Provisions' from the list of definitions.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at SP965DB or duane.brautigam@dot.state.fl.us. Comments received after October 10, 2003 may not be considered. Your input is encouraged.

DFB/sh

Attachment

COMMENTS:

Submitted by:

Phone #:

**DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 8-25-03)**

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as "Notice to Contractors," or "Notice to Bidders."

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Developmental Specification: A specification developed around a new process, procedure, or material.

B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

~~C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.~~

CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.

DE. Technical Special Provisions: Specifications, *of a technical nature*, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Special Provisions.

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.



Shirley Harvey

08/26/2003 01:34 PM

To: bburleson@ftba.com, David Sadler/CO/FDOT, Brian A
Blanchard/CO/FDOT, William N Nickas/CO/FDOT, Bruce
Dietrich/CO/FDOT, Phillip G Davis/CO/FDOT, Clay
McGonagill/CO/FDOT, acarlisle@ftba.com

cc:

Subject: Proposed Spec D0010003 - Definitions - Section 1-3 Definitions



D0010003.doc

Please review and submit your comment(s) on the above referenced document.

If you have any questions please call.

Thanks,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSE ABREU
SECRETARY

MEMORANDUM

DATE: August 26, 2003

TO: Bob Burluson, FTBA, David Sadler, State Construction Office, Brian Blanchard, State Roadway Design Office, William N. Nickas, State Structures Design Office, Bruce Dietrich, State Pavement Management Office, Greg Davis, State Estimates Office, Clay McGonagill, General Counsel's Office

FROM: Clinton J. Shaw, State Specifications Office 

SUBJECT: Proposed Specification: D0010003 – Definitions – Section 1-3 Definitions

Attached for your review and comments is a copy of the subject Special Provision for Definitions – Section 1-3 Definitions.

This change was proposed by Marshall Dougherty to delete 'Supplemental Special Provisions' from the list of definitions.

Please review and offer your comments.

CS/sh
Attachment

**DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 8-25-03)**

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

(1) Registration as a Professional Engineer in the State of Florida.

(2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Developmental Specification: A specification developed around a new process, procedure, or material.

B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

~~C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.~~

~~CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.~~

DE. Technical Special Provisions: Specifications, *of a technical nature*, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Special Provisions.

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.



Marshall Dougherty
08/26/2003 07:34 AM

To: Shirley Harvey/CO/FDOT@FDOT
cc:
Subject: Re: Proposed Spec D0010003 - Definitions - Section 1-3 Definitions 

It looks good to me!!

The usage note is good too!!

To quote the Old Milwaukee commercial "It just don't get no better!"

Thanks for the opportunity to review and comment.

Marshall H. Dougherty, Jr.
marshall.dougherty@dot.state.fl.us
District One - Design Support, M.S. 1-37
(863) 519-2294
SunCom 557-2294
Shirley Harvey



Shirley Harvey
08/26/2003 07:06 AM

To: Marshall Dougherty/D1/FDOT@FDOT
cc:
Subject: Proposed Spec D0010003 - Definitions - Section 1-3 Definitions



D0010003.doc

Please review the attached document and submit any other changes you may have.

Thanks,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us



Shirley Harvey

08/26/2003 07:06 AM

To: Marshall Dougherty/D1/FDOT
cc:
Subject: Proposed Spec D0010003 - Definitions - Section 1-3 Definitions



D0010003.doc

Please review the attached document and submit any other changes you may have.

Thanks,
shirley harvey
SC 994-4120
(850)414-4120
shirley.harvey@dot.state.fl.us



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

MEMORANDUM

DATE: August 26, 2003

TO: Marshall H. Dougherty, Jr., D-1 Specifications Engineer

FROM: Clinton J. Shaw, State Specifications Office 

SUBJECT: **Proposed Specification: D0010003 – Definitions – Section 1-3 Definitions**

Your proposed specification has been formatted and entered for processing. As the originator for this specification, please review the formatted draft and make any necessary changes.

Additionally, please verify the condition under which this specification is to be used (see usage note under specification number).

