

APPENDIX A
TERMS AND DEFINITIONS

The following terms and definitions apply to this RFP and any resulting Contract.

PART A Terms

PART B Definitions

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PART A TERMS

AA/EEO	Affirmative Action / Equal Employment Opportunity
AASHTO	American Association of State Highway and Transportation Officials
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ADT	Average Daily Traffic
A&E	Architect and Engineer
AMOA	Amended Memorandum of Agreement
ANSI	American National Standards Institute
ATC	Alternative Technical Proposal
BTC	Base Technical Concept
BVDB	Best Value Design-Build Procurement
CADD	Computer Assisted Drafting Design
CD	Compact Disc
CEI	Construction Engineering and Inspection
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CGP	Construction General Permit
COMMBUYS	Commonwealth Procurement Access and Solicitation System
CPM	Critical Path Method
CQE	Contract Quantity Estimate
DBE	Disadvantaged Business Enterprise
DB	Design-Build
Design-Builder	Design-Build Entity
DB Price	Design-Build Price
DB Work	Design-Build Work
DEP	Department of Environmental Protection
DPW	Department of Public Works
EOT	Executive Office of Transportation
EPA	Environmental Protection Agency
EPD	Escrow Proposal Documents
EWO	Extra Work Order

FHWA	Federal Highway Administration
GAO	U.S. Government Accountability Office
Hazmat	Hazardous Materials
HASP	Health and Safety Plan
IA	Independent Assurance
IG	Office of the Inspector General Commonwealth of Massachusetts
ITP	Instructions to Proposers
LOI	Letters of Interest
M/WBE	Minority/Women Owned Business Enterprise
MassHighway	Massachusetts Highway Department the predecessor to the Massachusetts Department of Transportation (MassDOT), Highway Division
MassDOT	Massachusetts Department of Transportation
MGL	Massachusetts General Law
MHD	Massachusetts Highway Department a predecessor to the Highway Division of MassDOT
MS Project	Microsoft Project
MOA	Memorandum of Agreement
MUTCD	Manual on Uniform Traffic Control Devices
NBIS	National Bridge Inspection Standards
NCHRP	National Cooperative Highway Research Program
NCR	Non-Conformance Report
NIOSH	National Institute for Occupational Safety and Health
NPS	National Park Service
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NTP	Notice to Proceed
OIG	U.S. Office of the Inspector General
OSHA	Occupational Safety and Health Administration
PDF	Portable Document Format
RCRA	Resource Conservation & Recovery Act
RFI	Request for Information

RFP	Request for Proposals
RFQ	Request for Qualifications
SDVOBE	Service- Disabled Veterans- Owned Business Enterprises
SHPO	State Historic Preservation Officer
SOQ	Statement of Qualifications
SWPPP	Storm Water Pollution Prevention Plan
3-D	Three Dimensional
TEA	Time Entitlement Analyses
TIFF	Tagged Image File Format
TMP	Traffic Management Plan
TPS	Trolley Priority System
QA	Quality Assurance
QC	Quality Control
QMP	Quality Management Plan
QSM	Quality System Manual
USCG	United States Coast Guard
USDOT	United States Department of Transportation

PART B DEFINITIONS

Acceptance

Acceptance shall mean all factors used by MassDOT to evaluate the degree of compliance with contract requirements and to determine the corresponding value for a given product. Acceptance activities for Design include reviews of plans, specifications, and other documents prepared by the Design-Builder. Construction Acceptance activities include sampling, testing, and inspection of DB Work.

Acceptance Limit

Acceptance Limit shall mean the limiting upper or lower value, placed on a Quality Measure that will permit acceptance of a Lot. [While the test values for material samples are evaluated with Specification Limits and Engineering Limits, the computed quality level for a specific Quality Measure is evaluated against the Acceptance Limit. For example, the minimum allowable PWL called out in a QA Specification might be 65PWL. This is the Acceptance Limit.]

Acceptance Sampling & Testing

Also called *Verification sampling and testing*. Acceptance Sampling & Testing shall mean sampling and testing performed by MassDOT, or its Designated Agent, to measure the quality of the final product. Acceptance Sampling & Testing is performed on material entering the DB Work, whether on-site or off-site, to determine compliance with the requirements of the Contract Documents. Such sampling and testing is a factor in MassDOT's acceptance or rejection of the DB Work.

Accredited Laboratories

Accredited Laboratories are laboratories which are recognized by a formal accrediting body as meeting quality system requirements including demonstrated competence to perform standard test procedures.

