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PUBLIC WORKS
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Standards Update Transmittal

Reference Number: 2024v-05
Standards: Standard Construction Specifications, Section 1-3 "Definitions"

Update:

1. Modification to Standard Construction Specifications:
 - a. Section 1-3 "Definitions", revised to add the definition for "City Holidays"

Effect of Update:

1. This modification will provide clarity and define the specific days that are recognized as City holidays and that City Hall is closed.

Request for Update Initiated By: Shoaib Ahrary 9/16/2024
Date

Update Reviewed for Conformity and Consistency to Standards: Shoaib Ahrary 12/18/2024 | 6:57 AM PST
Shoaib Ahrary, PE, ESD Manager Date

Update to Standards Approved: Kristin Parsons 12/18/2024 | 8:22 AM PST
Kristin Parsons, PE, City Engineer Date

SECTION 1 – TERMS AND DEFINITIONS

1-3 DEFINITIONS

Acceptance -- The formal acceptance by the City Council of the City of Elk Grove of the entire Contract which has been completed in all respects in accordance with the Specifications and any approved modifications.

Addenda -- Any written change, clarification or supplement to documents issued for bidding, issued by the City or its Engineer prior to bid.

Agency -- Shall mean the City of Elk Grove, or another agency or district that may adopt these Specifications, acting through its authorized representatives.

Allowance -- An amount of money set aside under the Contract for a special purpose identified in the Contract.

Architect and/or Engineer of Record-- A person or persons, firm, partnership, joint venture, corporation, or combination thereof or authorized representative thereof, acting in the capacity of consultant to the City of Elk Grove. The Architect or Engineer of Record shall issue directions to the Contractor only through the City or the Engineer. When the Specifications require that approval be obtained from the Architect or Engineer of Record, such approval shall be requested from and be given by the City or the Engineer.

As Built-- Drawings prepared by the Contractor that document changes to, additions to, or deductions from the Plans, and which represent the Work as constructed.

As Shown, Etc. -- Where "as shown", "as latest indicated", "as detailed", or words of similar import are used, the reference is to the Contract unless specifically stated otherwise. Where "as directed", "as permitted", "approved", or words of similar import are used, they shall mean the direction, permission, or approval of the City.

Authorized Materials List -- A list of authorized materials published on the City's website at the following location: elkgrovecity.org/aml

Award -- The decision of the City Council to accept the proposal of the lowest responsible bidder for the Work, subject to the execution and approval of a satisfactory contract therefore and bond to secure the performance thereof, and to such other conditions as may be specified or required by law.

Bid -- When submitted on the prescribed bid form, properly signed and guaranteed, the Bid constitutes the offer of the Bidder to complete the Work at the price shown on the Bidder's bid form.

Bid Bond -- The cash, cashier's check, certified check, or bidder's bond accompanying the bid submitted by the bidder, as a guarantee that the bidder will enter into a Contract with the City for the performance of Work herein described.

Bidder -- Any person, persons, firm, partnership, joint venture, corporation, or combination thereof, submitting a Bid for the Work, acting directly or through a duly authorized representative.

Bid Documents -- The sum of the documents that comprise the Bid by a Bidder to perform the Work.

Bid Opening -- The event conducted by the City during which the sealed Proposals submitted by Bidders to perform the Work are opened and publicly read.

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Bid Security -- The cash, cashier’s check, certified check, or bidder’s bond accompanying the bid submitted by the bidder, as a guarantee that the bidder will enter into a Contract with the City for the performance of Work herein described.

Board Of Supervisors -- The Board of Supervisors of the County of Sacramento, a political subdivision of the State of California. Also referred to as “Board”.

Board of Directors-- The Board of Directors of the special district named in the Notice to Contractors. Also referred to as “Board”.

Bureau -- United States Bureau of Reclamation

Calendar Day-- Every day shown on the calendar. When the Contract Time is stated in calendar days, every day will be charged toward the Contract Time.

Capital Improvement Project –A project initiated and supported by the City to build or modify a piece of publicly owned infrastructure (building, road, park etc.)

City -- The City of Elk Grove, a political sub-division of the County of Sacramento and the State of California.

City Council -- The City Council of the City of Elk Grove, a political sub-division of the County of Sacramento and the State of California.