If you have any questions, please contact Clinton Shaw at (850) 414-4129 or Suncom 994-4129. Your response within two weeks will be appreciated, as further processing is dependent upon your response. We will continue to update you as we process this request for implementation.

CS/sh
Attachment

**DEFINITIONS – SECTION 1-3 DEFINITIONS.
(REV 8-25-03)**

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as “Notice to Contractors,” or “Notice to Bidders.”

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pay all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture, or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all

such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

(1) Registration as a Professional Engineer in the State of Florida.

(2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Developmental Specification: A specification developed around a new process, procedure, or material.

B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

~~C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.~~

~~CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.~~

~~DE. Technical Special Provisions: Specifications, of a technical nature, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.~~

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

~~**Supplemental Special Provisions.**~~

~~See definition for Specifications.~~

Supplemental Specifications

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.

ORIGINATION FORM

THE INFORMATION BELOW IS TO BE PROVIDED BY THE ORIGINATOR. (The person who receives or originates the issue and needs to forward the issue for action.)

Modify Specification _____001_____.
Section/File number

New Section _____.
Section number

Subject: Section 1-3 Definitions

Origination date: August 4, 2003

Originator: Marshall H. Dougherty, Jr.
Office/Phone: D-1 Specifications Office, S/C 557-2294
Email address/ marshall.dougherty@dot.state.fl.us

Userid:

Problem statement: Several specification definitions contained in Section 1 need to be updated in order to be in-line with today's proper use of the terminology (i.e. eliminate the outdated definition of Supplemental Special Provisions and revise the definition of Technical Special Provision).

Information source: Duane Brautigam, Dianne Perkins and Marshall Dougherty, Jr.

Background data: The confusing terminology of Supplemental Special Provision was replaced, in 1999, with the factual name for the end-product of Supplemental Specifications Package. The removal from the definition listing is an overdue need as the end-product is not a specification, but a packet of specifications. (There is also no definition for Specifications Package, so why one for Supplemental Specifications Package?)

The definition of Technical Special Provision needs to be updated in order to clarify when a TSP should be used. We now teach use of TSPs for addition, revision or modification of technical language only.

**Desired
implementation
date:**

Beginning with the January 2004 letting.

SPECIFICATION PROCESSING AND STATUS FORM

Begin date: August 25, 2003

File Number: D0010003

Projected completion date: November 24, 2003.

Implementation team member: Shirley Harvey.

Schedule of activities: Internal, Industry and FHWA reviews

Resource needs: None identified at this time.

Implementation schedule: Beginning with the July 2004 letting.

Proposed solution: Delete 'Supplemental Special Provisions' from the list of definitions.

Recommended Usage Note: All jobs

Progress report: What is the current status of the issue? Detail problems encountered, that hinders the process.

001 DEFINITIONS.
(REV 08-04-03) (Effective: 01-04)

ARTICLE 1-3 (Pages 2-9) is deleted and the following substituted:

1-3 Definitions

The following terms, when used in the Contract Documents, have the meaning described.

Advertisement.

The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished, usually issued as "Notice to Contractors," or "Notice to Bidders."

Architect.

The Architect as defined in s.481.203(3) Florida Statutes.

Architect of Record.

The Architect or Architectural Firm registered in the State of Florida that performs services for the Department in connection with the design and construction of buildings.

Architecture.

The practice of architecture as defined in s.481.203(6) Florida Statutes.

Article.

The numbered, prime subdivision of a Section of these Specifications.

Bidder.

An individual, firm, or corporation submitting a proposal for the proposed work.

Bridge.

A structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet [6 m] between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet [6 m].

Calendar day.

Every day shown on the calendar, ending and beginning at midnight.

Change Order.

A written order issued by the Department and accepted by the Contractor, covering minor changes in the plans, specifications, or quantities of work, within the scope of the Contract, when prices for the items of work affected are previously established in the Contract.

Consultant.

The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, registered in the State of Florida and under contract to the Department to perform professional

services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record.

Contract.

