CHAPTER 2 – TERMS AND DEFINITIONS

SECTION 2.1 – GENERAL

This chapter is designed to acquaint University Personnel, Contractors, and A/Es with terminology, symbols, acronyms and abbreviations customarily used in the procurement of construction and professional services and in the execution of the University's Planning, Design, and Construction projects program. Definitions are taken from the Code of Virginia, the General Conditions of the Construction Contract, the Management Agreement and general customs and practices associated with the construction industry and professional service contracts. Some acronyms and abbreviations may have multiple uses.

SECTION 2.2 ACRONYMS AND ABBREVIATIONS

Whenever used in the DCM, including in the appendices and on standard forms, the following terms have the meanings indicated, which apply to both the singular and plural and the male and female gender thereof:

AARB:	Art and Architectural Review Board
ADA:	The Americans with Disabilities Act of 1990
ADAAG:	Americans with Disabilities Act Architectural Guidelines
A/E:	Architect/Engineer
AIA:	American Institute of Architects
ASAD:	2010 ADA Standards for Accessible Design
ASBO:	Assistant State Building Official
ASHRAE:	American Society of Heating, Refrigerating and Air-Conditioning Engineers
AUA:	Association of University Architects
BAS:	Building Automation System
BCR:	Budget Change Request
BITS:	Building Information Tracking System
BOV:	Board of Visitors
buyW&M:	William & Mary's Procure-to-Pay Platform
CA:	Construction Administration, or Commissioning Authority
CBO:	Chief Business Officer
CFCI:	Contractor Furnished, Contractor Installed
CM:	Construction Management, or Construction Manager
CO:	Change Order, or Capital Outlay
COB:	Close of Business
COE:	Corps of Engineers
ConR:	Contract Request (Process)
COP:	Change Order Proposal
COV:	Code of Virginia
CPSM:	DEB's Construction and Professional Services Manual
CUO:	Certificate of Use and Occupancy
Cx:	Commissioning, or Commissioning Agent

CV:	Construction Value
DB:	Design–Build Construction Delivery Method
DBB:	Design-Bid-Build Construction Delivery Method
D&F:	Determination and Finding
DCM:	The University Design and Construction Manual
DDC:	Direct Digital Control
DEB:	Division of Engineering and Buildings of the Virginia Department of General Services
DEQ:	Virginia Department of Environmental Quality
DGS:	Virginia Department of General Services
DHCD:	Department of Housing and Community Development
DPB:	Virginia Department of Planning and Budget
DHR:	Department of Historic Resources
DPOR:	Department of Professional and Occupational Regulation
DR:	Design Review (Process)
DRB:	Design Review Board
DSBSD:	Department of Small Business and Supplier Diversity
EIR:	Environmental Impact Report
EV:	Electric Vehicle
eVA:	Electronic procurement in VA. The eVA home page address is www.eva.virginia.gov
EVCS:	Electric Vehicle Charging Station
E&G:	Education and General
EVPFA:	Executive Vice President for Finance and Administration
FAACS:	The Fixed Asset Accounting and Control System of the Virginia Department of Accounts
FAT:	Factory Acceptance Test
FO:	Field Order
FT:	Functional Test
GBCI:	Green Building Certification Institute
GC:	General Contractor
HECO:	Higher Education Capital Outlay
HPBA:	High Performance Building Act
HVAC:	Heating, Ventilation and Air Conditioning
ICC:	International Code Council
IFB:	Invitation for Bids
JOC:	Job Order Contracting
LA:	Landscape Architect, or Landscape Architecture
LEED:	Leadership in Energy and Environmental Design
LD:	Liquidated Damages
MOU:	Memorandum of Understanding
MR:	Maintenance Reserve
NCARB:	National Council of Architectural Registration Boards
NOITA:	Notice of Intent to Award
NPR:	New Project Request
NTP:	Notice to Proceed
NFPA:	National Fire Protection Association
O&M:	Operation and Maintenance (Manuals)
OFCI:	Owner Furnished, Contractor Installed

