



**Washington State
Department of Transportation**

I-405/Brickyard to SR 527 Improvement Request for Proposal

October 25, 2022

Chapter 1: General Provisions

TABLE OF CONTENTS

1			
2	1-01	Definitions and Terms.....	4
3	1-01.1	General.....	4
4	1-01.2	Abbreviations.....	4
5	1-01.3	Definitions.....	9
6	1-02	Certifications and Representations	31
7	1-02.1	Responsibility for Design	31
8	1-02.2	Disclaimer Regarding Documentation.....	31
9	1-02.3	Design Professional Licensing Requirement	32
10	1-02.4	Examination of Site of Work	32
11	1-02.5	Further Assurances.....	36
12	1-03	Interpretation of Contract Documents	37
13	1-03.1	Contract Documents.....	37
14	1-03.2	Order of Precedence.....	37
15	1-03.3	Integration of Standard Specifications and Cited References into Contract.....	38
16	1-03.4	Contract Bond	38
17	1-03.5	Ambiguities.....	39
18	1-03.6	Interpretations	40
19	1-03.7	Approvals and Acceptances	40
20	1-03.8	Computation of Periods	41
21	1-03.9	Waiver.....	42
22	1-03.10	Limitation on Third Party Beneficiaries	42
23	1-03.11	Severability	42
24	1-03.12	Headings	42
25	1-03.13	Amendments	42
26	1-03.14	Governing Law	43
27	1-03.15	Escrow Proposal Documents	43
28	1-04	Scope of the Work	46
29	1-04.1	Intent of Contract	46
30	1-04.2	Vacant	48
31	1-04.3	Practical Design Workshop.....	49
32	1-04.4	Changes.....	50
33	1-04.5	Procedure, Protest, and Dispute by the Design-Builder	57
34	1-04.6	Paths and Trails.....	68
35	1-04.7	Differing Site Conditions.....	68
36	1-04.8	Progress Estimates and Payments.....	70
37	1-04.9	Vacant	71
38	1-04.10	Use of Materials Found on the Project	71
39	1-04.11	Final Cleanup.....	71
40	1-05	Control of Work.....	71
41	1-05.1	Authority of the WSDOT Engineer	71
42	1-05.2	Authority of Assistants and Inspectors	73

1	1-05.3	Plans and Working Drawings	73
2	1-05.4	Performance	74
3	1-05.5	Vacant	75
4	1-05.6	Inspection of Work and Materials.....	75
5	1-05.7	Removal of Defective Work	76
6	1-05.8	Vacant	76
7	1-05.9	Vacant	76
8	1-05.10	Guarantees.....	76
9	1-05.11	Final Inspection.....	77
10	1-05.12	Final Acceptance.....	77
11	1-05.13	Superintendents, Labor, and Equipment of the Design-Builder	78
12	1-05.14	Cooperation with Other Contractors	79
13	1-05.15	Method of Serving Notices	80
14	1-05.16	Warranties	80
15	1-06	Control of Material	90
16	1-07	Legal Relations and Responsibilities to the Public.....	91
17	1-07.1	Laws to be Observed.....	91
18	1-07.2	State Taxes	92
19	1-07.3	Fire Prevention and Merchantable Timber Requirements	94
20	1-07.4	Sanitation	94
21	1-07.5	Vacant	95
22	1-07.6	Permits and Licenses.....	95
23	1-07.7	Load Limits.....	95
24	1-07.8	High Visibility Apparel.....	98
25	1-07.9	Wages.....	99
26	1-07.10	Worker's Benefits	104
27	1-07.11	Requirements for Nondiscrimination.....	105
28	1-07.12	Vacant	123
29	1-07.13	The Design-Builder's Responsibility for Work.....	123
30	1-07.14	Responsibility for Damage	125
31	1-07.15	Vacant	130
32	1-07.16	Protection and Restoration of Property.....	130
33	1-07.17	Utilities Relocations.....	133
34	1-07.18	Public Liability and Property Damage Insurance	149
35	1-07.19	Gratuities.....	160
36	1-07.20	Patented Devices, Materials, and Processes	160
37	1-07.21	Rock Drilling Safety requirements	161
38	1-07.22	Use of Explosives	161
39	1-07.23	Public Convenience and Safety	161
40	1-07.24	Rights of Way	161
41	1-07.25	Opening of Sections to Traffic.....	162
42	1-07.26	Personal Liability of Public Officers	162
43	1-07.27	No Waiver of State's Legal Rights	162

1	1-08	Prosecution and Progress	164
2	1-08.1	Subcontracting	164
3	1-08.2	Assignment	168
4	1-08.3	Contract Schedule	168
5	1-08.4	Prosecution of Work	179
6	1-08.5	Time for Completion.....	179
7	1-08.6	Suspension of Work.....	183
8	1-08.7	Maintenance During Suspension	184
9	1-08.8	Extensions of Time	184
10	1-08.9	Liquidated Damages	187
11	1-08.10	Termination of Contract.....	193
12	1-08.11	Incentives and Disincentives.....	196
13	1-08.12	Other Incentives and Disincentives	203
14	1-09	Measurement and Payment	205
15	1-09.1	Measurement of Quantities	205
16	1-09.2	Weighing Equipment	206
17	1-09.3	Scope of Payment	211
18	1-09.4	Equitable Adjustment.....	212
19	1-09.5	Deleted or Terminated Work	212
20	1-09.6	Force Account.....	213
21	1-09.7	Mobilization.....	218
22	1-09.8	Payment for Material on Hand.....	218
23	1-09.9	Payments.....	219
24	1-09.10	Partnering.....	226
25	1-09.11	Claims	227
26	1-09.12	Audits	230
27	1-09.13	Claims Resolution.....	232
28			

1-01 Definitions and Terms

1-01.1 General

The following abbreviations and terms shall have the meanings set forth herein as they are used in the Contract Documents and Design Documents.

1-01.2 Abbreviations

1-01.2(1) Associations and Miscellaneous

AAA	American Arbitration Association
AAN	American Association of Nurserymen
AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
ADA	Americans with Disabilities Act of 1990
ADO	Award Determination Official
ADR	Alternative Dispute Resolution
AGC	Associated General Contractors of America
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
AITC	American Institute of Timber Construction
AMS	Aerospace Material Specification
ANSI	American National Standards Institute
APA	American Plywood Association
APE	Area of Potential Effect
API	American Petroleum Institute
APWA	American Public Works Association
ARR	Access Revision Report
ARTBA	American Road & Transportation Builders Association
ASA	American Standards Association
ASCE	American Society of Civil Engineers
ASLA	American Society of Landscape Architects
ASME	American Society of Mechanical Engineers
ASNT	American Society for Nondestructive Testing
ASTM	American Society for Testing and Materials International
AWPA	American Wood Protection Association
AWS	American Welding Society
AWWA	American Water Works Association
BAFO	Best and Final Offer
BA	Biological Assessment
BLAS	Bridge and Landscape Architectural Standards

1	BMP	Best Management Practice
2	BRT	Bus Rapid Transit
3	CBE	Controlling Bottom Elevation
4	CE	Categorical Exclusion
5	CESCL	Certified Erosion and Sediment Control Lead
6	CTE	Controlling Top Elevation
7	CFR	Code of Federal Regulations
8	CKC	Cross Kirkland Corridor
9	CPESC	Certified Professional in Erosion and Sediment Control
10	CT	Community Transit
11	CUF	Commercially Useful Function
12	DBE	Disadvantaged Business Enterprise
13	DBIA	Design Build Institute of America
14	DEIR	Daily Environmental Inspection Report
15	DIPRA	Ductile Iron Pipe Research Association
16	ECAP	Environmental Compliance Assurance Procedures
17	ECI	Environmental Compliance Inspector
18	ECM	Environmental Compliance Manager
19	ECP	Environmental Compliance Plan
20	ECY	Washington State Department of Ecology
21	EEI	Edison Electric Institute
22	EEO	Equal Employment Opportunity
23	EIA	Electronic Industries Alliance
24	EJ	Environmental Justice
25	EOR	Engineer of Record
26	EPA	Environmental Protection Agency
27	EPD	Escrow Proposal Documents
28	ESAL	Equivalent Single Axle Loads
29	ETL	Express Toll Lane
30	FHWA	Federal Highway Administration
31	FOP	Field Operating Procedure
32	GBR	Geotechnical Baseline Report
33	GDR	Geotechnical Data Report
34	GP	General Purpose
35	HAC	High Accident Corridor
36	HAL	High Accident Location
37	HCM	Highway Capacity Manual
38	HOT	High Occupancy Toll
39	HOV	High Occupancy Vehicle
40	HPA	Hydraulic Project Approval