The term "Contract" means the entire and integrated agreement between the parties thereunder and supersedes all prior negotiations, representations, or agreements, either written or oral. The Contract Documents form the Contract between the Department 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.

Contract Claim (Claim).

A written demand submitted to the Department by the Contractor in compliance with 5-12.3 seeking additional monetary compensation, time, or other adjustments to the Contract, the entitlement or impact of which is disputed by the Department.

Contract Documents.

The term "Contract Documents" includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Standard Specifications, Supplemental Specifications, Special Provisions, plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, change orders, field orders, and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Note: As used in Sections 2 and 3 only, Contract Documents do not include change orders, field orders, and supplementary agreements. As used in Section 2 only, Contract Documents also do not include Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Contract Bond.

The security furnished by the Contractor and the surety as a guaranty that the Contractor shall fulfill the terms of the Contract and pays all legal debts pertaining to the construction of the project.

Contract Letting.

The date that the Department opened the bid proposals.

Contract Time.

The number of calendar days allowed for completion of the Contract work, including authorized time extensions.

Contractor.

The individual, firm, joint venture or company contracting with the Department to perform the work.

Controlling Work Items.

Those work items that are directly interrelated such that each has a definite influence on progress of the overall work.

Culverts.

Any structure not classified as a bridge that provides an opening under the roadway.

Delay.

Any unanticipated event, action, force or factor which extends the Contractor's time of performance of any controlling work item under the Contract. The term "delay" is intended to cover all such events, actions, forces or factors, whether styled "delay", "disruption", "interference", "impedance", "hindrance", or otherwise, which are beyond the control of and not caused by the Contractor, or the Contractor's subcontractors, materialmen, suppliers or other agents. This term does not include "extra work".

Department.

State of Florida Department of Transportation.

Designer of Record.

The Architect of Record or the Engineer of Record.

Developmental Specification.

See definition for Specifications.

Engineer.

The State Construction Engineer, acting directly or through duly authorized representatives; such representatives acting within the scope of the duties and authority assigned to them.

Note: In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "acceptable, accepted, approval, approved, authorized, condemned, considered necessary, contemplated, deemed necessary, designated, determined, directed, disapproved, established, given, indicated, insufficient, ordered, permitted, rejected, required, reserved, satisfactory, specified, sufficient, suitable, suspended, unacceptable, or unsatisfactory," it shall be understood as if the expression were followed by the words "by the Engineer," "to the Engineer," or "of the Engineer."

Engineer of Record.

The Professional Engineer or Engineering Firm registered in the State of Florida that develops the criteria and concept for the project, performs the analysis, and is responsible for the preparation of the Contract Documents. The Engineer of Record may be Departmental in-house staff or a consultant retained by the Department.

The Contractor shall not employ the Engineer of Record as the Specialty Engineer.

Equipment.

The machinery and equipment, together with the necessary supplies for upkeep and maintenance thereof, and all other tools and apparatus necessary for the construction and acceptable completion of the work.

Extra Work.

Any "work" which is required by the Engineer to be performed and which is not otherwise covered or included in the project by the existing Contract Documents, whether it be in the nature of additional work, altered work, deleted work, work due to differing site conditions, or otherwise. This term does not include a "delay".

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.

Holidays.

Days designated by the State Legislature or Cabinet as holidays, which include, but are not limited to, New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the following Friday, and Christmas Day.

Inspector.

An authorized representative of the Engineer, assigned to make official inspections of the materials furnished and of the work performed by the Contractor.

Laboratory.

The official testing laboratory used by the Department.

Major Item of Work.

Any item of work having an original Contract value in excess of 5% of the original Contract amount.

Materials.

Any substances to be incorporated in the work under the Contract.

Median.

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

Plans.

The approved plans, including reproductions thereof, showing the location, character, dimensions, and details of the work.

Proposal (Bid, Bid Proposal).

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Form.

The official form or the CEB program generated bid item sheets on which the Department requires formal bids to be prepared and submitted for the work.

Proposal Guaranty.

The security furnished by the bidder as guaranty that the bidder will enter into the Contract for the work if the Department accepts the proposal.