Addenda

Addenda are revisions, substitutions, or clarifications to the RFP.

Advertisement

Advertisement shall mean the publishing of a Design-Build project similar to advertisement for professional services currently used by MassDOT. The advertisement shall appear in the Central Register, *COMMBUYS*, and shall be advertised in a newspaper of general circulation in the area (town or city) in which the project is located or to be located.

Alternative Technical Concept

Alternative Technical Concepts (ATCs) are requests by a Proposer to modify a contract requirement and must provide a solution that is equal to or better than the requirements in the Base Technical Concept (BTC).

Amended Memorandum of Agreement

Amended Memorandum of Agreement represents the revised document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties, when an undertaking and its effects on historic properties have changed substantially after an MOA has been executed.

As-Built Documents

As-Built Documents shall mean the documents provided by the Design-Builder to MassDOT at the conclusion of the construction project.

Attribute

Attribute is a characteristic that, by its presence or absence, classifies an item as conforming or nonconforming. [Inspection Attributes should be selected that directly relate to one of the four inspection components (i.e. equipment, environmental conditions, materials, and product workmanship). Inspection Attributes used for QC should be directly related to maintaining control of production and placement processes to ensure conformance with the requirements for each item of work. Inspection Attributes for Acceptance should relate directly to long-term product performance.]

Best Value Design-Build

Best Value Design-Build is a two-phase selection process in which the first phase consists of creating a short list of qualified Design-Build Entities as determined by responses to a Request For Qualifications package. The second phase consists of the submission of technical and price proposals in response to the Request for Proposals.

Business Day

Business Day shall mean days on which MassDOT is officially open for business.

Calendar Day

Day shall mean Calendar Day unless otherwise specified. If the date to perform any act or give any notice specified in the Contract Documents falls on a non-Business Day, such act or notice may be timely performed on the next succeeding Business Day. Notwithstanding the foregoing, requirements contained in the Contract Documents relating to actions to be taken in the event of an emergency and other requirements for which it is clear that performance is intended to occur on a non-Business Day, shall be required to be performed as specified, even though the date in question may be a non-Business Day.

Certified Personnel

Certified Personnel are personnel who are recognized by a formal certifying body as qualified to perform sampling, testing, inspection, or related procedures.

Claim

A Claim is any written request for relief in any form arising out of or relating to the Contract Documents or the Project, including all Contract Claims, statutory Claims, equitable Claims, and Claims for extension of time.

Chief Engineer

Chief Engineer shall mean the Chief Engineer of MassDOT acting directly or through an authorized representative, such representative acting within the scope of the particular duties entrusted to him.

Commonwealth

Commonwealth shall mean the Commonwealth of Massachusetts.

COMMBUYS

COMMBUYS is the Commonwealth of Massachusetts Procurement Access and Solicitation System. COMMBUYS is available through the MassDOT website.

Conceptual Design

Conceptual Design shall mean the design provided in the reference documents with the RFP.

Concurrent Delay

A concurrent delay is the occurrence of two or more independent causes of delay whose effects are felt at the same time; one at least an Owner caused delay and one at least a Design-Builder caused delay.

Conformance Measure

Conformance Measure is the method used to evaluate inspection findings to determine the degree of product conformance with quality requirements. [The Conformance Measure used can be very simple and qualitative or can utilize a numeric or quantitative approach. The typical Conformance Measures applied include; Pass/Fail, Percent Conforming, and Numeric Score.]

Construction Documents

Construction Documents shall mean all shop drawings, working drawings, and samples necessary for construction of the Project in accordance with the Contract Documents.

Construction Organization Chart

Construction Organization Chart is a chart that shows relationships between functions and the functional relationships with Subcontractors. This chart indicates how the Proposer intends to divide the Project into work segments to minimize impacts on the traveling public and enable optimum construction performance.

Contact Person

Contact Person for this procurement is the MassDOT employee shown in Volume I Section 1.4 of the RFP.

Contract

Contract shall mean the Design-Build Contract, which consists of two separately bound volumes: Volume I - Terms and Conditions, and Volume II - Technical Provisions. Contract Volume I is the final version of RFP Volume III – Draft Contract, and includes revisions necessitated by RFP addenda. Similarly, Contract Volume II is RFP Volume II – Technical Provisions, and includes revisions necessitated by RFP addenda.

Contract Amendment

A written amendment to the terms and conditions of the Contract Documents issued in accordance with Contract Volume I, Section 3.