1	HVF	High Visibility Fencing
2	HVSF	High Visibility Silt Fence
3	ICE	Intersection Control Evaluation
4	ICEA	Insulated Cable Engineers Association
5	IECP	Interim Environmental Compliance Plan
6	IEEE	Institute of Electrical and Electronics Engineers
7	IES	Illumination Engineering Society
8	IGA	Intergovernmental Agreement
9	IMSA	International Municipal Signal Association
10	ITE	Institute of Transportation Engineers
11	ITP	Instructions to Proposers
12	ITS	Intelligent Transportation System
13	JARPA	Joint Aquatic Resource Permit Application
14	KCM	King County Metro
15	LBP	Lead Based Paint
16	LEP	Limited English Proficient
17	MOT	Maintenance of Traffic
18	MOU	Memorandum of Understanding
19	MP	Milepost
20	MUTCD	Manual on Uniform Traffic Control Devices
21	MTCA	Model Toxics Control Act
22	MWBE	Minority and Women Business Enterprise
23	NEC	National Electrical Code
24	NEMA	National Electrical Manufacturers' Association
25	NEPA	National Environmental Policy Act
26	NFPA	National Fire Protection Association
27	NIST	National Institute of Standards and Technology
28	NPDES	National Pollution Discharge Elimination System
29	NRMCA	National Ready Mix Concrete Association
30	NTP	Notice to Proceed
31	OEO	Office of Equal Opportunity
32	OJT	On the Job Training
33	OMWBE	Office of Minority and Women's Business Enterprises
34	OSHA	Occupational Safety and Health Administration
35	PAL	Pedestrian Accident Location
36	PCA	Portland Cement Association
37	PHD	Preliminary Hydraulic Design Report
38	PPI	Plastic Pipe Institute
39	P/PCI	Precast/Prestressed Concrete Institute
40	P&R	Park and Ride

1	PTI	Post Tensioning Institute
2	QA	Quality Assurance
3	QMP	Quality Management Plan
4	QPL	Qualified Products List
5	RAM	Request for Approval of Material
6	RCW	Revised Code of Washington (Laws of the State)
7	RFC	Released for Construction
8	ROW	Right of Way
9	SAE	Society of Automotive Engineers
10	SATC	State Apprenticeship Training Council
11	SBE	Small Business Enterprise
12	SDE	Stream Design Engineer
13	SEPA	State Environmental Policy Act
14	SFTP	Secure File Transfer Protocol
15	SFZ	Structure Free Zone
16	SOP	Standard Operating Procedure
17	SPCC	Spill Prevention, Control, and Countermeasures Plan
18	SPUI	Single Point Urban Interchange
19	SR	State Route
20	SSPC	Steel Structures Painting Council
21	ST	Sound Transit
22	STA	Station
23	SVBE	Small and Veteran-Owned Business Enterprise
24	TESC	Temporary Erosion and Sediment Control
25	TIA	Telecommunications Industry Association
26	TNM	Traffic Noise Model
27	TOD	Transit Oriented Development
28	TR	Technical Requirements
29	TRB	Transportation Research Board
30	TRS	Toll Rate Sign
31	UHPC	Ultra-High Performance Concrete
32	UL	Underwriters Laboratory
33	UST	Underground Storage Tank
34	VOB	Veteran-Owned Business
35	VPH	Vehicles per Hour
36	VPHPL	Vehicles per Hour per Lane
37	WAC	Washington Administrative Code
38	WAQTC	Western Alliance for Quality Transportation Construction
39	WCLIB	West Coast Lumber Inspection Bureau
40	WDFW	Washington Department of Fish and Wildlife

1	WISHA	Washington Industrial Safety and Health Administration
2	WQMPP	Water Quality Monitoring and Protection Plan
3	WSDOT	Washington State Department of Transportation
4	WWPA	Western Wood Products Association
5	1-01.2(2)	Items of Work
6	Agg.	Aggregate
7	Al.	Aluminum
8	ATB	Asphalt Treated Base
9	BST	Bituminous Surface Treatment
10	CCTV	Closed Circuit Television
11	Cl.	Class
12	Cfm	Cubic Feet per Minute
13	Cfs	Cubic Feet per Second
14	Comb.	Combination
15	Conc.	Concrete
16	CPF	Composite Pay Factor
17	Crib.	Cribbing
18	CSBC	Crushed Surfacing Base Course
19	Culv.	Culvert
20	cy or cu yd.	Cubic Yard
21	Diam.	Diameter
22	DBH	Diameter at Breast Height
23	ESAL	Equivalent Single Axle Loads
24	Est.	Estimate or Estimated
25	Excl.	Excluding
26	F	Fahrenheit
27	Gph	Gallon per Hour
28	gpm	Gallon per Minute
29	HDPE	High Density Polyethylene
30	HMA	Hot Mix Asphalt
31	Hund.	Hundred
32	In.	Inch
33	Incl.	Including
34	ITS	Intelligent Transportation System
35	JMCIF	Job Mix Compliance Incentive Factor
36	JMF	Job Mix Formula
37	lb	Pound(s)
38	LED	Light Emitting Diode
39	LF or Lin. Ft.	Linear Foot (Feet)

1	LS	Lump Sum
2	LWM	Large woody material
3	M	Thousand
4	MBM	Thousand Feet Board Measure
5	MUTS	Minimum Ultimate Tensile Strength
6	PCCP	Portland Cement Concrete Pavement
7	PCPS	Precast/Prestressed
8	Pres.	Pressure
9	PSI	Pounds per Square Inch
10	PVC	Polyvinyl Chloride
11	RAP	Recycled Asphalt Pavement
12	Reg.	Regulator
13	Reinf.	Reinforced, Reinforcing
14	Sec.	Section
15	St.	Steel
16	Str.	Structural
17	sy or sq. yd.	Square Yard(s)
18	Th.	Thick or Thickness
19	Tr.	Treatment
20	Va	Air Voids
21	VC	Vitrified Clay
22	VFA	Voids Filled with Asphalt
23	VMA	Voids in Mineral Aggregate
24	VMS	Variable Message Sign

1-01.3 *Definitions*

1-01.3(1) **Defined Terms**

The following capitalized terms shall have the following meanings:

Active Traffic Management (ATM) – A system of signs, variable message signs, embedded loops, and associated support Structures placed at approximately ¹/₂-mile intervals to reduce congestion and improve safety. The signs are able to display speed limits for each travel lane, display warning messages to drivers, or indicate that a lane is closed.

Alternative Technical Concept (ATC) – A concept proposed by the Design-Builder and approved by WSDOT pursuant to the Instructions to Proposers, which modifies the Basic Configuration or other Contract requirements.

Apparent Best Value – Is the result of an evaluation and selection process that considers price and other key factors in determining the likelihood of successfully achieving the Project goals.

Apparent Best Value Proposer – The responsive Proposer chosen as a result of Apparent Best Value determination.

Appendix (Appendices) – Where referred to in the Request for Proposal (without other reference), the term Appendix (Appendices) refers to the documents listed in Appendix A1.

Applicable Law – All laws, codes, rules, ordinances, restrictions, and regulations of the Federal, State, regional, or any local government (including those resulting from the initiative or referendum process) and judicial or administrative orders which affect the acquisition of real property for, or the design, construction, operation, or maintenance of the Project including, without limitation, those relating to fire, safety, land use, health, labor, environmental protection, seismic design, conservation, traffic control, parking, handicapped access, zoning and building laws, codes, ordinances, rules, and regulations.

As Built Plans – Final drawings and specifications furnished by the Design-Builder, documenting the details and dimensions of the completed Work.

Authorized Utility – A facility that occupies the Right of Way under a franchise, permit or compensable right.

Auxiliary Lane – The part of the roadway next to traveled ways for parking, speed changes, turning, weaving, truck climbing, or for anything that adds to through traffic movement.