Right-of-Way.

The land that the Department has title to, or right of use, for the road and its structures and appurtenances, and for material pits furnished by the Department.

Roadbed.

The portion of the roadway occupied by the subgrade and shoulders.

Roadway.

The portion of a highway within the limits of construction.

Secretary.

Secretary of Transportation, State of Florida Department of Transportation, acting directly or through an assistant or other representative authorized by him; the chief officer of the Department of Transportation.

Section.

A numbered prime division of these Specifications.

Shoulder.

The paved or unpaved portion of the roadbed outside the edges of the traveled way or back of curb, and extending to the top of front slopes.

Special Provisions.

See definition for Specifications.

Specialty Engineer.

A Professional Engineer registered in the State of Florida, other than the Engineer of Record or his subcontracted consultant, who undertakes the design and drawing preparation of components, systems, or installation methods and equipment for specific portions of the project work. The Specialty Engineer may be an employee or officer of the Contractor or a fabricator, an employee or officer of an entity providing components to a fabricator, or an independent consultant.

The Specialty Engineer must be qualified in accordance with the Rules of the Department of Transportation, Chapter 14-75. Any Corporation or Partnership offering engineering services must hold a Certificate of Authorization from the Florida Department of Business and Professional Regulation.

For items of work not specifically covered by the Rules of the Department of Transportation, a Specialty Engineer is qualified if he has the following qualifications:

- (1) Registration as a Professional Engineer in the State of Florida.
- (2) The education and experience necessary to perform the submitted design as required by the Florida Department of Business and Professional Regulation.

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

A. Developmental Specification: A specification developed around a new process, procedure, or material.

B. Special Provisions: Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

~~C. Supplemental Special Provisions: Additions and revisions to the Contract Documents issued prior to the bid opening.~~

CD. Supplemental Specifications: Additions and revisions to the Standard Specifications.

DE. Technical Special Provisions: Specifications, *of a technical nature*, prepared, signed, and sealed by an Engineer registered in the State of Florida other than the State Specifications Engineer or his designee, that are made part of the Contract as an attachment to the Contract Documents.

State.

State of Florida.

Subarticle.

A headed and numbered subdivision of an Article of a Section of these Specifications.

Subgrade.

The portion of the roadbed immediately below the base course or pavement, including below the curb and gutter, valley gutter, shoulder and driveway pavement. The subgrade limits ordinarily include those portions of the roadbed shown in the plans to be constructed to a design bearing value or to be otherwise specially treated. Where no limits are shown in the plans, the subgrade section extends to a depth of 12 inches [300 mm] below the bottom of the base or pavement and outward to 6 inches [150 mm] beyond the base, pavement, or curb and gutter.

Substructure.

All of that part of a bridge structure below the bridge seats, including the parapets, backwalls, and wingwalls of abutments.

Superintendent.

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

Superstructure.

The entire bridge structure above the substructure, including anchorage and anchor bolts, but excluding the parapets, backwalls, and wingwalls of abutments.

Supplemental Agreement.

A written agreement between the Contractor and the Department, and signed by the surety, modifying the Contract within the limitations set forth in these Specifications.

Supplemental Special Provisions.

See definition for Specifications.

Supplemental Specifications.

See definition for Specifications.

Surety.

The corporate body that is bound by the Contract Bond with and for the Contractor and responsible for the performance of the Contract and for payment of all legal debts pertaining thereto.

Technical Special Provisions.

See definition for Specifications.

Traveled Way.

The portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unilateral Payment.

A payment of money made to the Contractor by the Department pursuant to Section 337.11(11), Florida Statutes (1997), for sums the Department determines to be due to the Contractor for work performed on the project, and whereby the Contractor by acceptance of such payment does not waive any rights the Contractor may otherwise have against the Department for payment of any additional sums the Contractor claims are due for the work.

Work.

All labor, materials and incidentals required to execute and complete the requirements of the Contract including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied.

Working Day.

Any calendar day on which the Contractor works or is expected to work in accordance with the approved work progress schedule.