

## Section 101 General Information, Definitions, and Terms

### 101.1 General

- (1) The department defines the contractor and department responsibilities within the contract documents in one of the following ways:
  1. Taken in context, the contract language makes the responsible party clear.
  2. Direct commands written to the contractor in the active voice-imperative mood.
  3. Using "shall" to indicate contractor responsibility and "will" to indicate department responsibility. For example, "Aggregates shall be stored in stockpiles" or "Sampling and testing will be according to the following AASHTO methods."
- (2) If the contractor thinks the responsibility for an action under the contract is unclear or given to the wrong party, the contractor shall seek clarification from the department.
- (3) These standard specifications for highway and structure construction are written to the bidder before award of the contract and to the contractor after award of the contract. The sentences directing the contractor to perform work are written in the active voice-imperative mood. These contractor directions are written as commands. For example, a requirement to provide cold-weather protection would be expressed as, "Provide cold-weather protection for concrete," rather than "The contractor shall provide cold-weather protection for concrete. In the imperative mood, the subject "the bidder" or "the contractor" is understood.
- (4) Requirements to be performed by others are written in the active voice. Sentences written in the active voice identify the party responsible for performing the action. For example, "The engineer will determine the density of the compacted material." Certain requirements of the contractor may also be written in the active voice, rather than the active voice-imperative mood, if the sentence includes requirements for others in addition to the contractor. For example, a sentence that involves action by both the contractor and the engineer would be expressed, "After the contractor provides initial written notice, the engineer will revise the contract as specified in 104.2."
- (5) Sentences that define terms, describe a product or desired result, or describe a condition that may exist are written in neither the active voice nor the imperative mood. These types of sentences that describe a condition use verbs requiring no action. For example, "The characteristics of the soils actually encountered in the subgrade may affect the quality of cement and depth of treatment necessary."
- (6) The document contains the following components identified by number and organized in a hierarchy as follows:
  1. Parts, for example "Earthwork" referred to as: part 2.
  2. Sections, for example "Bidding Requirements and Conditions" referred to as: 102.
  3. Subsections, potentially containing subordinate subsections, for example "Issuing Bidding Proposals" referred to as: 102.3 or "General" referred to as: 102.3.1.
  4. Paragraphs, for example paragraph one of 102.3.2 referred to as: 102.3.2(1).
  5. Numbered items, for example item 1 of 102.3.2(1) referred to as: item one of 102.3.2(1).
- (7) In addition to identifying numbers; parts, sections, and subsections have descriptive titles. These titles provide reference only, not interpretation. If a subsection contains a subordinate subsection entitled "General," the provisions of that general subsection apply to all subsections in the parent subsection.
- (8) Bid item names are capitalized, as are proper names and acronyms. Capitalization of other words not beginning a sentence is avoided.

### 101.2 References and Acronyms

- (1) References made within these specifications use the conventions specified in paragraph 6 of subsection 101.1. For example, 101.1(6) is used to make the reference in the previous sentence. References to parts or sections include the words "part" or "section," references to subsections or paragraphs use only the identifying numbers, and references to numbered items use the words "item number \_\_\_ of " and the identifying paragraph number. Occasionally a subsection will contain a reference to itself to avoid possible confusion due to the nesting of subsections. Imprecise references like: "in this subsection," "above," "below," "elsewhere in the contract," etc., are eliminated.
- (2) Unless specified by year or date, cited publications refer to the most recent issue, including interim publications, in effect on the bid closing date.
- (3) The department identifies acronyms used throughout the contract here in 101.2. The department may also identify acronyms, used in a more limited scope, within individual parts of the contract. Interpret acronyms used throughout the contract as follows:

**AASHTO** American Association of State Highway and Transportation Officials

<b>ACI</b>	American Concrete Institute
<b>AISI</b>	American Iron and Steel Institute
<b>ANSI</b>	American National Standards Institute, Inc.
<b>ASTM</b>	American Society for Testing and Materials
<b>ATMS</b>	Advanced Traffic Management Systems
<b>ATSSA</b>	American Traffic Safety Services Association
<b>AWPA</b>	American Wood Protection Association
<b>AWG</b>	American Wire Gauge
<b>AWS</b>	American Welding Society
<b>AWWA</b>	American Water Works Association
<b>CMM</b>	The department's Construction and Materials Manual
<b>CRSI</b>	Concrete Reinforcing Steel Institute
<b>EBS</b>	Excavation below subgrade
<b>ECIP</b>	Erosion Control Implementation Plan
<b>EIA/TIA</b>	Electronic Industry Association/Telecommunications Industry Association
<b>EPA</b>	United States Environmental Protection Agency
<b>FHWA</b>	Federal Highway Administration
<b>FOA</b>	Fiber Optic Association
<b>FTMS</b>	Freeway Traffic Management System
<b>HTCP</b>	The department's Highway Technician Certification Program
	<b>ACT</b> An HTCP assistant certified technician
<b>IES</b>	Illuminating Engineering Society
<b>IPCEA-NEMA</b>	Insulated Power Cable Engineer's Association - National Electrical Manufacturer's Association
<b>IPS</b>	Iron Pipe Size
<b>ITE</b>	Institute of Transportation Engineers
<b>ITS</b>	Intelligent Transportation Systems
<b>MASH</b>	Manual for Assessing Safety Hardware
<b>MIL</b>	Military Specification
<b>MUTCD</b>	The Wisconsin Manual on Uniform Traffic Control Devices for Streets and Highways
<b>NACE</b>	National Association of Corrosion Engineers
<b>NIST</b>	National Institute of Standards and Technology
<b>NCHRP</b>	National Cooperative Highway Research Program
<b>NEC</b>	National Electrical Code
<b>NEMA</b>	National Electrical Manufacturers Association
<b>NRTL</b>	National Recognized Testing Laboratory
<b>NTPEP</b>	AASHTO's National Transportation Product Evaluation Program
<b>OSHA</b>	Occupational Safety and Health Administration
<b>QMP</b>	The department's quality management program
	<b>CA</b> Contractor assurance
	<b>QC</b> Quality control
	<b>QV</b> Quality verification
	<b>IA</b> Independent assurance
<b>SAE</b>	Society of Automotive Engineers
<b>SI</b>	International System of Units
<b>SSPC</b>	Steel Structures Painting Council
<b>UL</b>	Underwriters Laboratory
<b>USACE</b>	United States Army Corps of Engineers
<b>WDNR</b>	Wisconsin Department of Natural Resources
<b>WEC</b>	Wisconsin Electrical Code

**WSEC** Wisconsin State Electrical Code, consisting of chapter SPS 316 of the Wisconsin administrative code combined with the NEC.

### 101.3 Definitions

- (1) The department defines terms used throughout the contract here in 101.3. The department may define, or redefine, terms within individual parts of the contract if using those terms in a more limited scope. Interpret these terms, used throughout the contract, as follows:

<b>Addenda</b>	Revisions to the plans or the proposal form developed before opening of proposals.
<b>Adjustment</b>	A modification in the contract price or contract time as specified in <a href="#">108.10</a> or <a href="#">109.4</a> .
<b>Adverse weather day</b>	For calendar day or completion date contracts, a day the contractor is scheduled to work when weather, or job conditions caused by recent weather, cause the contractor to lose 4 or more hours of work on the controlling item.
<b>Advertisement</b>	See also notice to contractors
<b>Affiliated</b>	Having a relationship where one business concern or individual directly or indirectly controls or can control the others.
<b>Auxiliary lane</b>	The portion of the roadway adjoining the traveled way for parking, change of speed, or for other purposes supplementary to through traffic movement.
<b>Award</b>	The department's acceptance of a bid.
<b>Base</b>	The layer or layers of specified or selected material of designed thickness placed on a subbase or subgrade to support a surface course.
<b>Bid</b>	See proposal
<b>Bidder</b>	An individual, partnership, joint venture, corporation, limited liability company, limited liability partnership, or a combination of any or all jointly, submitting a proposal (bid) for the work advertised in the invitation for bids, acting directly or through a duly authorized representative.
<b>Bidding proposal</b>	The department-approved form the department requires bids to be prepared and submitted for the work on. The bidding proposal is further described in <a href="#">102.2</a> .
<b>Bridge</b>	A structure having a span of more than 20 feet from face to face of abutments or end bents, measured along the centerline of the roadway, spanning a water course or other opening or obstruction, such as a highway or railroad, including the substructure, superstructure, and trestle work approaches.
<b>Bureau</b>	The department's bureau of project development. Language specifically identifies other department bureaus.
<b>Business day</b>	Every day the calendar shows, except Saturdays, Sundays, and department-specified holidays.
<b>Calendar day</b>	Every day the calendar shows, including Saturdays, Sundays, and department-specified holidays.
<b>Certificate of compliance</b>	A document, provided by a manufacturer, producer, or supplier of a product, stating that the product as furnished to the contractor complies with the pertinent specifications and contract requirements.
<b>Certified report of test or analysis</b>	A certified test report, provided by a manufacturer, producer, or supplier of a product, indicating that actual results of tests or analyses comply with the elements of the specification requirements.
<b>Completion date</b>	The calendar date shown in the proposal on or before which the work contemplated under the contract shall be completed.
<b>Construction limits</b>	The limits of grading or other work generally defined by slope stakes offset from the actual slope intercepts or limits of the work.
<b>Consulting firm</b>	The individual, partnership, joint ventures, corporation, or agency contracted by the department to act directly or as a duly authorized construction representative providing services for the department.
<b>Contract</b>	The written agreement between the department and the contractor setting forth the obligations of the parties to the contract, including, but not limited to, performance of the work, furnishing of labor and materials, and basis of payment.