Contract Document

Contract Document shall mean this Contract, which consists of Contract Volume I - Terms and Conditions and Contract Volume II - Technical Provisions including all exhibits, appendices and other documents listed in Section 1.2.2 of Contract Volume II – Technical Provisions, including all amendments to the foregoing and all Contract Amendments issued

Contract Milestones

Contract Milestones shall mean milestones as defined by Volume II, Section 9.1 of the RFP.

Contract Time

Contract Time shall mean the number of days allowed for completion of the Project.

Contractor

Contractor shall mean the Design-Builder.

Control Chart

Also called *Statistical Control Chart*. A Control Chart is a graphical plot of Quality Control measurements or test values used to identify variation in a production or placement process due to either Chance Causes or Assignable Causes.

Critical Path Method

CPM is a technique used to develop a project schedule that specifies the time frame for interim events and the activities and durations associated with the longest path(s) through the Project Schedule.

Cultural Resources

Cultural Resources shall be defined as set forth in the governing federal and state legislation concerning cultural resources (Section 106 of the Historic Preservation Act, as amended; 36 CFR 800; and Mass. Gen. L. c. 9, §§ 26-27C, as amended by Chapter 254 of the Acts of 1988; and 950 CMR 70.00 and 71.00).

Day

Day shall mean calendar day unless otherwise specified

DB Price

Design-Build Price shall mean the price set forth by the Design-Build Contract documents.

DB Work

Design-Build Work shall consist of the work required under the Agreement including all administrative, design, engineering, real property acquisition and occupant relocation, support services, Utility Relocation, procurement, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, documentation, and other duties and services to be furnished and provided by the Design-Builder as required by the Contract Documents, including all efforts necessary or appropriate to achieve Final Acceptance except for those efforts which such Contract Documents specify will be performed by Persons other than the Design-Builder.

Department

Department shall mean the Massachusetts Department of Transportation or MassDOT.

Design

Design shall mean the design for the Project as evidenced by the Final Design Documents.

Designated Agent

Designated Agent shall mean a Consultant directly under contract to MassDOT to assist in performing Acceptance activities.

Design-Build

Design-Build is a construction delivery system that provides responsibility for the delivery of design services and construction services within a single contract.

Design-Builder

Design-Builder is an individual, sole proprietorship, firm, partnership, joint venture, corporation, or other entity that provides design-build services.

Design Documents

Design Documents shall mean all drawings (including plans, elevations, sections, details and diagrams), specifications, reports, calculations, records, and submittals necessary for design of the Project in accordance with the Contract Documents.

Design Exception

Design Exception shall be defined as set forth in the MassDOT Project Development and Design Guide (PDDG).

Dispute Resolution

Dispute Resolution is the procedure used by the Department and the Design Builder to review and resolve claims submitted by the Design-Builder.

Early Start of Construction

Early Start of Construction shall mean any DB Work that is performed by the Design-Builder prior to receiving MassDOT's approval of the Final Design Documents.

Earned Value Report

Earned Value Report shall mean a progress tracking report that provides a breakdown of schedule and budget that matches the setup of the timekeeping system where actual effort is recorded.

Engineer

The Chief Engineer of MassDOT acting directly or through an authorized representative, such representative acting within the scope of the particular duties entrusted to him.

Engineering Limits

Engineering Limits are the absolute limiting value(s) placed on a Quality Characteristic beyond which the test result for an individual sample is considered to be unacceptable. [Engineering Limits are established to identify material that does not provide the minimum required engineering properties. They usually have an Upper Engineering Limit (UEL), a Lower Engineering Limit (LEL), or both. The Engineering Limits may be the same as the Specification Limits.]

Environmental Approvals

Environmental Approvals shall mean any Governmental Approval and amendment or modification thereto, arising from or required by Environmental Law.

Environmental Clearances

Environmental Clearances means that an undertaking has been reviewed under Section 106, the undertaking's effects (if any) on historic properties have been taken into consideration, and the Section 106 review process for the undertaking has been completed.

Environmental Law

Environmental Law shall mean any Law that regulates or governs the use, storage, handling, treatment, recycling, transportation, or disposal of Hazardous Material or pollution or protection of human health, safety, and the environment, including, but not limited to:

- 1) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601 et seq.;
- 2) the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq.;
- 3) the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.;
- 4) the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq.;
- 5) the Clean Water Act, 33 U.S.C. Section 1251 et seq.;
- 6) the Clean Air Act, 42 U.S.C. Section 7401 et seq.; and
- 7) any analogous state statutes including Mass. Gen. L. c. 21C and 21E, all as amended or as they may be amended from time to time.