Basic Configuration – The following required elements shown in the Conceptual Plans, Pre-Approved Design Analyses, or both as such elements may have been modified (with WSDOT's permission) in the Proposal:

- Number and approximate locations of ramps, overpasses, underpasses, and interchanges
- Number of highway lanes and storage lengths
- Number and types of interchanges
- Number, location, minimum length, and top elevation of noise walls
- Approximate project limits
- Right of way limits
- Impacts to Sensitive Areas defined by the Impact Area Line
- Number of Variable Message Signs and Toll Rate Signs
- Number of overhead signs
- Number of Toll Gantries
- Number, type, and approximate location of bike lanes, sidewalks, and multi-use paths

Betterment – With respect to the Technical Proposal, any item included in the Design-Builder's Technical Proposal that clarifies the Design-Builder's intention to exceed a requirement included in the Contract Documents.

Betterment (Utility) – With respect to a given Utility facility, any upgrading of such facility that is not attributable solely to the construction of the Project, and is made solely

for the benefit of and at the election of the Utility Owner, including an increase in the capacity, capability, level of service, efficiency, duration, or function of the Relocated or replaced or new facility over that which was provided by the existing facility; provided that the following are not considered Betterments:

1. Any upgrade necessary for safe and effective construction of the Project
2. Replacement devices or materials that meet equivalent standards although they are not identical
3. Replacement of devices or materials no longer regularly manufactured with the next highest grade or size
4. Any upgrading required by applicable Governmental Rules
5. Replacement devices or materials which are used for reasons of economy (e.g., non-stocked items may be uneconomical to purchase)
6. Any upgrading required by the Utility Owner's Utility Standards in effect as of the date of execution of the applicable Relocation Agreement
7. Any discretionary decision by a Utility Owner contemplated within a particular Utility Standard

Notwithstanding the foregoing, in case of any discrepancy between the determination of applicable Utility Standards or the definition of "Betterment" set forth above, and the determination of applicable Utility Standards or the definition of Betterment in the Relocation Agreement applicable to a particular Utility, the terms of the Relocation Agreement shall apply.

Bridge Approach Embankments – An embankment beneath a Structure and extending 100 feet beyond a Structure's end (at Subgrade elevation for the full embankment width) plus an access ramp on a 10:1 slope to the original ground elevation. Also, any embankment that replaces unsuitable foundation soil beneath the Bridge Approach Embankment.

BRT Improvements – All facilities within the Project limits appertaining to Sound Transit Stride Bus Rapid Transit (BRT), including, but not limited to, the Station Area, local bus stops, the Pick-up/Drop-off (PUDO), Nonmotorized Facilities between transit platforms and the PUDO, sidewalks, nonmotorized facilities between the Station Area and local transit facilities, vertical construction elements, and wayfinding signage.

BRT Improvements Handover – The date on which all required testing, inspection, and correction of any non-compliant BRT Improvements is completed by the Design-Builder.

BRT Platform – Infrastructure supporting Sound Transit BRT boarding and alighting operations, including, but not limited to, bus pullouts, shelters, benches, pylons, ticket vending machines, validators, pedestrian railing, safety walls or bollards, trash and recycling canisters, light poles, electrical and communication cabinets, conduit, yard hydrant, water meter, and stormwater conveyance.

BRT Station – Includes two directional BRT Platforms, or a single center platform serving both directions of travel, and associated BRT Station Area elements.

BRT Station Area – Includes, but is not limited to, plaza utilities, maintenance access, adjoining Nonmotorized Facilities, and landscaped areas adjoining the BRT Platforms.

Broker – A business firm that provides a bona fide service, that assists in the procurement of essential personnel, facilities, equipment, materials, or supplies required for the performance of the Contract; or persons/companies who arrange or expedite transactions (i.e., arranging a transaction or service but does not provide a work product or enhancement).

Bus Rapid Transit (BRT) – A bus-based public transport system designed to improve capacity and reliability relative to a conventional bus system.

Calendar Day – Any day, or portion of a day, on the calendar including Saturdays, Sundays, and legal holidays, beginning and ending at midnight.

Certified Claim – A Written claim filed by the Design-BUILDER pursuant to the terms, conditions and requirements of Section 1-09.11, after exhausting all the means provided to resolve a dispute, including the use of a Disputes Review Board if one was established.

Change Order – An amendment to the terms and conditions of the Contract Documents issued in accordance with Section 1-04.4.

Charging Yard Handover – The date on which the charging yard area at the SR 522 Transit Hub BRT Station is completed by the Design-BUILDER and is made available to Sound Transit.

Cited References – Any standard or specification (including Mandatory Standards) applicable to the Project established by reference contained in the Contract Documents or Design Documents.

Code of Federal Regulations (CFR) – Regulations that implement and carry out the provisions of Federal law relating to the administration of Federal-aid for highway.

Cold Weather Protection Period – A period of time 7 Calendar Days from the day of concrete placement or the duration of the cure period, whichever is longer.

Commercially Useful Function (CUF) – A firm performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the MWBE or SVBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. A SVBE or MWBE firm does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or Project through which the funds are passed in order to obtain the appearance of SVBE or MWBE participation.

Completion Date/Completion – The meaning set forth in Section 1-08.5(3).

Conceptual Design – Preliminary design concept, including the required elements of the Basic Configuration, presented in Appendix M and in the conceptual Utility Relocation Plans presented in Appendix U, if any.

Conceptual Plans – The plans included in Appendix M.

Confirmed Request for Proposal – The version of the Request for Proposal documents that incorporates addenda released during the proposal preparation period. The



~~Conformed Request for Proposal will be provided for the convenience of the parties to the Contract and shall not be construed as a Contract Document.~~

Context Sensitive Solutions – The planning approach for transportation projects that accounts for effects on the aesthetic, social, economic, and environmental values, needs, constraints, and opportunities in a larger community setting.

Contract – Depending on the context, either (a) the Written agreement (Contract Form) between WSDOT and the Design-Builder or (b) the Contract Documents.

Contract Bond – The approved form of security furnished by the Design-Builder and the Design-Builder's Surety as required by the Contract that guarantees performance of the Work required by the Contract and payment to anyone who provides supplies or labor for the performance of the Work and performance as required under the Warranty requirements of the Contract.

Contract Documents – The documents identified as such in the Contract Form.

Contract Form (Agreement Form) – The form provided by WSDOT that requires the authorized signatures of the Design-Builder and WSDOT to result in formal execution of the Contract.

Contract Price – The total amount payable by WSDOT to the Design-Builder for performance of the Work under the Contract, as stated in the Contract Form and as adjusted in accordance with the Contract.

Contract Schedule – The price-loaded critical path method schedule setting forth the plan for performance of the Work as described in Section 1-08.3 including the Baseline Contract Schedule and Monthly Contract Schedule Updates.

Contract Time – The period of time in Calendar Days, including adjustment thereto authorized by WSDOT, designated in the Contract Form for Substantial Completion of the Work. Contract Time shall begin on the first Calendar Day after the effective date of Notice to Proceed.

Cost Responsibility – A legal or contractual obligation requiring a Utility Owner to pay for Relocation Costs.

Critical Path – Each critical path on the Contract Schedule which ends on the contractual deadline for Substantial Completion (i.e., the term shall apply only following consumption of all available float in the schedule for Substantial Completion). The lower case term "critical path" shall generally mean the sequence of activities that shows the longest path through the network that establishes the minimum overall duration for Completion of the Project.

Dangerous Waste – Solid wastes designated in WAC 173-303-070 through WAC 173-303-100 as dangerous or extremely hazardous or mixed waste. Dangerous waste includes all federal hazardous waste, plus certain wastes exhibiting specific characteristics based on toxicity and persistence.

Deactivated Utility – A Utility facility no longer being used by the Utility Owner. The Utility Owner continues to maintain ownership and responsibility for the facility's disposition.

Design Analysis – A process and tool to record design element changes where the dimensions chosen do not meet the value, or lie within the range of values, provided for that element in the WSDOT *Design Manual* (see WSDOT *Design Manual* Chapters 300 and 1106).

Design-Builder – The firm, partnership, joint venture, or organization that contracts with WSDOT to perform the Work.

Design-Builder Initiated Change – The meaning set forth in Section 1-04.4.

Design Documents – Documents that manifest the design for the Project developed by the Design-Builder or any portion, component, or element thereof.