The contract includes the notice to contractors, proposal, contract form, contract bond, standard specifications, special provisions, addenda, general plans, detailed plans, notice to proceed, and contract change orders and agreements required to complete the construction of the work in an acceptable manner, including authorized extensions, all of which constitute one instrument.

- Contract bond** The department-approved form of security, executed by the contractor and the contractor's surety or sureties, guaranteeing the performance of the contract work, completion of the contract requirements, and the payment of claims as provided in 779.14 of the Wisconsin statutes.  
<http://docs.legis.wi.gov/statutes/statutes/779>
- Contract change order** A written order or authorization the engineer executes covering work not otherwise provided for in the contract, revisions in or amendments to the contract, or conditions specifically prescribed in the specifications as requiring contract change orders. The change order document becomes a part of the contract when executed by the department.
- Contract modification** Any change to the contract made after it is executed, including but not limited to, the following:
- A contract change order.
  - An administrative change adding a non-bid item.
  - A general administrative change.
- Contract revision** See: contract modification
- Contract time** The number of calendar or working days shown in the proposal representing the time allowed for the completion of the work contemplated in the contract.
- Contractor** The individual, partnership, joint venture, corporation, limited liability company, limited liability partnership, or agency undertaking the performance of the work under the terms of the contract and acting directly or through a duly authorized representative.
- Controlling item of work** An activity on the project schedule, that if delayed, delays completion of the project.
- Culvert** A structure not classified as a bridge that provides an opening under a roadway.
- Department** The Wisconsin Department of Transportation.
- Detour** An existing, permanent road designated as a temporary route to carry vehicular traffic around a section of a highway closed to through traffic.
- Divided highway** A highway with separate roadways for traffic in opposite directions.
- Division administrator** The administrator of the department of transportation, division of transportation system development.
- Engineer** The secretary of the department of transportation or the secretary's authorized representative limited by the particular duties assigned to the representative.
- Equipment** Machinery and articles necessary for the proper construction and acceptable completion of the work. This includes the supplies, tools, and apparatus for upkeep and maintenance of the equipment.
- Erosion control implementation plan** The erosion control implementation plan, or ECIP, as required under Trans 401 of the Wisconsin administrative code.
- Extra work** All work performed by the contractor, with approval of the engineer, that does not appear in the proposal or contract as a specific bid item accompanied by a unit price, and that is not included under the price bid for other bid items in the contract. Extra work may also consist of additions to, or changes in, design of contract bid items or portions of contract bid items, if additions are wholly disassociated from or outside the scope of work in the contract, and if the work caused by these additions or changes must be performed under conditions or in a manner materially different from the conditions and manner existent for contract bid items under the original scope of work.
- Force account** A method of payment based on the cost of labor, equipment, materials furnished, and consideration for overhead and profit as specified in [109.4.5](#).