OFOI: Owner Furnished, Owner Installed
OUA: Office of the University Architect
PCL: Project Closeout (Process)
PCO: Potential Change Order
PE: Professional Engineer
PD: Preliminary Design (also referred to as the DD – Design Development phase)
PIP: Project Initiation Process
PM: Project Manager, or Preventative Maintenance
PMP: Project Management Professional
PV: Project Value
POR: Program of Record
RDP: Registered Design Professional
RESSP: Real Estate and Strategic Space Planning
RFP: Request for Proposal
RFQ: Request for Qualifications, or Request for Quote
SCHEV: State Council on Higher Education in Virginia
SD: Schematic Design
SWaM: Small Business, Women Owned Businesses and Minority Owned Businesses
TCUO: Temporary Certificate of Use and Occupancy
UA: University Architect
UBO: University Building Official
USBC: The Uniform Statewide Building Code.
USGBC: U.S. Green Building Council
VAC: Virginia Administrative Code
VBC: Virginia Building Code
VBO: Virginia Business Opportunities
VCCO: Virginia Construction Contracting Officer
VEBC: Virginia Existing Building Code
VECC: Virginia Energy Conservation Code
VEES: Virginia Energy Conservation and Environmental Standards
VIMS: Virginia Institute of Marine Science
VPPA: The Virginia Public Procurement Act, §2.2-4300 thru 2.2-4377, Code of Virginia as amended
VSFPC: Virginia Statewide Fire Prevention Code
VUSBC: Virginia Uniform Statewide Building Code
WD: Working Drawings (also referred to as the CD – Construction Documents phase)

SECTION 2.3 DEFINITIONS

Whenever used in the DCM, including the appendices and standard forms, the following terms have the meanings indicated, which apply to both the singular and plural and the male and female gender thereof:

Act (The): The Restructured Higher Education Financial and Administrative Operations Act, Chapter 4.10 of Title 23 of the Code of Virginia.

Acceptance Phase: The phase of construction after startup and initial checkout when functional tests, O&M, documentation review and training occurs.

Actual Damages: Proven harm, loss, or injury suffered by the plaintiff.

Addendum: Written or graphic instruments issued prior to the receipt of bids that clarify, correct or change the bidding documents.

Additional Services: A service that the University includes in the A/E's scope of work as part of the work under the A/E contract but which service is not included in the A/E Basic Services as described in the Manual. Compensation for the additional services is included in the fee negotiations prior to signing the contract and is, therefore, included in the A/E contract.

Advertisement: The term commonly used to describe the public announcement or "Notice" of the availability of the Invitation For Bids (i.e. bid document or IFB) or RFP made by publishing a notice in the public Internet procurement Web site designated by the Department of General Services [i.e. VBO/ eVA] and by "Posting the Notice" (College of William & Mary Management Agreement).

A/E Contract: The Form of Agreement (HECO-3, HECO-3.1, HECO-3.2) and any document expressly incorporated therein. Such incorporated documents customarily, include parts of this Manual, the Memorandum of Understanding and all modifications, including subsequent Change Orders.

A/E Manual: The A/E Manual, when printed in any document or manual shall refer to the Design and Construction Manual, all Chapters and Appendices, and all revisions thereto, and which shall be incorporated into the contract in their entirety except as amended or superseded in the contract or an addendum thereto.

Agency: Means the College of William & Mary, including James Monroe Highland (state agency code 204) and the Virginia Institute of Marine Science (state agency code 268).

Agency Contracting Officer: The person designated in writing by the University who is delegated authority to approve, award and execute contracts, change orders and other documents related to a facilities project for the Agency.

Architect: An individual licensed to practice in the Commonwealth of Virginia as an architect by the Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) Board of the Department of Professional and Occupational Regulation. "Architect" may also be used to refer to a firm of such individuals which is properly licensed in Virginia. Also referred to as the A/E.

Architect/Engineer (A/E): The term used to refer to the architect and/or engineer who contracts with the Owner to provide the architectural and/or engineering services for a project. The Architect/Engineer is a separate Contractor and is not an agent of the Owner. This term also includes any associates or consultants employed by the Architect/Engineer to assist the Architect/Engineer in providing services.

Architect/Engineer (A/E) Change Order: A document (HECO-11a/e) issued on or after the effective date of the contract (HECO-3) agreed to by the Architect/Engineer and approved by the Owner that authorizes an addition, deletion or revision in the work, including any adjustment in the contract price and/or the contract time. A change order, once signed by all parties, is incorporated into and becomes part of the contract.

Art and Architectural Review Board (AARB): The Review Board appointed by the Governor to advise and provide counsel to the Governor as to the artistic merit of fixtures, structures, construction on state property, and works of art.

Association: As applied to architects or engineers, this term shall mean a legal entity formed by several architects and/or engineers who have associated together for the purposes of working as a unit on a specific project. The Association may take the form of a partnership, joint venture, corporation, etc.

Auxiliary Buildings: Support facilities which support the educational mission outside the classroom but are not used for instruction or academic administration. Examples include Dormitories, Dining Facilities, Parking Garages, Intercollegiate athletics and extracurricular activities. These facilities often generate revenue through fees charged for their use.