Design File – The meaning set forth in the Technical Requirements.

Design Work – Work that includes technical reports/memoranda, design survey, geotechnical testing and engineering, Utilities investigation and design, pavement design, Structures design, drainage design, stormwater/water quality management plans, landscape architecture and design, civil roadway design, traffic engineering, lighting design, and Quality Assurance.

Differing Site Conditions – The meaning set forth in Section 1-04.7.

Digital Signature – A cryptographic electronic signature created and sent by a recognized agent of the Design-Builder using a certificate to provide authentication. Examples of records where digital signatures are required include, at a minimum:

- WSDOT Form 134-146, *Final Contract Voucher Certificate*
- WSDOT Form 421-009, *Retained Percentage (except landscaping)*

Directing Biologist – A biologist who possesses the required knowledge, training, and experience for safe and effective implementation of fish and aquatic species exclusion, as outlined in the WSDOT Fish Exclusion Protocols and Standards (Appendix E). See the “Training Requirements” at the end of the protocols and standards document.

Disputes Review Board (DRB) – Three member board created as part of the dispute resolution process pursuant to Section 1-04.5.

Electronically submitted/delivered – The successful submittal of a Statement of Qualifications or Proposal to the WSDOT secure file transfer protocol (SFTP) site via the process described in the Request for Qualifications or Request for Proposal. The Statement of Qualifications and Proposal files shall be free of defects affecting the access and evaluation of the documents by WSDOT.

Engineer of Record (EOR) – The Design-Builder’s engineer(s) who places their professional engineering seal on a document.

Environmental Justice (EJ) – Environmental justice seeks to lessen unequal distributions of environmental burdens (pollution, industrial facilities, crime, etc.), equalize benefits and balance access to nutritious food, clean air and water, parks, recreation, health care, education, transportation, safe jobs, etc., in a variety of situations. Self-determination and participation in decision making are key pieces of environmental justice. Presidential Executive Order 12898, USDOT, and FHWA implementing orders

1 set the standards for environmental justice for transportation projects. Environmental
2 justice means minority and low income populations do not suffer disproportionately high
3 and adverse human health or environmental effects from agency programs, policies, and
4 activities.

5 **Environmental Laws** – All Governmental Rules now or hereafter in effect regulating,
6 relating to, or imposing liability or standards of conduct concerning the environment or to
7 emissions, discharges, releases, or threatened releases of hazardous, toxic, or dangerous
8 waste, pollutant, contaminant, substance, or material into the environment including into
9 the air, surface water, or groundwater or onto land, or relating to the manufacture,
10 processing, distribution, use, re-use, treatment, storage, disposal, transport, or handling of
11 hazardous, toxic, or dangerous waste, pollutant, contaminant, substance, or material, or
12 otherwise relating to the protection of public health, public welfare, public safety or the
13 environment (including protection of nonhuman forms of life, land, surface water,
14 groundwater, and air), including, at a minimum, the Comprehensive Environmental
15 Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq. (“CERCLA”), as
16 amended by the Superfund Amendment and Reauthorization Act of 1986; the Resource
17 Conservation and Recovery Act, 42 U.S.C. §6901 et seq. (“RCRA”), as amended by the
18 Solid and Hazardous Waste Amendments of 1984; the Toxic Substances Control Act, 15
19 U.S.C. §2601 et seq.; the National Environmental Policy Act, 42 U.S.C. §4321 et seq.;
20 the Occupational Safety and Health Act, 29 U.S.C. §651 et seq.; the Hazardous Materials
21 Transportation Act, 49 U.S.C. §1801 et seq.; the Hazardous Materials Transportation
22 Uniform Safety Act; the Oil Pollution Act of 1990; the Endangered Species Act, 16
23 U.S.C. §1531 et seq.; the Federal Water Pollution Control Act, the Clean Water Act, 33
24 U.S.C. §1251 et seq.; the Clean Air Act, 42 U.S.C. §7401 et seq.; the Safe Drinking
25 Water Act, 42 U.S.C. §300f et seq.; the Migratory Bird Treaty Act, 16 U.S.C. §703 et
26 seq.; Fish and Game Code §1600 et seq.; the Washington Model Toxics Control Act,
27 Chapter 70.105D RCW; and the Washington Hazardous Waste Management Act,
28 Chapter 70.105 RCW; the Washington Water Pollution Control Act; the Clean Air
29 Washington Act; the Washington Solid Waste Management laws; the Washington
30 Underground Petroleum Storage Tanks Act, the Washington Industrial Safety and Health
31 Act; the Washington Worker and Community Right to Know Act, and the Washington
32 Oil and Hazardous Substance Spill Prevention and Response Act, all as amended and
33 supplemented previously or in the future.

34 **Escrow Proposal Documents (EPD)** – The documentary information used in
35 preparation of the Proposal required to be placed in safekeeping as provided in
36 Section 1-03.15.

37 **Existing Utility Listing** – A spreadsheet in Appendix U that identifies each known utility
38 for ownership, Utility Type or a Prior Relocation, and other information.

39 **Final Acceptance** – Acceptance of the Contract and Work following Completion in
40 accordance with Section 1-05.12.

41 **Final Cleanup** – The Work described in Section 1-04.11.

42 **Final Configuration Open to Traffic** – The milestone when all lanes and ramps are in
43 their final configuration, open to traffic, and only final striping and other incidental Work
44 remains for Substantial Completion.

1 **Final Contract Voucher Certification** – WSDOT Form 134-146, *Final Contract*
2 *Voucher Certificate*.

3 **Final Design Documents** – The Design Documents reflecting the final design for the
4 Project, as reviewed by WSDOT.

5 **Final Inspection** – Inspection by WSDOT of the construction Work to determine
6 whether the Work conforms to the requirements of the Contract Documents and is
7 complete. Final Inspection of warranted Work will be made at the end of the Warranty
8 term.

9 **Force Account Work** – Work measured and paid in accordance with Section 1-09.6.

10 **Forward Compatible** – Project elements that are designed and constructed so they can
11 be integrated into the future configuration, as shown on the Forward Compatible Plans,
12 the Interim Forward Compatible Plans, or as described in Chapter 2, without requiring
13 significant demolition or reconstruction of the elements constructed on this Project unless
14 otherwise noted. The elements that would require additional work in the future shall be
15 designed to use standard structural elements to achieve the configuration in the Forward
16 Compatible Plans.

17 **Forward Compatibility** – The degree in which elements are Forward Compatible.

18 **Franchise/Permit Utility** – A Utility that is installed in its existing location pursuant to a
19 franchise or permit issued by WSDOT or a Governmental Body.

20 **Frontage Road** – A local street or road usually next to an arterial highway that serves
21 abutting property and adjacent areas and controls access.

22 **Geotechnical Baseline Report (GBR)** – The Contract Documents including
23 supplements set forth in Appendix G identifying the geotechnical baselines and risk
24 profile that will be used in determining Differing Site Conditions.

25 **Geotechnical Data Report (GDR)** – The summary documents including supplements set
26 forth in Appendix G of geotechnical surveying performed by WSDOT upon which
27 WSDOT developed the Geotechnical Baseline Report.

28 **Geotechnical Recommendations** – Recommendations for design or construction that are
29 geotechnical in nature or address geotechnical issues. These may be in the form of email,
30 memorandums, letters, or reports. The term “Geotechnical Recommendations”, as most
31 often used within the Request for Proposal, refers to products produced by the
32 Design-Builder, but the term may also refer to products produced by WSDOT. The
33 Design-Builder may have to rely on context and use to distinguish the difference.

34 **Good Faith Efforts (SVBE)** – Efforts to achieve the SVBE Contract Goals at the
35 completion of the project. The efforts will demonstrate, by their scope, intensity, and
36 appropriateness to the objective, that the bidder can reasonably be expected to fulfill the
37 program requirement.

38 **Governmental Approvals** – Any approval, authorization, certification, consent,
39 exemption, filing, lease, license, permit, registration, or ruling, required by or with any
40 Governmental Body in order to perform the Work or any Relocation Work being
41 performed by a Utility Owner, including any modification or supplement to any of the

1 foregoing, but excluding (a) any such approvals relating to the work to be performed by
2 other contractors as specifically described in the Contract Documents and (b) any such
3 approvals required by or with a Governmental Body in its capacity as a Utility Owner.

