

Definition of Terms

**Non-capitalized references to a “state” refer to a state other than the State of Michigan.

Addenda - Documents used by the Owner to incorporate interpretations or clarifications, modifications, and other information into the Contract documents. Addenda issued after the Bid Opening to Bidders who actually submitted a bid, for the purpose of re-bidding the project without re-advertising it, is referred to as a post-bid Addenda.

Alternates – A product approved as an equal to a specified item as outlined in the Technical Specifications.

Apparent Low Bidder – The Bidder who’s Base Bid, when added to the specific Alternates the owner intends to accept, yields the lowest sum of Base Bid and Alternates.

Archaeological Feature - Any prehistoric or historic deposit of archaeological value as determined by a representative of a State agency that is duly authorized to evaluate such findings and render such judgments. An archaeological feature deposit may include aboriginal habitations, ceremonial sites, abandoned settlements, treasure troves, artifacts, or other objects with intrinsic archaeological value relating to the history and culture of the State of Michigan. If known archaeological features exist, they will be specified by the Technical Specifications. If you would like additional information, please visit the Michigan State Housing Development Authority Web site at www.michigan.gov/mshda and click on Archaeology.

Base Bid - A written offer for a specified project, which excludes any cost for extra Work. This term also includes a re-bid.

Bidder - The Person acting directly, or through an Owner, to submit a bid directly to the Owner.

Bid Price - The Bidder’s price for a lump sum item of Work, or the product of the Bidder’s unit price for an item of Unit Price Work multiplied by the quantity given on the Bid form for that item.

Bid Security - Security serving as a guarantee that the Bidder will conform to all conditions. Bid Security is generally not required for construction projects less than \$50,000, but can vary from project to project. See the Terms and Conditions specific to each Project.

Bidding Requirements - Requirements as advertised or as modified by Addenda, and any other Section included within specified part(s) of the Contract documents for the purpose of governing bidding and awarding the Contract. These comprise the essential Terms and Conditions of the project for fulfillment of the contract - additional Terms and Conditions may also apply to any included technical specifications.

Board - The State Administrative Board has general supervisory control over the administrative activities of all state departments and agencies, and functions through three standing committees that make recommendations to the Board. Members of the Board are the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, and the Director of the Department of Transportation. The Department of Technology, Management, and Budget designates a Secretary to the Board, and provides staff support.

Bond - Type of insurance furnished by the Contractor, as required by the Contract Documents (i.e. Bid Bond or Performance Bond). Construction bonds are generally not required for construction projects less than \$50,000, but can vary from project to project. See the Terms and Conditions specific to each Project.

Bulletins – A request used by the Owner to describe a change in the Work under consideration by the Owner and to request the Contractor to submit a quotation for the change.

Contract Award - The official action of the Board or the Director-FA awarding the Contract to the Contractor.

Contract Change Order - A written order issued and signed by the Owner, amending the Contract Documents due to changes in the Work, an adjustment in Contract Price and/or Contract Time, or both.

Contract Documents - Written and graphic information that form the legal agreement between the Owner and the Contractor including the completed contract forms, Terms and Conditions of the Contract, Specifications, Drawings, Addenda, Notice of Award, Notice-to-Proceed, and Contract Change Orders; may be in hard copy, paper format, or electronic file format.

Contract Price - The total compensation, including authorized adjustments, payable by the Owner to the Contractor (subject to provisions for Unit Price Work).

Delay – Alters the schedule, progress, or completion of the Project.

Department – Michigan Department of Technology, Management, and Budget (DTMB).

Director - Director of DTMB.

Director-FA - Director of DTMB Facilities Administration.

Division - Each of the numbered parts (starting with Division 0) into which the Specifications are divided.

Drawings - The part of the Contract Documents showing the Work. Drawings must not be used as Shop Drawings.

Emergency - A condition affecting the safety or protection of persons, the Work, or the work site, or any adjacent property.

Facilities Administration (FA) – DTMB office responsible for the design, construction, operations, and maintenance of facilities.

Guarantee and Statement – A form provided by the Owner at the time the Contract is awarded that is to be completed and submitted by the Contractor at project completion. It is a waiver of lien from outstanding expenses against the Contractor, and a warranty document for the Project.

Hazardous Material - Any Asbestos Containing Materials (ACM), Polychlorinated Biphenyls (PCB), and/or petroleum products the manufacturer uses in the treatment, storage, transportation, or disposal of construction materials such as paint thinners, solvents, gasoline, oil, etc. that are

regulated by federal, State, or local laws governing the protection of public health, natural resources, and/or the environment.

Inspection(s) – Scheduled or unscheduled construction site visits to evaluate work progress.

Invitation To Bid (ITB) - The solicitation document(s) presenting the Terms and Conditions that will become part of the Contract when the bid is accepted.

Law(s) - Federal, State, and/or local statutes, ordinances, orders, rules and/or regulations.

MCL - Michigan Compiled Laws.

Measured Quantities – The actual amount incorporated into the Project.