The term “Environmental Law” shall not include the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq.

e-Signature

Electronic signature or eSignature – pursuant to M.G.L. c. 110G, §2, “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.”

Escrow Proposal Documents

An EPD shall contain information regarding the Proposer’s assumptions made in calculating the Proposal prices, and shall be submitted to an Escrow Proposal Agent, in accordance with RFP Volume I, Section 2.6.3.

Fabricator

Fabricator shall mean a company which produces Fabricated Structural Materials (e.g. Precast/Pre-stressed Concrete Structural Elements, Fabricated Structural Steel) for either the Design-Builder or a Subcontractor.

Fabricated Structural Materials

Fabricated Structural Materials are major structural items produced specifically for an individual construction project by a material Fabricator. [They are generally characterized by one or more of the following conditions:

- a. The production process for the material occurs under controlled conditions at an established Fabricator plant typically located within State or in another State;
- b. The material properties are stable and have no potential for alteration under proper transportation from the Fabricator to the project site;
- c. The materials arrive at the project site in a solid state and require little or no additional work after installation.]

Facility

Facility shall mean the entire limits of the Project

Final Acceptance

Final Acceptance shall be defined as set forth in Volume II Section 9.1 of this Design-Build Procurement and the date on which MassDOT certifies to the Design-Builder in writing that the DB Work has been completed to its satisfaction in accordance with the terms of the Contract Documents.

Force Majeure

Force Majeure shall mean any of the following events (provided such events are beyond the control of the Design-Builder, its employees, agents, officers or Subcontractors or any other persons performing any of the work for whom the Design-Builder may be contractually or legally responsible) which materially and adversely affects the Design-Builder's obligations and which event (or the effects of which event) could not have been avoided by the exercise of caution, due diligence, or reasonable efforts by the Design-Builder:

- a. Any earthquake, hurricane or other natural disaster;
- b. Any man-made disaster, such as fires and explosions;
- c. Any epidemic, blockade, rebellion, war, riot, act of sabotage or civil commotion, or any national strikes;
- d. Any Change in law which modifies the scope of the DB Work or specifically targets the Project or Design-Builder;
- e. Any release of Hazardous Material by a third party for whom the Design-Builder has no responsibility and with whom the Design-Builder has no relationship, which is required to be reported to the DEP, and which renders use of the roadway or construction unsafe absent assessment, containment, and/or remediation;
- f. Issuance of a temporary restraining order or other form of injunction by a court, except if arising out of the act, omission or breach of obligation of the Design-Builder or its Subcontractors, agents or employees; and
- g. Any highway accident causing catastrophic damage to the Facility.

The Term "Force Majeure" shall be limited to the matters listed above and specifically excludes from its definition the following matters which might otherwise be considered force majeure:

- i. any fire or other physical destruction or damage, or delays to the Project which occur by action of the elements, including lightning, explosion, drought, rain, flood, snow, storm, except as specified in (a) above;
- ii. rain, wind, snow and/or other natural phenomena of normal intensity, based on National Weather Service reports, for the particular locality and for the particular season of the year in which the DB Work is being prosecuted, shall not be construed as an "Act of God,"
- iii. any strike, labor dispute, work slowdown, work stoppage, secondary boycott, walkout, or other similar occurrence;
- iv. the suspension, termination, interruption, denial or failure to obtain or nonrenewal of any Governmental Approval, except as described in (e) and (f) above;
- v. any Change in Law (such as increases in tax rates) which does not result in a change in the scope of the DB Work or Design-Builder services (i.e. the Change in Law would not require a change in the design of the Project);
- vi. any delay related to any Utility Work or failure to obtain approval from a Utility Owner;
- vii. any delay or cost risk for which coverage is to be provided through insurance required hereunder; and
- viii. all other matters not caused by the Owner or beyond the control of the Owner and not listed in (a) through (g) above.

Governmental Approval

Governmental Approval shall mean any permit, license, authorization or other approval, and any amendment or modification of any of them, required by any law applicable to the Project or by a federal, state or local governmental entity for the execution of any aspect of the Project.

Hazardous Materials

Hazardous Materials shall mean:

- 1) any substance, product, waste or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to any Environmental Law as now or at any time hereafter in effect;
- 2) any substance, product, waste or other material of any nature whatsoever which may give rise to liability, investigation, remediation or corrective action requirements under any Environmental Law;
- 3) oil and petroleum derivatives;
- 4) asbestos;
- 5) lead and lead paint; and
- 6) radioactive wastes and substances.