4 **Governmental Body** – Any Federal, State, local, or foreign government and any political
5 subdivision or any governmental, quasi-governmental, judicial, public or statutory
6 instrumentality, administrative agency, authority, body, or entity other than WSDOT.

7 **Governmental Rules** – All applicable Federal, State, and local laws, codes, ordinances,
8 rules, regulations, judgments, decrees, directives, guidelines, policy requirements, orders,
9 and decrees of any Governmental Body having jurisdiction over the Project or Site, the
10 practices involved in the Project or Site, any Work, or any Utility Work being performed
11 by a Utility Owner. The term “Governmental Rule” does not include Governmental
12 Approvals.

13 **Hazardous Materials** – Any (a) substance, product, waste, pollutant, contaminant, or
14 other material of any nature whatsoever that exceeds maximum allowable concentrations
15 for elemental metals, organic compounds, or inorganic compounds, as defined by any
16 Environmental Law; (b) substance, product, waste, pollutant, contaminant, or other
17 material of any nature whatsoever that is or becomes listed, regulated, or addressed
18 pursuant to any Environmental Law; (c) substance, product, waste, pollutant,
19 contaminant, or other material of any nature whatsoever which may give rise to liability
20 under clause (a) or (b) or under any statutory or common law theory based on negligence,
21 trespass, intentional tort, nuisance, or strict liability or under any reported decisions of a
22 State or Federal court; (d) petroleum hydrocarbons excluding de minimus amounts and
23 excluding petroleum hydrocarbon products contained within regularly operated motor
24 vehicles; and (e) hazardous building materials including, but not limited to, asbestos or
25 asbestos-containing materials, lead or polychlorinated biphenyls (PCBs) in Structures and
26 other improvements on or in the Site or in subsurface artifacts (other than mineral
27 asbestos naturally occurring in the ground). The term “Hazardous Materials” includes
28 Hazardous Waste and non-RCRA hazardous waste.

29 **Hazardous Materials Management** – Sampling, stockpiling, treatment, clean up,
30 remediation, transportation, and off-site disposal of Hazardous Materials, whichever is
31 the most cost effective approach authorized under applicable Governmental Rules and
32 Environmental Law.

33 **Hazardous Waste** – Waste as defined in 40 C.F.R. Part 261.

34 **High Occupancy Toll (HOT) Lane** – A traffic lane that is managed using a dynamic
35 pricing system.

36 **Highway** – A public way for vehicles, including the entire Right of Way.

37 **Hold Point** – Mandatory inspection points identified in the Design-Builder’s Quality
38 Management Plan beyond which Work cannot proceed until required Quality Assurance
39 inspection has been performed and a Written release is granted by the Design-Builder’s
40 Quality Assurance organization. The Design-Builder shall provide WSDOT with a
41 notification period of 3 Calendar Days prior to the identified Work proceeding to provide
42 WSDOT with the opportunity to witness the Work.

Impact Area Line – The line depicted in the Conceptual Plans that defines the limit of the permitted footprint of the Project as described in Section 2.8, *Environmental*.

Interim Channelization Plan – A Channelization Plan developed by the Design-Builder related to temporary conditions such as temporary alignment, stage construction, temporary by-pass, and other conditions as required.

Incidental Utility Work – Includes all of the following Work necessary for the construction of the Project:

1. Service Line Relocations.
2. The adjustment of Utility appurtenances (e.g., manholes, valve boxes, and vaults) for line and grade upon completion of roadway Work.
3. All Work necessary to remove or deactivate in-place any Utility that was taken out of service prior to the Proposal Due Date, in accordance with Section 2.10, *Utilities and Relocation Agreements*.

Indemnified Parties – The meaning set forth in Section 1-07.14(1).

Independent Assurance (IA) – The meaning set forth in Section 2.28, *Quality Management Plan*.

Initial Planting – The meaning set forth in Section 1-05.16(9).3.

Injunction – The permanent injunction regarding culvert correction (United States District Court Western District of Washington at Seattle, United States of America, et al., Plaintiffs, v. State of Washington, et al., Defendants, No. C70-9213 subproceeding No. 01-1, (Culverts), Permanent Injunction Regarding Culvert Correction).

Inspector – The Design-Builder’s representative who inspects Contract performance in detail.

Instructions to Proposers (ITP) – The WSDOT-issued document included in the Request for Proposal, providing instructions regarding the preparation and submission of the Proposal.

Intelligent Transportation Systems (ITS) – All components and equipment referenced as such in the Technical Requirements.

Intergovernmental Agreement (IGA) – An agreement between WSDOT and another Governmental Body that is included in the Request for Proposal, which addresses Utility Work, roadway design, engineering studies, construction, maintenance, or other services, as the same may be amended. IGAs pertaining to roadway design or engineering studies are located in Appendix O. IGAs pertaining to maintenance are located in Appendix Q. IGAs pertaining to Utility Work are located in Appendix U.

Interpretive Engineering Decision – The meaning given in Section 1-03.5.

Key Personnel – The personnel described in the Request for Qualifications.

Landscape Architect – An architect registered in the State of Washington under Title 18 RCW.

Landscaping Warranty Area – The meaning set forth in Section 1-05.16(9).2.

Legal Requirements – All applicable Federal, State, and local laws, codes, ordinances, rules, regulations, judgments, decrees, directives, guidelines, policy requirements, orders, and decrees of any Governmental Body having jurisdiction over the Project or Site, the practices involved in the Project or Site, any Work, or any Utility Work being performed by a Utility Owner. The term “Legal Requirements” does not include Governmental Approvals.

Limited English Proficient – Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000.

Local Agency – A Governmental Body that is not a Federal or state government.

Maintenance of Traffic (MOT) – A term used to describe the overall Work the Design-Builder performs to provide for the safe and efficient movement of people, goods, and services through and around the Project in coordination with construction staging. This Work shall be done while minimizing adverse impacts to residents, communities, businesses, and freight as well as providing a safe work area for construction staff and safe movement of the traveling public.

Major Participants – The entities described in the Request for Qualifications.

Major Underground Utility – All Utilities that are buried or placed below ground, other than Service Lines, all street lighting, traffic signals, or irrigation facilities.

Mandatory Standards – The standards and specifications identified as such in the Technical Requirements.

Manufacturer (SVBE or MWBE) – A SVBE or MWBE firm that operates or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the Contract. A Manufacturer shall produce finished goods or products from raw or unfinished material or purchase and substantially alters goods and materials to make them suitable for construction use before reselling them.

Metered Shoulder – A ramp shoulder designed for use during metered operations to increase ramp storage and improve traffic operations.

Minority Business Enterprise (MBE) – A minority owned business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by the State Office of Minority & Women’s Business Enterprises

Necessary Basic Configuration Change – All change in the Basic Configuration which are necessary to correct an error, omission, inconsistency or other defect in the Basic Configuration (with the understanding that a change shall be deemed “necessary” only if the error, omission, inconsistency, or other defect creates a conflict with other Contract requirements or another problem that cannot be corrected without a material change in the Basic Configuration).

Nonconforming Work – Work performed that does not meet requirements of the Contract Documents.

Nonmotorized Facilities – All elements within the Project limits supporting active transportation users, including, but not limited to, sidewalks, transit platforms, crosswalks, curb ramps, pedestrian refuge, loading and unloading zone of the PUDO, and connections to existing pedestrian and bicycle facilities.

Notice to Proceed (NTP) – The Written authorization issued by WSDOT that permits the Design-Builder to commence performance of the Work.

Originator – The engineer, architect, planner, designer, or other Person who develops a specific document. In the case of drawings, the originator is the individual who provides the design information, sketches, and instructions to the drafter.

Peer Review – An independent review and assessment of elements of Work to meet the performance requirements of the Work element. The Peer Review shall be performed by a Peer Reviewer.

Peer Reviewer – An independent expert reviewer who performs the Peer Review. The Peer Reviewer shall not be an employee of the Design-Builder or firms providing engineering for the Design-Builder. The Peer Reviewer shall report to the Design Quality Assurance Manager.

Person – An individual, corporation, company, limited liability company, voluntary association, partnership, trust, unincorporated organization, or Governmental Body.

Physical Completion Date, Physical Completion – The meaning set forth in Section 1-08.5(2).

Plain Language – is writing designed to ensure the reader understands as quickly, easily, and completely as possible.