Beneficial Occupancy: The condition after substantial completion but prior to final completion of the project at which time the project, or portion thereof, is sufficiently complete and systems operational such that the University could, after obtaining necessary approvals and certificates, occupy and utilize the space for its intended use. Guarantees and warranties applicable to that portion of the work begin on the date the University accepts the project, or a portion thereof, for such Beneficial Occupancy, unless otherwise specified in the Supplemental General Conditions or by separate agreement.

Bid: The offer provided by the bidder submitted on the prescribed form and setting forth the bidder's price(s) for the work to be performed.

Board of Visitors (BOV) or Board: Means the Rector and Visitors of the College of William & Mary in Virginia.

Bonds (State): Four types of bonds are issued by the State to finance capital projects and are authorized within the requirements of Article X, Sections 9(b), 9(c) and 9(d) of the Virginia Constitution.

- 9(b) Bonds (fund code 0811): Triple A Rated; Legislative and voter approval required to issue; rarely issued. Supports Education & General (E&G) projects (ex: academic facilities).
- 9(c) Bonds (0813): Triple A Rated; AKA "revenue bonds". Issued under the full faith and credit of the Commonwealth. Used to fund revenue producing capital projects. Principle and Interest are paid for by the institution from revenue related to the project or system to which the project is related (ex: dormitories).
- 9(d) Bonds (0815): Not Triple A Rated; Does not carry the full faith and credit pledge of the Commonwealth; May be issued by the State ("pooled bonds") or University, for E&G or Auxiliary projects; Excess proceeds and interest from bonds that are not used within the intended capital project may be recovered by the University for application to interest payments on that bond.
- VCBA Bonds (0817): Triple A rated. Issued by, and paid for by the Commonwealth, typically for E&G projects ("pooled projects"). Also the current source of funding for E&G maintenance reserve. Excess proceeds and interest are retained by the Commonwealth.

Building: A combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" does not include roadway tunnels and bridges owned by the Department of Transportation, which shall be governed by construction and design standards approved by the Commonwealth Transportation Board. (Use new definition of "building".

Building Committee: The group constituted by the University in accordance with the requirements of Chapter 1 of the DCM and with the authority and responsibility to review and advise in the planning, design and construction of capital projects and other professional services required by the University.

Building Official: The Building Official for all buildings on Commonwealth of Virginia property excluding non-occupiable buildings, bridges and structures in the VDOT right-of-way and who is the Director of the Division of Engineering and Buildings, Department of General Services. The Building Official's duties, responsibilities and authority generally conform to those described in the Uniform Statewide Building Code.

Building Permit: All work on university buildings and structures will be done in accordance with the Virginia Uniform Statewide Building Code and other applicable codes and standards. Accordingly, all University projects will be reviewed and permits issued in accordance with DEB processes (Appendix G).

Capital Lease: Means a lease that is defined as such within Generally Accepted Accounting Principles pursuant to the pronouncement of the Financial Accounting Standards Board.

Capital Plan: The university's annual plan submitted to the Board of Visitors detailing short-, medium-, and long-range capital projects with site locations, source of funding, and utilities required for the endurance and growth of the university and approved by the Capital Planning Committee.

Capital Project: As used in this manual, means a capital project with an acquisition, improvement, renovation or capital lease costing $3 million or more or any improvement or new construction of 5,000 square feet or greater. Projects less than the above are considered non-capital projects.

Change Order: A document (HECO-11) issued on or after the effective date of the contract (HECO-9) agreed to by the Contractor and approved by the Owner that authorizes an addition, deletion or revision in the work, including any adjustment in the contract price and/or the contract time. The term "change order" shall also include written orders to proceed issued pursuant to Section 38 (a) (3) of the General Conditions of the Construction Contract, (HECO-7). A change order, once signed by all parties, is incorporated into and becomes part of the contract.

Code of Virginia: 1950 Code of Virginia as amended, Virginia's codified statutes. Sections of the Code of Virginia are referred to herein as § xx-xx.

Code Official (Building): The person designated in writing by the Agency Head as having authority to approve applications for CUOs and Building Permits. Also referred to as the College Building Official or Building Official.

Code Official (Maintenance): The person designated in writing by the Agency Head as having authority to administer the Virginia Maintenance Code. Also referred to as the Maintenance Code Official.

College of William & Mary / William & Mary: Inclusive of all State owned or leased property comprising the Main Campus and any Satellite Campus representing the College of William & Mary and the Virginia Institute of Marine Science. Agency Codes are:

204 – College of William & Mary
268 – Virginia Institute of Marine Science

Commissioning: A process of ensuring that building systems and equipment are designed, installed, tested, and capable of being operated and maintained according to the owner's operational needs.