City Holiday(s) – City Holiday(s), holiday(s) or legal holiday(s) shall refer to the following days that are recognized as City Holidays:

1. New Year’s Day
2. Martin Luther King Jr. Day
3. President’s Day (Washington’s Birthday)
4. Memorial Day
5. 4th of July (Independence Day)
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. New Year’s Eve

Holidays falling on Sunday shall be observed on the following Monday unless this, too, is a holiday and then the holiday shall be observed one (1) day later. Holidays falling on Saturday shall be observed on the preceding Friday unless this, too, is a holiday and then the holiday shall be observed one (1) day sooner.

Claim – A separate demand by the contractor, sent by registered mail or certified mail with return receipt requested, for (i) a time extension, (ii) payment of money or damages arising from work done by or on behalf of the contractor pursuant to the contract for a public work and payment of which is not otherwise expressly provided for or the claimant is not

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otherwise entitled to, or (iii) an amount the payment of which is disputed by the City.

Contract -- The written agreement signed by the City and the Contractor covering the Work and the furnishing of labor, materials, tools, and equipment in the construction of the Work. The Contract shall include the Notice to Contractors, Bid, Plans, Specifications, Special Provisions, contract bonds, and any project-specific specifications or documents; also any and all supplemental agreements amending or extending the Work contemplated and which may be required to complete the Work in a substantial and acceptable manner. Supplemental agreements are written agreements covering alterations, amendments, or extensions to the Contract and include Contract Change Orders.

Contract Change Order -- A Contract amendment approved by the City or by the Board that includes, but is not limited to, alterations, deviations, additions to, or deletions from, the Contract which are required for the proper completion of the Work.

Contract Documents -- The Contract Documents are the collective term for all of the documents listed in Article II of the Contract.

Contracting Officer -- The City Manager of the City of Elk Grove or the City Manager's representative authorized to enter into a contract on behalf of the City of Elk Grove.

Contractor -- Any person or person's, firm, partnership, joint venture, corporation, or combination thereof, private or municipal, who (that) has (have) entered into a Contract, as defined in these Specifications, with the City of Elk Grove, or with a private owner or developer for Work to be dedicated to the City of Elk Grove, or for any Work performed within the public right-of-way.

Contract Time -- The time stated in the Contract for completion of the Work. The Contract Time may be a single allotment of time, a group of times specific to portions of the Work, or a combination of the two.

Council Member -- A member of the City of Elk Grove City Council.

Datum -- The Figures given in the Specifications or upon the drawings after the word "Elevation" or an abbreviation of it, shall mean U.S.G.S datum, unless otherwise noted.

Days -- Unless otherwise designated, days as used in the Contract Documents shall mean calendar days.

Elevation -- The figures given on the Plans or in the other Contract Documents after the word "Elevation" or abbreviation of it shall mean the distance in feet above the standard datum used by the City.

Engineer -- The City's Director of Public Works/City Engineer, acting personally or through agents or assistants duly authorized by the Director.

Estimated Quantities -- The list of items of work and the estimated quantities associated with the Work. The Estimated Quantities provide the basis for the Bid. Also referred to as "Engineer's Estimate".

Extra Work -- Work other than that required either expressly or implied by the Contract in its executed form.

Field Instructions -- Direction given, in writing, by the Engineer.

Haul Route -- Route for ingress and egress of materials hauled to and from a project site

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within the City limits or the City of Elk Grove.

Inspector -- The person or persons authorized to act as agent(s) for the City in the inspection of the Work.

Major Bid Item -- Five percent (5%) of the total contract bid price.

Notice To Contractors -- The written notice whereby interested parties are informed of the date, location, and time of the Bid Opening of a proposed City of Elk Grove Project and the terms and conditions of submitting Bids to perform the Work.

Notice To Proceed -- The written authorization by the City to the Contractor specifying the date the Work may begin and any conditions regarding the beginning of the Work.

Or Equal -- The term “or equal” shall be understood to indicate that the “equal” product be the equivalent or better than the product named in function, performance, reliability, quality, and general configuration. Determination of equality in reference to the project design requirements shall be made by the Engineer.

Plans -- The plans, drawings, profiles, cross sections, Working Drawings, maps, and Supplemental Drawings, or reproductions thereof, approved by the City, which show the locations, character, dimensions, and details of the Work.

Plant -- Plant is defined as:

(a) All resources, facilities, machinery, equipment, staging, tools, work and storage space other than provided by the Contract, together with subsidiary essentials and necessary maintenance for proper construction and acceptable completion of the project;

(b) When referring to landscaping work, “Plant” is defined as healthy, well formed, living vegetative material and as defined by Section 50-34.14 of these Standard Construction Specifications.”

