

SECTION 01005

DEFINED TERMS

PART 1 - GENERAL

1.01 SCOPE

When used in this publication the following underlined terms shall have meaning as hereinafter defined:

- A. The masculine pronoun shall include the feminine and neuter, and the singular shall include the plural;
- B. "And" shall also mean "or" and "or" shall also mean "and", wherever the context or purpose so requires;
- C. "As-Built Drawings" As-built drawings are prepared by the Contractor's Florida Registered Professional Surveyor and Mapper. As-built drawings reflect field changes and construction modifications to the conformed Bid Documents.
- D. "Construction Drawings" shall mean the drawings, plans, or reproduction thereof which shows scope, character, location, dimensions, and other details of the Work to be performed under the Contract Documents.
- E. "Contract Documents" shall mean those documents named in the Agreement.
- F. "Contractor", "Bidder" shall mean the party of the second part to the contract. The person, firm, or corporation, holding a current Certificate of Competency applicable to the type of work to be performed, with whom a contract has been made directly or through accredited representatives, that may have entered into a contract with the County and who is primarily liable for the acceptable performance of the work for which he has contracted and also for the payment of all legal debts pertaining to the work, or Contractor shall mean any person engaged by the Developer to supply labor, materials or equipment for use in the fulfillment of the project.
- G. "County", "Dade County", "Miami-Dade County" or "Metropolitan Dade County (MDC)" shall mean Miami-Dade County, Florida, a political subdivision of the State of Florida, acting by and through the Board of County Commissioners, which is a party hereto and for which this Contract is to be performed;
- H. "Department" shall mean the Miami-Dade Water and Sewer Department of Miami-Dade County, Florida;
- I. "Developer" shall mean the person, who has entered into an agreement with the Department to construct a Project.

- J. "Directed" shall mean a command or instruction by Engineer or the Department. Other terms including "requested", "ordered", "authorized", "selected", "required", and "permitted" have the same meaning as "directed".
- K. "Director" shall mean the Director of the Miami-Dade Water and Sewer Department;
- L. "Domestic" when applied to materials, shall mean materials or products produced within the continental limits of the United States.
- M. "Engineer" shall mean the Deputy Director of the Miami-Dade Water and Sewer Department or an authorized representative;
- N. "Engineer of Record" shall mean the Florida-certified professional engineer engaged by the Developer or the Department to design (sign and seal) the proposed Project.
- O. "Equal" or "Approved Equal" shall mean only that material or product which is specifically approved by the Engineer as being an acceptable substitute for a material or product designated in the Specifications or by a trade name or the name of the manufacturer.
- P. "Final Completion" shall occur when the work is in a state such that no further work is required in accordance with the Contract Documents to render complete, satisfactory and acceptable to MD-WASD all construction services purchased, including those for any pending items whether or not they were listed after substantial completion, and provide all manuals, certifications, warranties, as-built Plans, release of liens, certified payrolls, and any other documentation required by MD-WASD or other governing authority. If any portion of the Contract Documents specifies a particular measure of final completion for the work, in whole or in part, that definition shall take precedence of this section.
- Q. "Inspector", "Construction Manager" shall mean any person designated by the Engineer as an authorized representative to examine and inspect materials and work for insuring compliance by the Contractor with all requirements of the Plans and Specifications, the Construction Managers and Inspectors which work at the direction of the Construction Manager are authorized representatives of the Engineer;
- R. "Person" shall mean and include any individual, combination of individuals, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise;
- S. "Plans" shall mean construction drawings prepared by the Developer or Engineer of Record for the proposed Project.
- T. "Project" shall mean and include all construction, for which the Contractor is responsible under the Contract Documents, or shall mean and include all construction for which the Developer or Engineer of Record is responsible under the agreement with the Department.

- U. "Provide" shall mean to furnish and install, complete and ready for the intended use.
- V. "Regulations" shall mean laws, ordinances, statutes, and lawful orders issued by authorities having jurisdiction, and rules, conventions, and agreements within the construction industry that control performance of the Work.
- W. "Standards Details" or "Standards" the Department's latest published standard construction details, copies of which are bound herein.
- X. "Subcontractor" shall mean any person engaged by the Contractor to supply labor, materials or equipment for use in the fulfillment of the Project;
- Y. "Substantial Completion" shall occur when the work is in a state of final completion as regards all aspects of occupancy, ingress, egress, habitability, functionality and efficiency thereof, safety, durability and interaction with other existing or contemplated systems, and is otherwise substantially fit for use or operation. Any work remaining after substantial completion shall be of a minor nature such that should the MD-WASD elect to occupy and put into full service the facility constructed under the Project, or any portion thereof, said work may be accomplished without interference to an extent causing loss of efficiency to any of the above required aspects. The date of substantial completion is the date certified by the Architect/Engineer and approved by MD-WASD (if different from the A/E) when construction is sufficiently complete to satisfactorily fulfill all of the above requirements. If any portion of the Contract Documents specifies a particular measure of substantial completion for the work, in whole or in part, that definition shall take precedence of this section.
- Z. "Surveyor" shall mean a professional surveyor registered in the State of Florida to engage in the practice of surveying.
- AA. "Water level" or "water table" shall mean the top elevation of the natural ground water table as it exists in the trench at any particular site and time during the installation.
- BB. "Work" shall mean all labor, permits, bonds, equipment, materials and incidentals required for the construction of the improvements by the Contract Documents, including superintendence, use of equipment and tools, and all services and responsibilities prescribed or implied, which are necessary for the complete performance by the Contractor of his obligations under the Contract Documents. Unless otherwise specified herein or in the Contract Documents, all costs of liability and of performing the Work shall be at the Contractor's expense.

PART 2 - PRODUCTS

(Not Used)

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PART 3 - EXECUTION

(Not Used)

END OF SECTION