<b>Frontage road or street</b>	A local road or street auxiliary to and located along the side of an arterial highway for service to abutting property and adjoining areas and for control of access.										
<b>Government entity</b>	Any unit of federal, state, county, municipal, or town government, including all entities described in the definition of "municipality" in 16.70(8) of the Wisconsin statutes. Where a project is constructed across state boundaries, it includes those same entities from the adjoining state or states. <a href="http://docs.legis.wi.gov/statutes/statutes/16">http://docs.legis.wi.gov/statutes/statutes/16</a>										
<b>Hazardous substance</b>	A substance or combination of substances, including waste of a solid, semisolid, liquid, or gaseous form, that may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness, or that may pose a substantial present or potential hazard to human health or the environment.										
<b>Highway separation</b>	A structure carrying highway traffic over or under another highway or street.										
<b>Highway, street, or road</b>	A public way for the purpose of vehicular travel, including the entire area within the right-of-way.										
<b>Holidays</b>	The following days are department-specified holidays for use in determination of working days: <table border="0" style="margin-left: 40px;"> <tr> <td>New Year's day</td> <td>Thanksgiving day</td> </tr> <tr> <td>Martin Luther King Jr. day</td> <td>Christmas Eve day</td> </tr> <tr> <td>Memorial day</td> <td>Christmas day</td> </tr> <tr> <td>Independence day</td> <td>New Year's Eve day</td> </tr> <tr> <td>Labor day</td> <td></td> </tr> </table>	New Year's day	Thanksgiving day	Martin Luther King Jr. day	Christmas Eve day	Memorial day	Christmas day	Independence day	New Year's Eve day	Labor day	
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<b>Inspector</b>	The authorized representative of the engineer assigned to inspect the work or materials.										
<b>Interchange</b>	A highway separation with access connections between the highways.										
<b>Laboratory</b>	The materials testing laboratory of the department or other testing laboratory the engineer designates.										
<b>Local road or street</b>	A street or road used primarily for access to residences, businesses, or other abutting property.										
<b>Local traffic</b>	Passage of vehicles, people, and goods originating within, or having a destination on, the portion of the highway closed to through traffic as specified in the contract.										

***Revise 101.3(1) to add a dollar threshold to the department's definition of major items***

<b>Major and minor bid items</b>	A major bid item is a bid item whose total cost, determined by multiplying the bidding schedule quantity and the contract unit price, is equal to or greater than either 5 percent of the total amount of the original contract or \$400,000. Other bid items are minor bid items. A minor bid item, when its quantity is increased, becomes a major bid item if it meets either of the criteria for a major item.
<b>Materially unbalanced bid</b>	A bid that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the department.
<b>Mathematically unbalanced bid</b>	A bid containing lump sum or unit price bid items that do not reflect reasonable anticipated actual costs of labor, equipment, materials, plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.
<b>Materials</b>	Substances specified for use in the construction of the work. See also: new material, reclaimed asphalt, recovered material, recycled material, and special waste.
<b>Median</b>	The portion of a divided highway separating the traveled ways for traffic in opposite directions.
<b>New material</b>	Material not used for another purpose before incorporation into the work.
<b>Notice to contractors</b>	The advertisement for proposals for work or materials on which bids are required. The advertisement will indicate with reasonable accuracy the quantity and location of the work to be done, or the character and

	quantity of the material to be furnished, and the time and place of submitting and opening the proposals.
<b>Notice to proceed</b>	A written notice from the engineer to the contractor of the time period within which the prosecution of the work shall begin.
<b>Pavement structure</b>	The combination of subbase, base, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.
<b>Plans</b>	The department-approved plans, profiles, typical cross-sections, working drawings, and supplemental drawings that show the location, character, dimensions, and details of the work to be done.
<b>Plant names and labels</b>	The plant names and labels used in the nomenclature references listed in the current edition of the American Standard for Nursery Stock.
<b>Project</b>	The designated physical area together with improvements to be constructed under the contract.
<b>Project engineer</b>	The authorized representative of the engineer having direct supervision of the administration of the contract.
<b>Proposal</b>	The written offer of the bidder, submitted on the prescribed proposal form, to perform the work at the prices quoted by the bidder; also commonly known as the "bid."
<b>Proposal guaranty</b>	The security furnished with a bid to guarantee that the bidder will enter into the contract if the bid is accepted.
<b>Quality management program</b>	The department's specifications defining both department and contractor responsibilities for assuring quality construction. The specifications provide for the following: <ul style="list-style-type: none"> <li><b>Quality control</b> Required contractor sampling and testing the department uses to determine specification conformance.</li> <li><b>Quality verification</b> Department sampling and testing the department uses to validate the quality of the final product.</li> <li><b>Independent assurance</b> Activities the department uses to evaluate the QC and QV sampling and testing procedures.</li> <li><b>Dispute resolution</b> Procedures the department uses to resolve disputes over conflicting test results for nonconforming work.</li> </ul>
<b>Reclaimed asphalt</b>	A recovered material from existing asphaltic pavement or surface.
<b>Recovered material</b>	A product recovered from solid waste in a form identical to the original form, for a use that is the same or similar to the original use.
<b>Recycled material</b>	A product manufactured from previously-used products.
<b>Region</b>	The department's transportation region office.
<b>Review panel</b>	The department's claims review panel.
<b>Responsible bidder</b>	A bidder determined by the department to possess the ability to perform the contract work and complete the contract requirements.
<b>Right-of-way</b>	Land, property, or interest in land or property acquired for or devoted to transportation purposes. <ul style="list-style-type: none"> <li><b>Roadbed</b> The graded portion of a highway, within top slopes and side slopes, prepared as a foundation for the pavement structure and shoulders.</li> <li><b>Roadside</b> The area adjoining the outer edge of the roadway. Areas between the roadways of a divided highway may also be considered roadside.</li> <li><b>Roadway</b> The portion of a highway within the limits of construction. A divided highway has 2 or more roadways.</li> </ul>
<b>Roadway foundation</b>	The area underlying the proposed roadway within the limits of assumed one-to-one slopes extending outward and downward from the subgrade shoulder points.
<b>Schedule of items</b>	The prepared schedule, included as a part of the proposal form, containing the estimated quantities of the pay items for which unit bid prices are invited.
<b>Secretary</b>	The secretary of the Wisconsin Department of Transportation.
<b>Semi-final estimate</b>	An estimate indicating the engineer has measured and reported all contract quantities and materials requirements.
<b>SI metric</b>	The International System of Units for metric measure.

