

GENERAL PROVISIONS

SECTION 1 DEFINITIONS AND TERMS

1-1.01 General. Unless the context otherwise requires, wherever in the specifications and other contract documents the following abbreviations and terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted as provided in this Section 1.

Working titles having a masculine gender, such as "journeyman" are utilized in the specifications for the sake of brevity, and are intended to refer to persons of either sex.

All definitions and terms in the Caltrans Specifications, latest edition, are included in these specifications, except as modified herein.

1-1.02 Abbreviations.

CF	Cubic Foot
CY	Cubic Yard
EA	Each
GAL	Gallon
LB	Pound
LF	Linear Foot
LS	Lump Sum
SQ FT	Square Foot
SQ YD	Square Yard
STA	Station

1-1.03 Acceptance. The formal written acceptance by the City Council of an entire contract which has been completed in all respects in accordance with the plans and specifications and any modifications thereof previously approved.

1-1.032 Addenda. Written modifications of the contract documents provided to holders of the contract documents prior to opening of proposals issued by the Engineer.

1-1.034 Admitted Surety, Insurer or Carrier. A surety or insurance carrier admitted to transact insurance in the State of California, as evidenced by the surety's or insurer's possession of a valid Certificate of Authority issued by the California Department of Insurance, as defined by the California Insurance Code.

1-1.036 Award. The Acceptance by the approval authority of a proposal.

1-1.075 Bidder's Bond. Form of Proposal Guaranty accompanying the Proposal submitted by the bidder.

1-1.081 Calendar Day. A calendar day shall be any day including all legal holidays, Saturdays and Sundays.

1-1.082 Caltrans. The Department of Transportation of the State of California organized to administer the affairs relating to State highways.

1-1.083 Caltrans Specifications. The standard specifications of the State of California, Department of Transportation. Caltrans Specifications are also referred herein as Standard Specifications.

1-1.0840 City Clerk. The City Clerk of the City of Los Altos.

1-1.0842 City Council. The City Council of the City of Los Altos.

1-1.0844 City of Los Altos. A general law city of the State of California, as created by law; also referred to as the "City" or "Owner".

1-1.09 Contract. The written agreement covering the performance of the work and the furnishing of labor, materials, tools, and equipment in the construction of the work. The contract shall include the Notice to Contractors, Proposal, plans, General Provisions, applicable portions of Caltrans Specifications, Special Provisions, Technical Provisions, written addenda, contract, contract bonds, and the required insurance; also any and all supplemental agreements amending or extending the work contemplated and which may be required to complete the work in a substantial and acceptable manner; also referred to as "Contract Documents." Supplemental agreements are written agreements covering alterations, amendments or extensions to the contract and include but are not limited to contract change orders.

1-1.092 Contract Change Order. A written order to the Contractor, covering changes to the contract found by the City to be necessary for the proper completion or construction for the whole work contemplated by the contract, and establishing the basis of payment and/or time adjustments for the work affected by the changes, also sometimes referred to as a "Change Order" or "Directed Change Order".

1-1.096 Contract Time. The number of working or calendar days allowed for the completion of the contract. If a calendar date of completion is shown in the Proposal in lieu of a number of working or calendar days, the contract shall be completed by that date.

1-1.10 Contractor. The person or persons, firm, partnership, corporation, or combination thereof, private or municipal, who have entered into a contract with the City or the City's legal representatives.

1-1.102 County Agencies. Whenever, in these specifications, reference is made to any County agency or officer, such reference shall be deemed made to any agency or officer succeeding in accordance with law to the powers, duties, jurisdiction and authority of the agency or officer mentioned.

1-1.113 Date of Acceptance. The date the City formally accepts the completion of the work.

1-1.12 Days. Unless expressly otherwise designated, days as used in the specifications will be understood to mean calendar days.

1-1.18 Engineer. The City Engineer of the City of Los Altos acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

1-1.19 Engineer's Estimate. The list of estimated quantities of work to be performed as contained in the "Proposal".

1-1.20 Federal, State or Local Agencies. Whenever, in the specifications, reference is made to any Federal, State or Local agency or officer, including but not limited to the City of Los Altos, such reference shall be deemed made to any agency or officer succeeding in accordance with law to the powers, duties, jurisdiction, and authority of the agency or officer mentioned.

1-1.225 Full Compensation. Total and complete payment including overhead and profit for furnishing all supervision, labor, materials, tools, equipment, and doing all work involved in providing the item complete and in place in accordance with the requirements of the contract.

1-1.23 General Provisions. The directions, provisions and requirements contained herein as supplemented by any special provisions and pertaining to the method and manner of performing the work or to the quantities and qualities of materials to be furnished under the contract.

1-1.245 Inspector. An authorized representative of the Engineer, acting exclusively for the benefit of the City, limited to the particular duties entrusted to them.

1-1.25 Laboratory. An established laboratory authorized by the City to test materials and work involved in the contract.