Hazardous Materials Management

Hazardous Materials Management shall mean sampling, stock-piling, storage, backfilling in place, asphalt batching, recycling, treatment, and/or off-site disposal of Hazardous Materials, whichever is the most cost-effective approach authorized under applicable federal, state, and local laws.

Health and Safety Plan

A Health & Safety Plan (HASP) shall be defined as a plan prepared by a Certified Industrial Hygienist or other experienced individual with the appropriate training required by OSHA.

Independent Assurance

Independent Assurance shall mean activities that are an unbiased and independent evaluation of all the sampling and testing (or inspection) procedures used in the Quality Assurance program. [IA provides an independent verification of the reliability of the Acceptance (or Verification) data obtained by the Agency and the QC data obtained by the Contractor. The results of IA testing or inspection are not to be used as a basis of material acceptance. IA provides information for Quality System management.]

Inspection

Inspection shall mean the process of visual examination or physical measurement of an item for comparison against applicable requirements. [Inspection activities are primarily visual in nature. The characteristics (i.e. Attributes) of a product or item are assessed using both visual observations (i.e. *examination*) and check measurements (i.e. *physical measurement*) of equipment, environmental conditions, materials, and product workmanship.]

Issued for Construction Design Documents

Issued for Construction Design Documents shall mean the Design Documents as formally submitted and accepted by MassDOT and FHWA, if applicable, following the complete resolution of open design items and review comments generated at the 100% Highway or Structural Bridge submittal stage, as required pursuant to the Contract Documents.

Letter of Interest

Letter of Interest is the information provided by the interested Design-Builders in response to a project advertisement. A Design-Builder desiring to be considered for a design-build project shall submit a Letter of Interest and provide the information required in the advertisement of the Project.

Letter of Transmittal

Refer to RFP Volume I Section 3.3.2.1 and Attachment A for the requirements and format of Letters of Transmittal.

Lot

Lot shall mean a specific quantity of material from a single source which is assumed to be produced or placed by the same controlled process.

Major Participants

Major Participant shall include, but not be limited to any of the following entities:

- a. All general partners or joint venture members of the Design-Builder.
- b. All Persons holding (directly or indirectly) a 15% or greater interest in the Design-Builder.
- c. The lead engineering / design firm(s) (i.e., individual firms, partnerships, or joint ventures) as well as each engineering/design subconsultant (i.e., individual firms, partnerships, or joint ventures) that will perform 20% or more of the engineering/design DB Work.
- d. The Person with primary responsibility for Quality Control for the DB Work;

Manufacturer

Manufacturer shall mean a company which manufactures and supplies Standard Manufactured Materials for either the Prime Contractor, a Subcontractor, or a Fabricator.

MassDOT

MassDOT shall mean the Massachusetts Department of Transportation (MassDOT), a body politic and corporate, public instrumentality, and successor entity to the Massachusetts Highway Department (MHD), as well as any agency of the Commonwealth succeeding to the powers, authorities and responsibilities of MassDOT invoked by or under the Contract Documents.

MassDOT Standards

MassDOT Standards shall mean any manual, standards, standard operating procedures or policies of MassDOT, as such documents are revised, amended or supplemented from time to time.

MassDOT-Directed Amendment

MassDOT-Directed Amendment shall mean any change in the DB Work which MassDOT has directed the Design-Builder to perform.

MassDOT-Supplied Design

MassDOT-Supplied Design shall mean the design as depicted in the reference plans accompanying the RFQ.

Memorandum of Agreement

Memorandum of Agreement shall represent the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

Non Responsive

Non Responsive refers to any submission that does not meet the criteria identified in the RFP or any Technical Proposal that does not comply with the criteria defined in the RFP.

Notice To Proceed

Notice To Proceed shall mean a written communication issued by MassDOT to the Design-Builder authorizing it to proceed with the DB Work and establishing the date of commencement of the DB Work.

Percent Within Limits

Percent Within Limits is the cumulative area under a standard curve which represents the estimated percentage of a Lot that falls above the Lower Specification Limit (LSL), beneath the Upper Specification Limit (USL), or between the Upper and Lower Specification Limits.

Person

Person shall mean any individual, corporation, company, voluntary association, partnership, trust, unincorporated organization, or Governmental Person.