Platform Handover – The date on which all required testing, inspection, and correction of any non-compliant BRT Platform elements is completed by the Design-Builder and all BRT Platforms are made available to Sound Transit.

Pre-Approved Design Analyses – Design Analyses identified by WSDOT in the Technical Requirements as being required to accomplish the Basic Configuration that differ from WSDOT established standards required in the Contract Documents.

Pre-Approved Deviations – Deviations identified by WSDOT in the Technical Requirements as being required to accomplish the Basic Configuration that differ from WSDOT established standards required in the Contract Documents.

Preliminary Engineering – The level of effort for WSDOT to develop the Conceptual Plans and Basic Configuration and the Proposers' level of effort to develop their Proposal.

Prior Relocation – Utility Relocations to be undertaken by either the Utility Owner or a third party contractor identified as such in the Utility Listing or Section 2.10, *Utilities and Relocation Agreements*.

Prior Relocation Agreement – An agreement (as the same may be amended) between WSDOT and Utility Owner, included in the Request for Proposal and addressing a Prior Relocation. A document is a "Prior Relocation Agreement" if it meets the definitions set forth herein, without regard to the title of the document.

1 **Professional Engineer** – An engineer registered in Washington State under Title 18
2 RCW.

3 **Project** – The I-405/Brickyard to SR 527 Improvement Project.

4 **Project Specifications** – Specifications necessary to address Work not covered by the
5 Standard Specifications, Special Provisions, or the Technical Requirements.

6 **Proposal** – The proposal submitted by the Design-Builder in response to the Request for
7 Proposal, including the Price Proposal, the Technical Proposal, and all clarifications and
8 supplements thereto.

9 **Proposal Due Date** – The date specified for delivery of Proposals in the Instructions to
10 Proposers.

11 **Proposal Price** – The total price for performance of the Work set forth in the Proposal.

12 **Protection in Place or Protect in Place** – All actions taken to avoid damaging a Utility
13 which do not involve removing or reinstalling it in a new location, including staking the
14 location of the Utility, avoidance of a Utility's location by construction equipment,
15 installing steel plating or concrete slabs, encasement in concrete, temporarily
16 de-energizing power lines, and installing physical barriers. For example, temporarily
17 lifting power lines without cutting them would be considered Protection in Place;
18 whereas temporarily moving power lines to another location after cutting them would be
19 considered a Temporary Relocation. The term includes both temporary measures and
20 permanent installations meeting the foregoing definition.

21 **Punch List** – The list of Work that remains to be completed after achievement of
22 Substantial Completion as a condition precedent to achievement of Physical Completion,
23 limited to minor incidental items of Work necessary to correct imperfections which have
24 no adverse effect on the safety, use, or operability of the Project.

25 **Qualification (Personnel)** – The characteristics or abilities gained through documented
26 training, documented experience, or both, as measured against established standards,
27 knowledge tests, and performance tests that qualify an individual to perform a required
28 function.

29 **Quality Assurance (QA)** – All those planned and systematic actions performed by the
30 Design-Builder to demonstrate to WSDOT that the Work complies with the Contract and
31 that all elements of the Work will perform satisfactorily for the purpose(s) intended.

32 **Quality Assurance Sample** – Samples and testing for QA performed under the direction
33 of or by the Construction Quality Assurance Manager (CQAM). These tests and samples
34 are for materials acceptance and documentation of the materials quality.

35 **Quality Assurance Team** – A joint Design-Builder and WSDOT team effort responsible
36 for reviewing and responding to all quality issues.

37 **Quality Control (QC)** – The total of all activities performed by the Design-Builder to
38 assess design, production, and construction processes so as to control the level of quality
39 being produced in the end product. Components may include design reviews and checks,
40 establishing procedures, calibrations and maintenance of equipment, shop drawing

review, document control, production process control, and all sampling, testing, and inspection done for these purposes.

Quality Control Sample – Samples and testing performed by the Design-Builder’s QC, the producer, or the manufacturer to ensure that a product is of uniform quality meeting the requirements of the Contract.

Quality Management Plan (QMP) – The plan, developed by the Design-Builder, which identifies the Design-Builder’s overall framework for implementation of its QC and QA programs across all aspects of the Project.

Quality Organization (QO) – The Quality Organization is comprised of two separate groups; QC and QA. The QO provides the QC procedures and QA review, testing, and inspections necessary to ensure the Project quality meets Contract requirements.

Quality Verification (QV) – A combination of inspections, independent sampling, and testing performed by WSDOT, or their agent, on a random basis to validate that the Design-Builder is following the approved QA procedures and that such procedures appear to be effective in assuring quality.

Reasonable Accuracy – The meaning set forth in Section 1-07.17(9).

Reference Documents – Reference Documents are for information purposes only and the Design-Builder shall rely upon Reference Documents at its own risk. These Reference Documents are designated as such by WSDOT in Appendix A1.

Related Entity – The Design-Builder, Subcontractors, and their employees, agents and officers, and all other Persons for whom the Design-Builder may be legally or contractually responsible.

Released for Construction (RFC) Documents – The Design Documents stamped “Released for Construction” by the Design-Builder.

Relocation/Relocate – Each removal, relocation, reconstruction, deactivation, Temporary Relocation, provision of temporary services as necessary, or Protection in Place (whether permanent or temporary), of any existing Utility facility that is necessary in order to accommodate or permit construction of the Project, including backfilling and pavement restoration, and any other Work with respect to such a Utility described in the Technical Requirements or with respect to Utilities in Section 1-07.17.

Relocation Agreement – An agreement (as the same may be amended from time to time) between the Design-Builder and a Utility Owner that provides specific details for the Relocation of one or more particular Utilities. A document is a “Relocation Agreement” if it meets the definition set forth herein, without regard to the title of the document.

Relocation Costs – The direct and indirect costs of performing Relocation Work (including costs incurred by Utility Owners for acquisition of necessary Utility Easements, permit processing fees, and administrative and overhead costs) after applying any customary credits for salvage, depreciation, or both. If the Design-Builder is obligated to reimburse a Utility Owner for Relocation Costs, the term shall encompass all costs that the Relocation Agreement specifies are reimbursable. Costs attributable to Betterments are specifically excluded from the term.

Relocation Work – The Work necessary for Relocation of Utilities to accommodate the Project (excluding any Work necessary for the Prior Relocations that is completed before issuance of the Notice to Proceed), whether performed by the Design-Builder or by or on behalf of the Utility Owner, including labor, equipment, and materials associated with the design, design review, construction, construction management, permit processing, inspection, and real property acquisition.

Request for Proposal (RFP) – The document package issued by WSDOT requesting submittal of Proposals for the Project and providing information relevant to the preparation and submittal of Proposals, including the Instructions to Proposers, Contract Documents, and Reference Documents.

Resource Co-Managers – Treaty Tribes and WDFW, with jurisdiction over activities affecting streams and associated habitat.

Review and Comment – The process for review, comment, and resolution of comments on the Design-Builder's submittals in accordance with the Design-Builder's responsibility for Work. The review period will be 14 Calendar Days unless otherwise noted. Refer to Section 1-07.13 of the *General Provisions*.

Revision – Modifications to Released for Construction Plans or Documents during construction that require typical standard of care Engineer of Record approval such as engineering calculations, modifications to drawings, or Change Orders.

Right of Way (ROW) – Land, property, or property interest, acquired for or devoted to transportation purposes. The term specifically excludes all Utility Easements and all temporary easements or other real property interests outside of the access control line which the Design-Builder deems necessary or advisable in connection with (a) construction of the Project, (b) Relocations, or both.

Roadbed – The graded part of the roadway within top and side slopes, prepared as a foundation for the pavement Structure and shoulders.

Roadway – The portion of the Right of Way within the outside limits of the side slopes.

Secretary of Transportation – The chief executive officer of WSDOT.

Section/section – The capitalized version designates a reference to an entire Technical Requirement section (e.g., Section 2.1). The lower case version designates a reference to information contained within the same Technical Requirement subsection.

Sensitive Areas – Resources on or adjacent to the Project location, which are regulated or protected by Federal, State or local regulatory agencies or tribes, including natural features (e.g., wetlands, other waterbodies, jurisdictional ditches, buffers, mitigation sites and floodplains), and areas with known contamination or cultural resources.