Notice of Award - Written notice of bid acceptance designating the Contract Price (and establishing the Alternates accepted by the Owner) to the lowest Bidder.

Operation and Maintenance Manuals (O&M) – Written literature by a manufacturer defining technical information a given product.

Owner - The State of Michigan, with whom the Contractor has entered into the Contract and for whom the Work is to be performed.

Progress Schedules – Work plan that shows the Contractor’s approach to planning, scheduling, and execution of the Work and that accurately portrays completed Work as to sequencing and timing.

Project - The total Work performed as indicated in the Contract Documents, which may include Work completed by Subcontractors.

Project Manager - Designated State employee(s) responsible for directing and supervising the Contractor’s services during the period allowed for completion of the Work; and acting as representative for the Owner and for the enforcement of the Contract Documents, approving payment to the Contractor, and coordinating the activities of the Project.

Punch List - A list of minor items to be completed or corrected by the Contractor that do not materially impair the use of the Work for its intended purpose.

Record Documents - Drawings, Specifications, Addenda, Contract Change Orders, Contract Change Orders, Bulletins, Inspection, Test and Approval Reports, Photographs, Written Clarifications and Interpretations, and all other documents recorded or annotated to show all revisions and deviations between the as-built installation and the Contract Documents, including all approved Submittals and all clarifications and interpretations.

Records - Any evidence relating to the Work in its entirety.

Recycled Material - Paper products and structural materials made from recycled plastics, re-refined lubricating oils, reclaimed solvents, recycled asphalt and concrete, recycled glass products, re-treaded tires, ferrous metals containing recycled scrap metals and all other materials that contain (a) waste materials generated by a business or consumer, (b) materials that have

served their intended purpose, and/or (c) materials that have been separated from solid waste for collection, recycling, and disposition in the percentage determined by State law.

Shop Drawings - Includes drawings, diagrams, illustrations, standard schedules, performance charts, instructions, and other data prepared by and/or for the Contractor to illustrate some part of the Work, or by a Supplier and submitted by the Contractor to illustrate items of material or equipment.

Soil Erosion and Sedimentation Control - The planning, design, and installation of appropriate practices specifically designed and engineered to reduce or eliminate the off-site migration of soils via water runoff, wind, vehicle tracking, etc. Soil erosion and sedimentation control in the State of Michigan is regulated under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Specifications - Parts of the Contract Document that are organized into Divisions.

State - The State of Michigan in its governmental capacity, including its departments, divisions, agencies, boards, offices, commissions, officers, employees, and agents.

State Construction Code – 2006 Michigan Building Code

Subcontractor - A person or entity having an agreement with the Contractor to provide labor at the site and furnish materials and/or equipment for incorporation into the Work.

Submittals - Includes Technical Submittals, Progress Schedules, and any other documents required for submission as outlined by the Contract Document.

Substantial Completion - Work that has been completed in accordance with the Contract Documents as determined by the Owner to the extent that the Owner can use or occupy the entire Work, or the designated portion of the Work, for the use intended without any outstanding, concurrent Work at the site, except as may be required to complete or correct any Punch List items.

Supplier - A manufacturer, fabricator, distributor, material man, or vendor representing a manufacturer or fabricator who has an agreement with the Contractor to furnish materials and/or equipment.

Technical Specifications - Divisions of the Specifications consisting of technical descriptions of materials, equipment, construction systems, standards, and workmanship.

Technical Submittal - Includes Shop Drawings, brochures, samples, Operation and Maintenance Manuals (O&M), test procedures, and any other Submittal the Contract Documents require the Contractor to submit to demonstrate how the items covered, after installation or incorporation into the Work, will conform to the information given in the Contract Documents and be compatible with the design of the completed Work as a functioning whole as indicated in the Contract Documents.

Underground Utilities - Pipelines, piping, conduit, duct, cables, wells, tanks, tunnels, and related items or other similar facilities installed underground to convey or support conveyance of potable water, sprinkler or irrigation water, fire protection systems, electricity, gases, steam, petroleum

products, sewerage and drainage removal, telephone, communications, cable TV, and/or traffic or control systems.

Unit Price Work - Work involving specified Work related quantities, which when performed are measured by the Owner and paid using the Measured Quantities and Unit Prices contained in the Contract Documents. (Performance of Unit Price Work for undefined quantities is contingent upon conditions encountered at the site as determined and authorized by the Professional.)

Work - Construction completed in its entirety as required by the Contract Documents, resulting from furnishing and performing all services, obligations, responsibilities, management, supervision, labor, materials, equipment, construction equipment, general conditions, permits, taxes, patent fees and royalties, testing, inspection and approval responsibilities, warranties, temporary facilities, small tools, field supplies, Bonds, insurance, mobilization, close-out, overhead, and all connections, devices, and incidental items of any kind or nature required and/or made necessary by the Contract Documents.

Work Involved - Existing or prospective Work reflected in any notice, proposal, or claim; reflected in changes ordered or in process; affected by Delay.