Plans

Plans shall mean approved contract drawings, MassDOT standards, working drawings, supplemental drawings, detail sheets or exact reproductions thereof, which show the location, character, dimensions and details of the work to be done.

Prequalification

Prequalification is the process used to identify Design-Builders that meet certain criteria necessary to advance to the RFP stage of the selection process. The Architects and Engineers Review Board and the Construction Prequalification Committee shall be jointly responsible for determining the prequalification status of each Design-Builder using information provided in LOIs, SOQs, and on file form other MassDOT prequalification procedures, or from other appropriate sources as necessary.

Price Proposal

The Proposer's cost for all design, construction, construction engineering, and Quality Control inspection, sampling and testing, as required, and any warranties required. See RFP Volume I, Attachment B for the Price Proposal Form.

Producer

Producer shall mean a company which produces and supplies Project Produced materials (e.g. Aggregates, HMA, PCC) for either the Prime Contractor or a Subcontractor.

Project

The word "Project" shall mean the full scope of work for the design and construction of the Bridge Replacement, M-05-001=W-06-013 & W-06-016, Marion Road/Wareham Road (Route 6) over Weweantic River in Marion and Wareham, Massachusetts and within the boundary of MassDOT District 5, completed in conjunction with all terms and conditions of the Contract Documents.

Project Produced Materials

Project Produced Materials are major items produced directly for an individual construction project either by a Contractor or by a material Producer. [They are generally characterized by one or more of the following conditions: a) The production process for the material occurs either at the project site or at a Producer plant located in close proximity to the project site; b) The material properties are subject to potential contamination or segregation during transportation from the plant to the project site; c) The materials arrive and are placed at the project site in a nonsolid or loose mixture state requiring subsequent mixing, compaction, finishing, or curing.]

Project Schedule

Submission requiring approval that divides the DB Work into activities with appropriate logic ties to show the Proposer's/Design-Builder's overall approach to the planning, scheduling and execution of the DB Work.

Proposal

Proposal shall mean either the technical proposal or the price proposal, submitted by the Proposer/Design-Builder to MassDOT in response to the RFP, including any Supplement to Proposal.

Proposal Date

Proposal Date shall mean the deadline for proposals, as specified in Volume I, Section 2.6.1 of the Instructions to Proposers, subject to any extensions.

Proposer

Proposer shall mean a design-builder that MassDOT has short-listed, based on evaluations of the Statements of Qualifications, to submit Price and Technical Proposals for the Project.

Punch List

Punch List shall mean the list of DB Work which remains to be completed after Substantial Completion has been achieved, and shall be limited to minor incidental items of the DB Work that are necessary to correct imperfections, but which have no adverse effect on the safety or operability of the Facility.

Qualified Laboratories

Qualified Laboratories are laboratories that are capable as defined by appropriate programs established or recognized by MassDOT. [Accredited Laboratories are considered Qualified. However, a Qualified Laboratory need not be Accredited.]

Qualified Personnel

Qualified Personnel are personnel who are capable as defined by appropriate programs established or recognized by MassDOT.

Quality

Quality is (1) The degree of excellence of a product or service; (2) The degree to which a product or service satisfies the needs of a specific customer; (3) The degree to which a product or service conforms with a given requirement; or (4) Conformance to requirements.

Quality Assurance

Quality Assurance (QA) shall mean (1) All those planned and systematic actions necessary to provide confidence that a product or facility will perform satisfactorily in service; or (2) Making sure the quality of a product is what it should be. QA includes Quality Control performed by the Design-Builder, Acceptance activities performed by MassDOT (or its Designated Agent), Independent Assurance, Dispute Resolution, Laboratory Accreditation and Qualification, and Personnel Qualification/Certification.

Quality Assurance Program

Quality Assurance Program shall mean the core programmatic elements required for Design Quality Assurance implementation and Construction Quality Assurance implementation.

Quality Characteristic

Quality Characteristic is a product characteristic that is measured through testing, either for Quality Control (QC) purposes or for conformance with Acceptance requirements. [Quality Characteristics are specific material properties or product requirements which are evaluated by QC and Acceptance testing. Quality Characteristics which are specified are normally selected because they: a) Relate to initial and long-term performance; b) Are quantifiable or measurable; and c) Can be measured with good repeatability.]

Quality Control

Quality Control (QC) shall mean the system proposed by each Proposer/used by the Design-Builder to monitor, assess and adjust their production or placement processes to ensure that the final product will meet the specified level of quality. [Quality Control includes review and checking of design and construction documents, sampling, testing, inspection, evaluation, and corrective action (where required) to maintain continuous control of a production or placement process.]