Competitive Negotiations: A method of Contractor selection that includes the following two elements (University Procurement Rules. See Chapter 11 of the Manual for further descriptions.):

- Issuance of a written RFP indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the Contractor.
- Public notice of the RFP at least ten (10) days prior to the date set for receipt of the proposal by posting in a public area normally used for posting of public notices and by publication on the public Internet e-procurement Web site designated by the Department of General Services [VBO/eVA] through Procure-to-Pay .

Competitive Sealed Bidding: A method of Contractor selection that includes the following elements (University Procurement Rules:

- Issuance of a written IFB containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement.
- Public notice of the IFB at least ten (10) days prior to the date set for receipt of bids by posting in a designated public area and by publication of the public announcement or "Notice" of the availability of the bid documents or IFB on the public e-procurement Web site designated by the Department of General Services [i.e. VBO/eVA] through Procure-to-Pay . Bids may be solicited solely from Contractors who have prequalified. (University Procurement Rules). In addition, bids may be solicited directly from potential Contractors. Any additional solicitations shall include businesses selected from a list made available by the Department of Small Business & Supplier Diversity (DSBSD).
- Public opening and announcement of all bids received.
- Evaluation of bids based upon the requirements set forth in the invitation.
- Award to the lowest responsive and responsible bidder.
- Competitive sealed bidding shall not be used for procurement of Professional Services as defined in this Manual.

Comprehensive Campus Plan: A methodical process of data collection, analysis, evaluation of options and development of a planning document or tool.

Construction: As used in this Manual, includes new construction, reconstruction, renovation, restoration, major repair, demolition and all similar work upon buildings and ancillary facilities owned or to be acquired by the Commonwealth, including any draining, dredging, excavation, grading or similar work upon real property.

Construction Administration (CA): As used in this Manual, this term means nonprofessional services provided under a contract with the University which generally includes inspection of the work, coordinating testing services contracts procured by the University, reviewing change orders and schedule submittals from the Contractor, and providing other construction period services for the benefit of the University. The Construction Administrator is the entity responsible to the University for providing services to assure compliance with the contract documents but is not responsible under the CA contract for providing the work. The University may use an employee to perform construction administration services.

Construction Management (CM): As used in this Manual, this term means services provided under contract with the University, which generally include coordinating and administering construction contracts for the benefit of the University, but may also include, if provided in the contract, furnishing construction services to the University. The Construction Manager has direct responsibility and liability to the University for performing the work as described by the contract documents. Also called the CM/GC, or the 'Contractor' for the CM project, CM at Risk (CM@R or CMAR) or CM-Agent (CMA) when used for administering the project.

Construction Administration Manager: The University employee designated as the University's on-site representative during the construction phase of a project.

Consultant: An individual or firm with professional expertise engaged to render a specific service in connection with a project.

Contract Administration: The duties and responsibilities normally performed by the A/E as his construction phase services during the construction phase of a project.

Contract Completion Date: The date by which the construction work must be substantially complete. The Contract Completion Date is customarily set forth in the contract (HECO-9) based on Notice to Proceed and the Time for Completion. In some instances, however, the contract contains a mandatory contract Completion Date, which date shall have been stated in the Invitation for Bid.

Contract Documents: As used in this Manual and General Conditions of the Construction Contract (HECO-7), this term shall mean the contract (HECO-9) and any documents expressly incorporated therein. Such incorporated documents customarily include the bid submitted by the Contractor, the General Conditions of the Construction Contract, any Supplemental General Conditions, any Special Conditions, the plans and specifications, and all modifications, including addenda and subsequent change orders.

Contract Price: The total compensation stated in the Contract, as modified by change orders, payable to Contractor for performing the work set forth in the contract documents.

Contracting Officer: The person designated in writing by the University who is delegated authority to approve, award and execute contracts, change orders and other documents related to a facilities project for the Agency.

Contractor: A generic term for a person, firm, or corporation with whom the University has entered a contract agreement to perform work or provide a service. As used in the Manuals with respect to a facilities project, the Contractor for the professional services is referred to as the Architect/Engineer or A/E. The Contractor for the construction related work is referred to as the GC or on a CM Project, CM/GM is the Contractor. In addition to contracted support, in-house staff may perform work regulated by the VUSBC or VSFPC.

Cure Notice: A notice, either oral or in writing, that informs the Contractor that he or she is in default and states what the Contractor has to do to correct the deficiency. If the notice is oral it shall be confirmed in writing.

Covered Institution: Means, on and after the Effective Date of its initial Management Agreement, a public institution of higher education of the Commonwealth of Virginia that has entered into a Management Agreement with the Commonwealth to be governed by the provisions of Subchapter 3 of the Act.

Day(s): Calendar day(s), unless otherwise noted.