Service Line – A line, also referred to as a service lateral or lateral, the function of which is to directly connect the improvement(s) on an individual property, to a Utility that is part of a larger line, facility, or system. Unless noted otherwise in the Technical Requirements, the term Service Line excludes all cables, conduits, or other lines that connect a Traffic Control/Illumination System to a Utility that is part of a larger line, facility, or system. Such a cable, conduit, or other line shall be considered to be part of

the applicable Traffic Control/Illumination System. A Utility providing service to wireless communication facilities shall not be considered a Service Line.

Shoulder – The part of the roadway next to the traveled way or auxiliary lanes. It provides lateral support of base and surface courses and is an emergency stopping area for vehicles.

Site of Work/Site – Those areas designated by WSDOT for performance of the Work and such additional areas as may be designated in writing by WSDOT for the Design-Builder’s use in performance of the Work.

Small Business Enterprise (SBE) – Any business that is owned and operated independently from all other businesses, has either 50 or fewer employees, or has a gross revenue of less than seven million dollars annually as listed on federal tax returns or with the Washington State Department of Revenue, and is self-certified through the Washington State Department of Enterprise Services and listed as a “small, mini or micro business” in its certification.

Small businesses can be located by searching the WEBS directories at: <https://pr-webs-vendor.des.wa.gov/>

Information on how to search the directories is located at: <https://wsdot.wa.gov/business-wsdot/equal-opportunity-contracting/diverse-business-programs>

Special Provisions – WSDOT developed modifications to the Standard Specifications listed in Appendix B. The Engineer of Record shall incorporate applicable Special Provisions into the Technical Specifications. The index includes an explanation of when the specification is applicable.

Specialty Report – A complex hydraulic report as defined in Chapter 1 of the WSDOT *Hydraulics Manual*.

Standard Plans – A manual of specific plans or drawings adopted by WSDOT such as the *Standard Plans for Road, Bridge, and Municipal Construction* M 21-01, which shows frequently recurring components of work that have been standardized for use.

Standard Specifications – Divisions 2 through 9 of the WSDOT *Standard Specifications for Road, Bridge, and Municipal Construction* M 41-10, subject to the modifications set forth in Section 1-03.3 and modifications contained in the Special Provisions. Division 1 of said publication is superseded in its entirety by these *General Provisions*.

State – Washington State, acting through its elected officials and their authorized representatives, including, at a minimum, WSDOT; or the state of Washington in the geographic sense, depending on the context.

Statistical-based Verification – Verification of the Design-Builder’s Quality Assurance test results through statistical comparison, performed by the Design-Builder, with WSDOT’s Quality Verification test results.

Statistical Acceptance – A statistical analysis performed by the Design-Builder, of the Design-Builder’s Quality Assurance test results for compliance with material specifications.

Stride – Sound Transit’s branding for Bus Rapid Transit.

1 **Structural Engineer** – An engineer registered in the State of Washington under Title 18
2 RCW.

3 **Structures** – Bridges, culverts, catch basins, drop inlets, retaining walls, cribbing,
4 manholes, endwalls, buildings, service pipes, sewers, underdrains, foundation drains,
5 noise walls, drainage vaults, and other features found during Work that WSDOT
6 determines should be classified as a Structure.

7 **Subcontract** – An agreement between the Design-Builder and one or more third parties
8 providing for such third party to perform parts of the Work or such agreement between a
9 Subcontractor and its lower tier Subcontractor, at all tiers.

10 **Subcontractor (SVBE or MWBE)** – An individual, partnership, firm, corporation, or
11 joint venture who meet the definition of a Minority, Small Business, Women or
12 Veteran-Owned Business and who is sublet part of the Contract.

13 **Subcontractor/Subconsultant** – An individual, partnership, firm, corporation, or joint
14 venture who is sublet part of the Contract by the Design-Builder. Suppliers and
15 materialmen are excluded from the term.

16 **Subgrade** – The top surface of the roadbed on which subbase, base, surfacing, pavement,
17 or layers of similar materials are placed.

18 **Substantial Completion Date, Substantial Completion** – The meaning set forth in
19 Section 1-08.5(1).

20 **Substructure** – The part of the Structure below:

- 21 1. The bottom of the grout pad for the simple and continuous span bearing.
22 2. The bottom of the block supporting the girder.
23 3. Arch skewbacks and construction joints at the top of vertical abutment members or
24 rigid frame piers and extending.

25 **Subsurface Utility Engineering (SUE)** – An engineering process for accurately
26 identifying the quality of subsurface Utility Information needed for Highway Plans, and
27 for acquiring and managing that level of information during the development of a
28 highway project.

29 **Superstructure** – The part of the Structure above:

- 30 1. The bottom of the grout pad for the simple and continuous span bearing.
31 2. The bottom of the block supporting the girder.
32 3. Arch skewbacks and construction joints at the top of vertical abutment members or
33 rigid frame piers and extending.

34 Longitudinal limits of the Superstructure extend from end to end of the Structure in
35 accordance with the following criteria:

- 36 (a) From the face of end diaphragm abutting the Bridge Approach Embankment for
37 end piers without expansion joints.
38 (b) From the end pier expansion joint for bridges with end pier expansion joints.

1 Superstructures include, at a minimum, the bottom slab and webs of box girders, the
2 bridge deck and diaphragms of all bridges, and the sidewalks when shown on the bridge
3 deck. The Superstructure also includes the girders, expansion joints, bearings, barrier, and
4 railing attached to the Superstructure.

5 Superstructures do not include endwalls, wingwalls, barrier and railing attached to the
6 wingwalls, and cantilever barriers and railings unless supported by the Superstructure.

7 **Supplier (SVBE or MWBE)** – A firm that owns, operates, or maintains a store,
8 warehouse, or other establishment in which the materials or supplies required for the
9 performance of a Contract are bought, kept in stock, and regularly sold to the public in
10 the usual course of business. To be a Supplier, the SVBE or MWBE firm must be an
11 established business that engages in as its principal business and in its own name the
12 purchase and sale of the products in question. A Supplier in such items as steel, cement,
13 gravel, stone, and petroleum products need not own, operate or maintain a place of
14 business if it both owns and operates distribution equipment for the products. Any
15 supplementing of suppliers' own distribution equipment shall be by long-term formal
16 lease agreements and not on an ad-hoc basis. Brokers, packagers, manufacturers'
17 representatives, or other persons who arrange or expedite transactions shall not be
18 regarded as Suppliers within the meaning of this definition.

19 **Surety** – The company(ies) bound with the Design-Builder to ensure performance of the
20 Contract, payment of all obligations pertaining to the Work, and fulfillment of such other
21 conditions as are specified in the Contract, Contract Bond, or otherwise required by law.

22 **Technical Credits** – The number of credits, in terms of dollars, earned by a Proposer as a
23 result of the Proposal evaluation process.

24 **Technical Proposal** – The part of a Proposal designated as such in the Instructions to
25 Proposers.

26 **Technical Requirements (TR)** – Chapter 2 of the Request for Proposal document
27 package.

28 **Technical Specifications** – All specifications developed, assembled, and used by the
29 Engineer of Record, including the Project Specifications.

30 **Temporary Relocation** - (a) Any interim Relocation of a Utility (i.e., the installation,
31 removal, and disposal of the interim facility) pending installation of the permanent
32 facility in the same or a new location, and (b) any removal and reinstallation of a Utility
33 in the same place with or without an interim Relocation.

34 **Toll Commencement** – The milestone when the new Toll System elements become
35 operational to the traveling public and toll collection begins.

36 **Toll Equipment** – The Toll System elements that shall be designed, procured, installed,
37 and tested by the Toll Vendor. This equipment includes, but is not limited to, antennas,
38 readers, and Toll Equipment servers. Refer to the *Illustrative Representation of a Toll*
39 *Point* (Appendix Z) for an illustration of a typical Toll Point.

40 **Toll Gantry** – The Structure on which the over-the-lane Toll Equipment shall be
41 installed. The Toll Gantry shall be designed, procured, installed, and tested by the
42 Design-Builder.

Toll Infrastructure – The Toll System elements that shall be designed, procured, built, and tested by the Design-Builder. As described elsewhere, these elements shall include, at a minimum, all signs, Toll Rate Signs, striping, Toll Gantries, roadside toll cabinets, roadside toll UPS cabinets, toll reader equipment cabinets, and electrical and communications connections.