Quality Control Plan

A construction Quality Control (QC) Plan shall mean a project specific document prepared by the Design-Builder which identifies all Construction QC processes and procedures that will be used to maintain all production and placement processes “in control” and meet the specification requirements for each major Work Item.

Quality Limits

Quality Limits are the upper or lower limiting values provided in the specifications that are used to evaluate the acceptability of materials produced or placed. [There are three types of Quality Limits that are typically included in QA Specifications. They include: Specification Limits, Engineering Limits, and Acceptance Limits. Each type of Quality Limit serves a different specific function in assessing the Quality of a product or work item. Quality Limits are used together to determine the quality of an individual Quality Characteristic.]

Quality Management Plan

Quality Management Plan (QMP) shall mean a project specific document that describes the overall Quality Control operating procedures of the Design-Builder.

Quality Measure

Quality Measure is any one of several mathematical tools that are used to quantify the level of quality of an individual Quality Characteristic. [Application of a Quality Measure to a set of testing data provides an overall numeric representation of Quality for a specific Quality Characteristic. Typical Quality Measures used in Quality Assurance are selected because they quantify the average quality, the variability, or both. Examples of Quality Measures that may be used include; Mean, Standard Deviation, Percent Defective (PD), Percent Within Limits (PWL), Average Absolute Deviation (AAD), Moving Average, and Conformal Index (CI). PWL or PD are the Quality Measures that are recommended for use in Quality Assurance Specifications.]

Quality System Manual

Quality System Manual (QSM) shall mean a written document that describes the overall Quality Control operating procedures of each Producer, Fabricator and Manufacturer who supply constituent materials or who are involved in handling or processing of the Design-Builder's products.

Relocation

Relocation shall mean each removal, relocation, abandonment, accommodation and/or protection in place (including provision of temporary services as necessary) of any and all Utilities that is necessary in order to accommodate or permit construction of the Project.

Request For Proposal

Request for Proposal (RFP) is the document issued by MassDOT to solicit proposals from short-listed Design-Builders (Proposers), based on evaluations of the Statements of Qualifications, for the purpose of entering into a Design-Build contract and includes all attachments hereto and subsequent addenda.

Request For Qualifications

Request for Qualifications (RFQ) is the document issued by MassDOT for the purpose of creating a short list of qualified Design-Builders, based on evaluations of the Statements of Qualifications, to respond to an RFP issued by MassDOT.

Right-of-Way

Right-of-Way shall consist of any real property (which term is inclusive of all estates and interests in real property) which is necessary for ownership and operation of the Facility. The term specifically includes all air space, surface rights, and subsurface rights within the established Right-of-Way limits of the Facility which are owned by the Commonwealth of Massachusetts and are under the control of MassDOT or which will be acquired in connection with the Project, and includes any Mitigation Area. The term specifically excludes any temporary easements or other real property interests outside of the State Highway Layout which the Proposer/Design-Builder may deem necessary or advisable in connection with construction of the Project, Utility Relocations and/or Work.

Sampling

Sampling is the process of selecting one or more samples from a population. [Sampling is an integral part of Contractor Quality Control, as well as Agency Acceptance. Sampling procedures should be established and applied for both inspection and testing activities. An effective sampling system delineates a Population according to measurable segments. The key elements of a sampling system include; Lots, Statistical Samples, Sublots, and samples.]

Selection Committee

The Selection Committee is established by MassDOT and reviews Proposals and recommends selection of best-value Proposals. The Selection Committee may also receive assistance from any sub-committees that evaluate the technical and/or Price Proposals as needed.

Specification Limits

Specification Limits are the statistically based limiting values(s) placed on a Quality Characteristic which are applied with a particular Quality Measure (such as PWL) to evaluate the quality of a Lot. [Specification Limits are usually comprised of an Upper Specification Limit (USL), a Lower Specification Limit (LSL), or both. It is important to recognize that since Specification Limits are statistical limits, individual sample test results may fall beyond the USL or LSL and still be included in the Acceptance determination. The Specification Limits will ultimately be used for computation of Quality Levels (e.g. PWL), which will be used in calculating pay factors for a Lot.]