Defective: An adjective which, when modifying the word work, refers to work that is unsatisfactory, faulty, deficient, does not otherwise conform to the contract documents, does not meet the requirements of applicable inspections, standards, tests, or approvals referred to in the contract documents, or has been damaged prior to the A/E's recommendation of final payment (unless responsibility for the protection thereof has been assumed by University at Substantial Completion or Beneficial Occupancy).

Delegated Design: Delegated design is the act of the Designer of record relinquishing design responsibility to the construction constructor for one or more specialty scopes of the work for the construction of a project.

Design-Build (DB): A contract between the University and another party in which the other party agrees to both design and build the structure, roadway or other item specified in the Contract.

"Design-not-to-exceed" Cost: The project construction cost established in the A/E's contract and accepted by the A/E as the ceiling for the estimated construction cost of the project the A/E is engaged to design.

Determination and Findings (D&F): A document, usually prepared by the University PM, which justifies and substantiates the need for special procedures or actions. Typically, this is for a deviation or waiver from standard policies or procedures which results in saving time and/or money and/or improving quality. The University Architect will consider D&F proposals after review and a recommendation by the Director of Design and Construction.

Director of Design & Construction: The person responsible for management of Design and Construction activities at the University, serving as deputy to the University Architect.

Drawing: A page or sheet of the Plans which presents a graphic representation, usually to scale, showing technical information, design, location, and dimensions of the various elements of the work in sufficient detail for the Building Official to determine code compliance. Graphic representations include, but are not limited to, plan views, elevations, transverse and longitudinal sections, large and small scale sections and details, isometrics, diagrams, schedules, tables and/or pictures.

Educational and General (E&G): All Facilities used in the instruction and the direct administration and support of instruction that are funded by tuition, fees, and general funds.

Emergency: Any unforeseen situation, combination of circumstances or a sudden occurrence or state resulting therefrom that poses imminent danger to health, life or property and which usually demands immediate action.

Enabling Legislation: Means those chapters, contained within the Management Agreement.

Engineer: A person who is qualified and licensed to practice engineering in Virginia as a Professional Engineer by Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) Board of the Department of Professional and Occupational Regulation, also referred to as the A/E. "Engineer" may also be used to refer to a firm of such individuals which is properly licensed in the Commonwealth of Virginia.

Equal: Any other brand, make or manufacturer of a product, assembly or equipment that, in the opinion of the A/E, is equivalent to that specified, considering quality, capabilities, workmanship, configuration, economy of operation, useful life, compatibility with design of the work and suitability for the intended purpose, and which is accepted as such by the University.

Equipment: A tangible resource, such as machinery, articles or apparatus, of a permanent or long-term nature, used in an operation or activity.

eVA: Electronic procurement in VA. The eVA home page address is www.eva.virginia.gov

Extra Service: A service which the University tasks the A/E to provide after the contract has been signed and which was not included in the Basic Services or in the additional services as described in the A/E contract. Extra services, and the compensation therefore, are authorized by a modification to the A/E contract using the A/E change order, (HECO-11 a/e).

Facility: A structure or group of structures, including all buildings, associated systems, and other improvements thereto, which is built, installed or established to serve a particular purpose.

Field Order (FO): A written order issued by the A/E which clarifies or explains the Plans, the Specifications, or any portion or detail therein, without changing the design, the Contract Price, the Time for Completion or the Contract Completion Date.

Final Completion Date: The date of the Owner's acceptance of the project from the Contractor upon confirmation from the A/E by a HECO-13.1 and the Contractor by a HECO-13.2 that the project is totally completed in accordance with the contract documents. Procedures for determining Final Completion are set forth in Section 44 of the General Conditions of the Construction Contract (HECO-7).

Firm Capacity: The maximum output of a heating or cooling system without the availability of the largest single piece of equipment and is an indication of the reliability of the system.

Fixed Asset Accounting and Control System (The): As used herein, the real estate subsystem of the Fixed Asset Accounting and Control System of the Virginia Department of Accounts.

Float: The excess time included in the construction schedule to accommodate such items as inclement weather and associated delays, equipment failures, and other such unscheduled events. It is the contingency time associated with a path or chain of activities and represents the amount of time by which the early finish date of an activity may be delayed without impacting the critical path and delaying the overall completion of the project. Any difference in time between the Contractor's approved early completion date and the Contract Completion Date shall be considered a part of the project float.

Float, Free: "Free float" is defined as the time by which an activity may be delayed or lengthened without impacting the start day of any activity following in the chain.

Float, Total: "Total float" is defined as the difference (in days) between the maximum time available within which to perform an activity and the duration of an activity. It represents the time by which an activity may be delayed or lengthened without impacting the Time for Completion or the Contract Completion Date.