1-1.255 Legal Holidays. Those days designated as state holidays in the California Government Code.

1-1.257 Limit of Work. The area described or outlined on the project plans. This area shall constitute the extent of the Contractor's operation related to the project.

1-1.26 Liquidated Damages. The amount prescribed in the specifications to be paid to the City or to be deducted from any payments due or to become due the Contractor for each day's delay in completing the whole or any specified portion of the work beyond the time allowed in the specifications.

1-1.265 Manual of Traffic Controls. The Department of Transportation (Caltrans) publication entitled "MANUAL OF TRAFFIC CONTROLS for Construction and Maintenance Work Zones".

1-1.267 Material Storage Area. An area, if any, described or outlined on the project plans or designated in the Specifications to be used by the Contractor for material and equipment storage related to the project.

1-1.274 Notice to Contractors. The advertisement for proposals for all work on which bids are required. Such advertisement will indicate, among other things, the location of the work to be done, bonding requirements, licensing requirements, and the time and place of opening of bids.

1-1.276 Notice to Proceed. The notice issued by the Engineer authorizing the Contractor to proceed with the work, among other particulars.

1-1.277 Notice of Termination. The written notice issued by the Engineer specifying that the contract is terminated.

1-1.279 Pay Item. A specific unit of work for which a price is provided in the contract.

1-1.29 Plans. The official project plans and Standard Details, applicable Caltrans Standard Plans, profiles, typical cross sections, working drawings and supplemental drawings, or reproductions thereof, approved by the Engineer, which show the location, character, dimensions and details of the work to be performed. All such documents are to be considered as a part of the plans whether or not reproduced in the Special Provisions or Technical Provisions.

In the above definition, the following terms are defined as follows:

(A)Standard Details. The Standard Details of the City, also referred to herein as Standard Drawings or Standard Plans.

(B)Project Plans. The Project Plans are specific details and dimensions peculiar to the work and are supplemented by the Standard Drawings insofar as the same may apply.

1-1.31 Proposal. The offer of the bidder for the work when made out and submitted on the prescribed proposal forms, properly signed and guaranteed, also referred to herein as a bid.

1-1.32 Proposal Forms. The approved bid documents upon which the City requires formal bids be prepared and submitted for the work.

1-1.33 Proposal Guaranty. The cash, cashier's check, certified check, or bidder's bond accompanying the proposal submitted by the bidder, as a guaranty that the bidder will enter into a contract with the City for the performance of the work, if it is awarded to the bidder, and will provide the contract bonds and insurance required of the bidder.

1-1.35 Roadway. The whole right of way or area which is reserved for and secured for use in constructing the roadway and its appurtenances, also referred to herein as "street" or "road".

1-1.334 Right of Way. The whole right of way or area which is reserved for and secured for use in the constructing the improvement and its appurtenances.

1-1.37 Special Provisions. The specific clauses setting forth conditions or requirements peculiar to the work and supplementary to the General Provisions.

1-1.38 Specifications. The directions, provisions and requirements contained in the Contract. Whenever the term "these specifications" or "these Standard Specifications" is used herein, it means the provisions set forth herein.

1-1.420 Subcontractor. Any person, firm, or corporation other than an employee of the Contractor, supplying for and under agreement either with the Contractor or any other subcontractor of the Contractor, labor, materials, or both, in connection with the project.

1-1.425 Substantial Completion. When the work, or a designated portion thereof, is sufficiently complete in accordance with the contract documents so that the City can occupy or utilize the work, or designated portion thereof, for the use for which it was intended.

1-1.455 Technical Provisions. The specific clauses, in addition to the Special Provisions, setting forth conditions or requirements peculiar to the work as delineated in the Specifications. All references to requirements of the Special Provisions shall be considered to include the requirements set forth in the Technical Provisions. Whenever the term "Technical Specifications" is used herein, it means the provisions set forth herein.

1-1.49 Working Day. A working day is defined as any day, except as follows: (a) Saturdays, Sundays and legal holidays; (b) days on which the Contractor is prevented by inclement weather or conditions resulting immediately there from adverse to the current controlling operation or operations, as determined by the Engineer, from proceeding with at least 75 percent of the normal labor and equipment force engaged on such operation or operations for at least 60 percent of the total daily time being currently spent on the controlling operation or operations; or (c) days on which the Contractor is specifically required by the Special Provisions or Technical Provisions to suspend construction operations.

1-1.50 Where "as shown", "as indicated", "as detailed", or words of similar import are used, it shall be understood that reference to the drawings accompanying these specifications is made unless stated otherwise. Where "as directed", "as permitted", "approved" or words of similar import are used, it shall be understood that the direction, requirement, permission, approval, or acceptance of the Engineer is intended unless stated otherwise. As used herein, "provide" or "install" shall be understood to mean "provide complete in place", that is, "furnish and install". "Shall" is mandatory; "may" is permissive.

END OF SECTION