Toll Infrastructure Completion/Toll Infrastructure Completion Date – The date on which all required testing, inspection, and correction of any non-compliant Toll Infrastructure is completed by the Design-Builder and all Toll Points are made available to the Toll Vendor for Toll Equipment installation and testing.

Toll Point – The specific location(s) along mainline I-405 and direct access ramps where vehicles are detected, identified, and assessed a toll. The Toll Point may consist of one or more Toll Gantries holding Toll Equipment, roadside toll cabinets, roadside toll UPS cabinets, toll reader equipment cabinets, associated electrical and communications equipment, and other equipment as needed to operate the Toll System.

Toll Rate Sign (TRS) – This sign will convey to drivers the current price to use the Express Toll Lane. The sign will be comprised of static and electronic displays.

Toll System – The existing and new facility elements constructed within the Project limits, including all necessary equipment and subsystems.

Toll Vendor – A vendor procured by WSDOT to design, procure, install, test, and maintain the Toll Equipment.

Traffic Control/Illumination Systems – These systems include traffic signals, ramp metering systems, flashing beacon systems, highway illumination systems (including streetlights), fire or police signal systems, and Intelligent Transportation Systems, regardless of ownership of such system.

Traveled Way – The part of the roadway made for vehicle travel excluding shoulders and auxiliary lanes.

Type #1 Utility – A Utility for which the Utility Owner has Cost Responsibility in accordance with Section 1-07.17.

Type #2 Utility – A Utility for which the Utility Owner does not have Cost Responsibility in accordance with Section 1-07.17.

Type #3 Utility – A Utility with Cost Responsibility allocated as described in Technical Requirement Section 2.10, *Utilities and Relocation Agreements*, and in accordance with Section 1-07.17.

Upset Amount – The not to exceed amount WSDOT is authorized to pay a Design-Builder to complete this Project.

Utility(ies) – A privately, publicly, or cooperatively owned line, facility, or system (including municipal and government lines, facilities, and systems but excluding WSDOT-owned lines, facilities, or systems) for transmitting or distributing communications, cable television, power, electricity, gas, oil, crude products, water, steam, waste, or any other similar commodity, including any irrigation system. The necessary appurtenances to each Utility facility (including fire hydrants as appurtenances

to water lines) shall be considered part of such Utility. However, unless noted otherwise in the Technical Requirements, the term “Utility” or “utility” excludes (a) stormwater facilities that provide drainage solely for the Project Right of Way, (b) Traffic Control/Illumination Systems, and (c) facilities that are the subject of a wireless communication site lease. Without limitation, any Service Line shall be considered a Utility regardless of the ownership of such Service Line.

Utility Agreement – The meaning set forth in Section 1-07.17(2). A document is a “Utility Agreement” if it meets the definition set forth herein, without regard to the title of the document.

Utility Delay – The meaning set forth in Section 1-07.17(12) as the context may require.

Utility Easement – A permanent replacement easement or other interest in real property outside the Project Right of Way (excluding a franchise or permit) that is necessary for Relocation.

Utility Information – The information regarding Utilities included in Appendix U, the information about known Utilities included in Section 2.10, *Utilities and Relocation Agreements*, and any other information WSDOT includes in the Request for Proposal with regard to identification, location, size, type, and ownership of Utilities. In the event of any conflict within the various components of the Utility Information, the more accurate information will prevail.

Utility Listing – A spreadsheet in Appendix U that identifies each known utility for ownership, Utility Type or a Prior Relocation, and other information.

Utility Memorandum of Understanding (MOU) – A non-binding agreement or memorandum of understanding (as the same may be amended) between WSDOT and a Utility Owner establishing certain understandings as to the Relocation of such Utility Owner’s Utilities as necessary for the Project. A document is a “Utility MOU” if it meets the definition set forth herein, without regard to the title of the document. Utility MOUs, if any, are located in Appendix U.

Utility Owner – Any entity or body (including city, county, State, public corporation, or public district) that owns and operates a Utility, including cooperative Utilities.

Utility Owner Project – The design and construction by or at the direction of a Utility Owner of a new Utility other than (a) as part of Relocation or (b) to provide service to the Project. Utility Owner Projects shall be entirely the financial obligation of the Utility Owner.

Utility Standards – The Standard Specifications, standards of practice, and construction methods that a Utility Owner customarily applies to facilities constructed by the Utility Owner (or for the Utility Owner by its contractors) at its own expense and that are comparable to the Utilities being Relocated for the Project.

Utility Work – All Relocation Work that is the Design-Builder’s responsibility pursuant to the Contract Documents, as more particularly described in Section 1-07.17 and Section 2.10, *Utilities and Relocation Agreements*.

Veteran-Owned Business (VOB) – A veteran owned business meeting the requirements of RCW 43.60A.010 and listed in WEBS.

1 Veteran-owned businesses can be located by searching the WEBS directories at:
2 <https://pr-webs-vendor.des.wa.gov/>

3 Information on how to search the WSDOT Office of Equal Opportunity list of Veteran
4 Businesses at www.directories.wa.gov is located at: [https://wsdot.wa.gov/business-wsdot/equal-](https://wsdot.wa.gov/business-wsdot/equal-opportunity-contracting/diverse-business-programs)
5 [opportunity-contracting/diverse-business-programs](https://wsdot.wa.gov/business-wsdot/equal-opportunity-contracting/diverse-business-programs)

6 **Warranty** – An assurance by the Design-Builder that the Work is free of defects,
7 conforms to Professional Engineering Principles in the State of Washington, and meets
8 the requirements of the Contract Documents in which the Design-Builder agrees to repair
9 or replace Work or items that are defective or do not meet the requirements of the
10 Contract for a defined period.

11 **Washington State Department of Transportation (WSDOT)** – The State Agency
12 authorized by law to administer transportation-related Work.

13 **Washington’s Electronic Business Solution (WEBS)** – Washington Electronic
14 Business Solution (WEBS) is administrated by Department of Enterprise Services and is
15 an electronic supplier registration database that allows businesses to showcase their
16 products and services to all state agencies and political subdivisions. [https://pr-webs-](https://pr-webs-vendor.des.wa.gov/)
17 [vendor.des.wa.gov/](https://pr-webs-vendor.des.wa.gov/).

18 **Women Business Enterprise (WBE)** – A women owned business meeting the
19 requirements of RCW 39.19 and WAC 326 and certified by the Office of Minority &
20 Women’s Business Enterprises.

21 **Work** – All of the administrative, design, engineering, real property acquisition support
22 services, Utility support services, procurement, legal, professional, manufacturing,
23 supply, installation, construction, supervision, management, testing, inspection, labor,
24 materials, equipment, maintenance, documentation, and other duties and services to be
25 furnished and provided by the Design-Builder as required by the Contract Documents,
26 including all efforts necessary or appropriate to achieve Final Acceptance, except those
27 efforts which the Contract Documents specify will be performed by WSDOT or other
28 Persons. In certain cases, the term may also be used to mean the products of the Work.

29 **Working Drawings** – Drawings, plans, diagrams, or any other supplementary data or
30 calculations, including a schedule of submittal dates for Working Drawings where
31 specified, which the Design-Builder must submit to the WSDOT Engineer.

32 **Written** – Any communication (except social media) exchanged electronically,
33 including, at a minimum, requests, notices, demands, approvals, decisions, submissions,
34 consents, correspondence, amendments, agreements, summaries, recommendations,
35 releases, authorizations, tests, releases, instruments, determinations, orders, change
36 orders, statements, protests, notifications, settlements, records, contracts, and
37 confirmations, that can be readily furnished as support or evidence for a decision.

38 **Written Determination** – The official position of the WSDOT Engineer, in writing, on
39 items including entitlement, instructions, or interpretations. The Written Determination
40 shall be evidenced by a letter or email originating from the WSDOT Engineer.

41 **WSDOT Engineer** – The WSDOT representative responsible for making decisions on
42 behalf of WSDOT as outlined in the Contract.

- 1 **WSDOT Form** – Forms developed and maintained by WSDOT that are required or
- 2 available for use on a project. These forms can be downloaded from the forms catalogue
- 3 at: <http://wsdot.wa.gov/forms/pdfForms.html>