General Conditions: The General Conditions of the Construction Contract, HECO-7, latest edition. Also, the General Conditions of the Construction Management Contract, HECO-7CM for use with construction management contracts and the General Conditions of the Design Build Contract, HECO-7DB for use with design build contracts.

Goods: Material, equipment, supplies, printing, and automated data processing hardware and software.

Improvements: work necessary to accomplish a specific purpose and produce a complete and usable improvement to an existing facility or structure, including the associated architectural and other technical services and fixed equipment installed and made part of the facility or structure, as well as any site development. Improvements include:

- Alteration of interior space arrangement and other physical characteristics, such as utilities, so that it may be more effectively used for its present designated functional purpose.
- Conversion of interior arrangement and other physical characteristics, such as utilities and fixed equipment installed on and made a part of the facility or structure so that it may be effectively utilized for a new functional purpose.
- Renovation of most or all of a facility or structure, or an existing mechanical system for the purpose of modernizing the use or capability of such asset in order that it may be effectively utilized for its designated functional purpose or to comply with current code requirements.
- Restoration of a facility or structure to the maximum extent possible to its former or original state (historic property).
- Relocation from one site to another of a facility or structure either intact or by disassembly and subsequent reassembly.
- Major repair to restore a facility, mechanical system or utility system to such a condition that it may continue to be appropriately and effectively utilized for its designated purpose by overhaul, reprocessing or replacement of parts or materials which have deteriorated by action of the elements or wear and tear in use.
- Demolition to remove a building or facility either for land clearance or to make land available for new capital use.

Informality: A minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid or RFP that does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured. (University Procurement Rules).

Invitation For Bids (IFB): A formal solicitation to the public including the Notice, Instructions To Bidders, Bid Form, General Conditions, Supplemental General Conditions, Special Conditions, Forms to be used, the Plans and Specifications, and any other documents listed in the Specifications, all of which request qualified bidders to submit competitive prices or bids for providing the described work on a project. The IFB is the "Invitation to Bid" required by University Procurement Rules.

Landscape Architect (LA): An individual certified by the Commonwealth of Virginia as a 'Certified Landscape Architect' by the APELSLA Board of the Department of Professional and Occupational Regulation. The Certified Landscape Architect may function as a PM and may be the prime professional on those projects where the preponderance of the work is represented by the application of the principles and methodology of landscape architecture in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

Liquidated Damages (LD): As used in this Manual, the term "Liquidated Damages" generally means a predetermined and fixed amount of money per period of time as stated in the contract documents and which will be charged to the Contractor as a measure of damages for delay suffered by the University due to failure of the Contractor to substantially complete, or finally complete, the project/work by the date or time established in the contract documents.

Maintenance Code Official: See Code Official (Maintenance)

Maintenance Prevention: A technique embracing reliability engineering and maintenance experience and directed at preventing potential design defects that would ultimately inhibit proper operation and maintenance of new equipment, buildings, and property components. Design deficiencies are identified, mitigated, or eliminated through careful maintenance-oriented review of the design document prior to purchase, construction, or installation. "Maintenance Prevention" is influenced heavily by life cycle cost considerations.

Maintenance Reserve (MR) Project: A single effort undertaking costing less than $2,000,000 ($4,000,000 if roofing) which involves repair or replacement of damaged or inoperable equipment, components of plant, and utility systems; correction of deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; and correction of deficiencies in fire protection, safety and security, energy conservation and access for individuals with disabilities. Examples of such projects include:

- Repair or replacement of damaged or inoperable equipment such as elevators, furnaces, plumbing fixtures, air conditioning and ventilation equipment.
- Repair or replacement of components of a plant such as masonry, ceilings, floor, floor coverings, roofs, sidewalks, parking lots, exterior lighting, boilers, and air conditioners.
- Repair or replacement of existing utility systems, such as electrical, water and sewer, heating and cooling. When replacement of components of utility systems is required (e.g. transformers, distributions panels, cables, etc.), new components should be sized to account for future growth if the existing components are operating at or near capacity.
- Correction of problems resulting from erosion and drainage.

Major State Project: The acquisition of an interest in real estate for any state facility construction, or the construction of any facility or expansion of an existing facility, that is undertaken by the Owner and that costs $500,000 or more.

Management Agreement: The Management Agreement By and Between the Commonwealth of Virginia and the College of William & Mary passed by the 2006 General Assembly Session (HB 1502/SB675ER) as required by the Restructured Act and containing further defining controlling policy and rules governing the additional autonomy granted by the Restructured Act.

Memorandum of Understanding (MOU): A document signed by both the A/E and the University that formalizes the details of the fee negotiations, the scope of work, the A/E schedule, and other items agreed to during negotiations. The terms of the MOU are more project specific, supplementing and/or clarifying the requirements of the A/E contract in terms of the particular project. However, the MOU does not supersede or take precedence over the requirements of the Manual unless such change has been approved in writing using a D&F by the CFO and such written approval is attached to the MOU.