<b>Shoulders</b>	The portions of the roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.
<b>Shop drawings</b>	Stress sheets, working drawings, erection plans, falsework plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, or other supplementary plans, computations, or similar data that the contractor is required to submit to the engineer.
<b>Sidewalk</b>	The portion of the roadway constructed primarily for the use of pedestrians.
<b>Special provisions</b>	Written directions and requirements applicable to a specific project and not otherwise thoroughly or satisfactorily detailed or prescribed in the standard specifications or supplemental specifications.
<b>Special waste</b>	Solid waste characterized for beneficial use in public works projects by the WDNR under section 895.58 of the Wisconsin statutes. <a href="http://docs.legis.wi.gov/statutes/statutes/895">http://docs.legis.wi.gov/statutes/statutes/895</a>
<b>Specifications</b>	Written directions, provisions, and requirements contained in the standard specifications or special provisions, together with written agreements and documents referenced in the contract, pertaining to the method or manner of performing the work, the quantities of work, and the quality of materials to be furnished under the contract; as made part of the contract and contained in or referenced in the proposal. See also: special provisions and standard specifications.
<b>Stabilization</b>	Modification of soils or aggregates by incorporating materials that will increase load bearing capacity, firmness, and resistance to weathering or displacement.
<b>Standard specifications</b>	Written directions and requirements approved for general application and repetitive use as contained herein for highway and structures construction and for administration of the contract.
<b>State</b>	The state of Wisconsin.
<b>Subbase</b>	The layer or layers of specified or selected material of designed thickness placed on a subgrade to support base.
<b>Subcontractor</b>	The individual, partnership, corporation, limited liability company, or joint venture to which the contractor, with the department's written consent, sublets part of the contract.
<b>Subgrade</b>	The top surface of a roadbed upon which the pavement structure and shoulders are constructed.
<b>Substructure</b>	All of the bridge below the bridge seats or below the tops of the caps of piling or framed trestles, including the wing walls, backwalls, and parapets of abutments.
<b>Superintendent</b>	The contractor's authorized representative in responsible charge of the work.
<b>Superstructure</b>	All of the bridge above the bridge seats or above the tops of caps of piling or framed trestles, including flooring, but excluding wing walls, backwalls, and parapets of abutments.
<b>Surety</b>	The company executing a contract bond with the contractor.
<b>Surface course</b>	One or more layers of a pavement structure, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate.
<b>Traffic lane</b>	The portion of a traveled way for the movement of a single line of vehicles.
<b>Traveled way</b>	The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
<b>Unacceptable work</b>	Work that does not conform to the contract and results in a product that is insufficient to fulfill the needs of the project.
<b>Unbalanced bid</b>	See: materially unbalanced bid and mathematically unbalanced bid
<b>US standard</b>	The US standard measure system of units for english measure.
<b>Work</b>	The furnishing of all labor, materials, equipment, and incidentals and the performing of all tasks needed to complete the project or a specific part of the project as specified in the contract, together with fulfillment of all associated obligations and duties required under the contract.

**Working day** A calendar day, except Saturdays, Sundays, department-specified holidays, and the period from November 16 to March 31, both dates inclusive, on which weather or other conditions not under the control of the contractor will allow construction operations to proceed for at least 8 hours of the day with the normal working force engaged in performing the controlling item of work which would be in progress at this time.