Project -- Shall mean the Work.

Project Manager -- The person designated by the City as its project management representative during the course of construction, acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

Proposal -- Shall mean “Bid”.

Record Drawings -- Drawings prepared by the Engineer of Record that document changes to, additions to, or deductions from the Plans, and which represent the Work as constructed.

Schedule of Values -- A statement furnished by the Contractor to the City reflecting the portions of the Total Contract Price allotted for the various parts of the Work for each work activity contained on the project schedule. Unless otherwise indicated in the Specifications, the total of the Schedule of Values shall equal the full cost of the Work, including all labor, material, equipment, overhead, and profit. For lump sum contracts, the Schedule of Values is the basis for reviewing the Contractor's application for progress payments.

Shop Drawings -- Drawings prepared by the fabricator or supplier showing the layout and details of components fabricated in a shop for inclusion in the permanent facility (e.g., structural steel, reinforcing steel, railings).

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Site – The area upon or in which the Contractor’s operations are carried out and such other areas adjacent thereto as may be shown on the plans.

Special Provisions -- The Special Provisions are specific clauses setting forth conditions or requirements peculiar to the Work and supplementary to these Standard Construction Specifications.

Standard Construction Specifications -- The directions, provisions, and requirements contained herein. When the term “Standard Specifications” or “these Specifications” is used, it means the provisions as set forth herein, together with any amendments or revisions that may be set forth in the Special Provisions.

Standard Drawings -- The Standard Drawings of the City of Elk Grove, which are incorporated into the Standard Construction Specifications, and made a part of the Plans by reference to one or more specific Standard Drawings.

State -- The State of California.

State Specifications – Unless specified differently in the Special Provisions, the 2022 version of Standard Specifications of the State of California, Department of Transportation. Reference to the “Department” in the State Specifications shall be construed as the City of Elk Grove.

State Plans – Unless referenced differently in the contract plans, the 2022 version of the Standard Plans of the State of California, Department of Transportation unless specified differently in the Special Provisions.

Subcontractor -- A properly licensed party under contract to and responsible to the Contractor for performing a specified part of the Work; or a properly licensed party under contract and responsible to a Subcontractor of the Contractor.

Substantial Completion -- The formal written acceptance by the Engineer that field work is substantially complete. This may initiate the beginning of the warranty period defined by the Contract, but shall not bind the City to final Acceptance nor relieve the Contractor from the responsibility of completing or correcting any Work.

Supplemental Conditions – Additions, revisions, special directions, and requirements peculiar to a project site and not otherwise thoroughly set forth in General Conditions and/or these Specifications.

Supplemental Drawing -- Supplemental Drawings define the Plans or Specifications in greater detail by providing additional information that may have not been specifically or clearly shown or called out on the Plans or in the Specifications.

Technical Provisions -- The provisions of the Standard Construction Specifications that describe the technical aspects of the Work.

Total Contract Price -- The total price for the Work as bid by the Contractor, including any additions or subtractions made via Contract Change Orders.

Work -- All actions which the Contractor is contractually required to do as specified, indicated, shown, contemplated, or implied in the Contract to construct the Work, including all alterations, amendments, or extensions made by Contract Change Order or other written orders or directives of the City. Unless specified otherwise in the Contract, the Work includes furnishing all materials, supplies, equipment, tools, labor, transportation,

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supervision, and all incidentals necessary to complete the Work.

Working Day -- Any day except:

- (a) Saturdays, Sundays, and legal holidays;
- (b) days on which the Contractor is specifically required by the Contract or by law to suspend construction operations; or
- (c) days on which the Contractor is prevented from proceeding with the current controlling operation or operations of the Work for at least five (5) hours per day due to inclement weather, or conditions resulting immediately therefrom; or
- (d) as defined in the Contract.

Working Drawing -- Working Drawings detail a particular item of work and the manner in which it is to be accomplished or performed. Working Drawings are prepared by the Contractor as a submittal or a portion of a submittal and may be specifically requested by the City or required in the Contract or a Field Instruction or other written directive.

Written Notice -- "Written Notice" shall be deemed to have been duly served when delivered in person to the individual or to a member of the firm or to an officer of the corporation for whom it is intended, or if delivered at or sent by U.S. mail to the last business address known to him who gives the notice.