New Construction: The building of a new structure, facility or improvement (including utilities) on a site. A new construction project is a single undertaking involving construction applicable to one or more facilities, including all work necessary to accomplish a specific purpose and produce a complete and usable new facility, all associated architectural and other technical services, all installed equipment, site development and any improvements. New construction includes:

- Construction of a new plant including the erection, installation, assembly of a new facility or structure, utility system, or site work.
- Addition, expansion, or extension to a structure which adds to the overall exterior dimension of the plant, structure.
- Complete replacement of a structure or facility that because of age, hazardous conditions, obsolescence, structural and building safety conditions or other causes is beyond the point where it may be economically repaired/renovated and can no longer be used for its designated purpose.

Nonprofessional Services: Any services not specifically identified as professional services in the definition of professional services. (University Procurement Rules).

Non-Capital Project: A facilities project that does not meet the threshold of a capital project and is not funded by the Maintenance Reserve appropriation.

Notice: All written notices, including demands, instructions, claims, approvals and disapprovals, required or authorized under the contract documents. Written notice by either party to the contract shall be sufficiently given by any one or combination of the following:

- Delivered in hand at the last known business address of the person to whom the notice is due;
- Delivered in hand to the person's authorized agent, representative or officer wherever they may be found; or
- Enclosed in a postage prepaid envelope addressed to such last known business address and delivered to a U.S. Postal Service official or mailbox. Notice is effective upon such delivery. Notice shall also mean the Notice of Invitation for Bids included in the IFB.

Notice of Award: The written notification by the University to the apparent successful bidder notifying the bidder that it has been awarded the contract, pending the submittal and execution of all documents required in the IFB.

Notice of Intent to Award (NOITA): The written public notification announcing the apparent successful bidder and notifying the bidder and all other bidders that the University intends to award the contract to the apparent successful bidder pending completion of the verification that it is a Responsible Bidder and the receipt and acceptance of all executed documents required in the IFB.

Notice to Proceed (NTP): The written notification by the University to the apparent successful bidder notifying the bidder that it has been awarded the contract, pending the submittal and execution of all documents required in the IFB.

On Demand Construction: Procurement of construction services from a pre-selected list of Contractors or from University FM forces; referred to colloquially as "make-buy".

Owner: For purposes of the Manual, "Owner" shall mean The College of William & Mary in Virginia or William & Mary.

Owner/Agency/University/VIMS: For the purposes of this manual, these terms are synonymous.

Performance Specification: A specification which generally describes the characteristics of the article required, e.g. the style, type, quality, character, economy of operation and purpose to be served by the article and the results required of the article provided. It does not restrict bidders to the specific brand, make, or manufacturer, nor does it tell the Contractor how to achieve the required result.

Person: Any individual, corporation, partnership, association, company business, trust, joint venture or other legal entity.

Plans: The group or set of project-specific drawings included in the contract documents.

Pre-bid Conference: A University-sponsored meeting of interested, prospective bidders held prior to the receipt of bids in which comments or questions concerning specifications or other provisions in the IFB or RFP can be received and considered (University Procurement Rules). The A/E typically assists with pre-bid conferences. Any response shall be in writing and posted to eVA.

Prequalification of Bidders: The process by which the qualifications and credentials of potential bidders may be evaluated for particular types of services or construction in accordance with criteria established in writing and sufficiently in advance of their implementation to allow interested persons or firms a fair opportunity to complete the process (University Procurement Rules).

Prevailing Wage: The rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in the locality in which the public facility or immovable property that is the subject of public works is located, as determined by the Commissioner of Labor and Industry per Code of Virginia Chapter 1060.

Procurement Rules: See University Procurement Rules.

Professional Services: For the purposes of this Manual, services provided by a licensed professional within the scope of the practice of accounting, architecture, land surveying, landscape architecture, or professional engineering.

Project: The term used to represent the specific or proper assigned title of the entire undertaking which includes, but is not limited to, the design services by the A/E and the construction "work" performed by the Contractor pursuant to the contract documents.

Project Initiation Process (PIP): Process used in the Owner's construction project management software for a new project to get initial approval, establish a budget, and cover all activities needed for a project to begin.

Project Inspector: One or more persons employed by the University to inspect the work for the University and/or to document and maintain records of activities at the worksite to the extent required by the University. The University shall notify the Contractor in writing of the appointment of such Project Inspector(s).

Project Manager: The designated representative of the A/E or the Contractor through whom written decisions and notices are generally conveyed. As used in the Manual, the Project Manager representing the University shall be noted as the University PM.