Standard Manufactured Materials

Standard Manufactured Materials are standard items that are produced routinely (i.e. not for a specific project) by a Manufacturer. [They are generally characterized by one or more of the following conditions: a) The materials are normally mass-produced under highly controlled and largely automated manufacturing conditions; b) The material properties are stable and have no potential for alteration under proper transportation from the Manufacturer to the project site; c) The materials arrive at the project site in a solid, finished state* and require only installation (*Note: *Exceptions to this condition include materials, such as PG binder, cements, and paints/coatings that are incorporated into either Project Produced Materials or Fabricated Structural Materials*).]

Standard Specifications

Standard Specifications shall mean the Massachusetts Department of Transportation 2024 Standard Specifications for Highways and Bridges, for purposes of the Contract Documents, as amended by the Supplemental Specifications to the 2024 Standard Specifications for Highways and Bridges.

Subcontract

Subcontract shall mean any agreement by the Design-Builder with any other Person to perform any part of the DB Work or provide any materials, equipment, or supplies for any part of the DB Work.

Subcontractor

Subcontractor shall mean any Person with whom the Design-Builder has entered into any Subcontract to perform any part of the DB Work or provide any materials, equipment, or supplies for the Project on behalf of the Design-Builder.

Sub-lot

Sub-lot shall mean a subdivision of a Lot. [A Sub-lot is an equal (usually) division or part of a Lot from which a sample of material is obtained in order to assess the Inspection Attributes or Quality Characteristics of the Lot. Sub-lots are established to ensure that samples of material obtained from the Lot are not all concentrated in one location. Sub-lots allow samples to be taken from within different segments (beginning, middle, end) of the Lot.]

Substantial Completion

Substantial Completion shall mean the date on which the Design-Builder notifies the Owner that substantially all of the DB Work has been completed and opened to public use except for minor incomplete or unsatisfactory DB Work items that do not materially impair the usefulness of the DB Work required by the Agreement.

Supplier

Supplier shall mean any person not performing work at the Facility or Right-of-Way which supplies machinery, equipment, materials, or systems to the Contractor or to any Subcontractor in connection with the performance of the DB Work. Persons who merely transport pick up, deliver or carry materials, personnel, parts or equipment, or any other items or persons to or from the Right-of-Way, shall not be deemed to be performing work at the Right-of-Way.

Technical Proposal

Technical Proposals contain three major sections: a management summary, comprehensive technical approach, and a project summary schedule using Primavera, MS Project, or equivalent. The package shall clearly indicate that it is the Technical Proposal and shall clearly identify the Proposer name, project description, or any other information required. Refer to RFP Volume I, Section 3.3 of this Design-Build Procurement for procedures on Technical Proposal format and organization.

Testing

Testing is the application of prescribed apparatus and procedures to characterize a specified property of a material or product. [Testing is used to determine whether the physical or chemical characteristics of either a finished product or its constituent materials meet the established requirements. Testing differs from inspection (by examination) as it provides an *objective* and *quantitative* measurement tool. It provides numerical magnitude for a specified property (i.e. Quality Characteristic).

Time Entitlement Analyses

Time Entitlement Analyses shall mean a schedule extension associated with an Extra Work Order.

Traffic Management Plan

Traffic Management Plan is a plan developed by the Proposer/Design-Builder showing the traffic control throughout the duration of the project.

Transmittal Letter

(See definition for Letter of Transmittal)

Utility

Utility or utilities shall mean a public, private, cooperative, municipal, and/or government line, facility or system used for the carriage, transmission and/or distribution of cable television, electric power, telephone, telegraph, water, gas, oil, petroleum, products, stream, chemicals, sewage, storm water not connected with the highway drainage and similar substances that directly or indirectly serve the public. The term Utility is also sometimes used to refer to the owner or operator of any such line, facility and/or system. The term Utility specifically excludes storm water lines connected with the highway drainage, and traffic signals, street lights, and electrical systems for roadways.

Utility Owner

Utility Owner shall mean the owner or operator of any Utility (including both privately held and publicly held entities, cooperative utilities, and municipalities and other governmental agencies).

Utility Owner Approval

Written approval from the Utility owner for the proposed Utility work.

Utility Providers

(See definition for Utility Owner)

Utility Work

Utility Work shall mean any Relocation or installation of any Utility as may be necessary for the Project.

Validation

Validation is the mathematical comparison of two independently obtained sets of data (e.g. Agency Acceptance data vs. Contractor QC data) to determine whether it can be assumed they came from the same Population.

Verification sampling and testing

See definition for Acceptance Sampling & Testing

Work Days

Work Days shall mean days MassDOT is open for business.

END OF APPENDIX A

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