Proprietary: An adjective used to describe a product or piece of equipment which is manufactured under some exclusive right but which is available to Subcontractors from multiple vendors or suppliers; (e.g. a product or piece of equipment which is specified by a single brand name and model number and which is available to bidders from more than one source, but for which no "Equal" is permitted.)

Program of Record (POR): The document that enumerates project requirements and serves as a project charter. The document includes a project description (overview, scope of work, key personnel), project background including history and rationale, established target CV and PV (budget), and established target project schedule information.

Provide: As used herein and in the contract documents, "Provide" shall mean to supply, to furnish and to install complete with all accessories, parts and/or services to be ready for its intended use.

Real Estate: Any land and improvements including all rights and interest (i.e., leasehold, easements, permission, licenses, allotments, minerals, remainder or any other interest).

Request for Proposal (RFP): A written public notification by the University soliciting proposals for professional, nonprofessional, or Contractor services. The RFP generally describes the services sought, the unique capabilities or qualifications needed to perform the work, factors to be used to evaluate proposals and the conditions for negotiating prices and terms with the offerers (University Procurement Rules).

Responsible Bidder: A bidder who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required (University Procurement Rules).

Responsive Bidder: A person or firm who has submitted a bid which conforms in all material respects to the Invitation to Bid (University Procurement Rules).

Restructured Act: The Restructured Higher Education Financial and Administrative Operations Act, Chapter 4.10 (§23-38.88 et seq) of Title 23 of the Code of Virginia (See Appendix A).

Sealed Bid: A bid which has been submitted in a sealed envelope to prevent its contents from being revealed or known before the deadline for the submission and opening of all bids.

Services: Any work performed by an independent Contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials, or supplies (University Procurement Rules).

Shop Drawings: The drawings, diagrams, illustrations, schedules, installation descriptions and other data prepared by or for the Contractor to provide detailed information for the fabrication, location, erection, installation, connection and methodology associated with the work. Shop drawings are intended to aid in the preparation and installation of materials and to ascertain that the materials proposed by the Contractor conform to the requirements of the contract documents.

Sole Source: A product, item of equipment, service or combination of these which is available from only one manufacturer, vendor or provider in an area to the exclusion of others (e.g. within the constraints of the particular Project, whether geographic, time, material or other). If products, equipment or services are franchised to only one vendor in an area, the vendor would be considered a Sole Source for such products, equipment or services specified for this project.

Special Conditions: That part of the contract documents which describes special or additional requirements or procedures applicable to the particular project. The Special Conditions do not amend or supersede the General Conditions.

Specifications: Those portions of the contract documents containing the General Conditions as well as written technical descriptions of materials, equipment, construction systems, standards and workmanship describing the proposed work in sufficient detail for the Contractor to perform the work and providing sufficient information for the Building Official to determine Code Compliance.

Subcontractor: An individual, partnership or corporation having a direct contract with Contractor or with any other Subcontractor for the performance of a part of the work. The Subcontractor may include any person who provides on-site labor but does not include any person who only furnishes or supplies materials for the project.

Submittals: As used in the construction contract documents, shall mean all shop drawings, illustrations, brochures, standard schedules, performance charts, and other data required by the contract documents which are specifically prepared by or for the Contractor to illustrate some portion of the work and which are submitted to the A/E for review to assure conformance with the requirements of the contract documents. As used in the Professional Services Contract, shall mean the drawings, specifications, cost estimates, schemes and other documents required by Chapter 8 of the Manual to be submitted by the A/E to the University for review and/or approval.

Substantial Completion: The date on which the project (or a specific part thereof) is sufficiently complete, in accordance with the contract documents, so that the project (or the specific part thereof) can be utilized by the University for the purposes for which it is intended. The University, at its sole discretion, may take Beneficial Occupancy at this time or may choose to wait until final completion to occupy.

Substitute: A material, product, equipment, or assembly that deviates from the requirements of the contract documents but which the Contractor deems will perform the same function and have equal capabilities, service life, economy of operation, and suitability for the intended purpose. The proposal must include any cost differentials proposed. Any such proposed substitute must be submitted to the A/E for review and, if acceptable

to the A/E and the University, incorporated into the Contract by change order.

Supplemental General Conditions: The part of the contract documents which amends or supplements the General Conditions of the Construction Contract, HECO-7. See Form DGS-30-376 for insurance and liquidated damages.

SWaM: The acronym used to refer to Small, Women-Owned, and Minority-Owned Businesses – also includes Micro, Service-Disabled Veteran, Employment Service Organization, 8(a), Economically Disadvantaged Woman-Owned Small Business, Woman-Owned Small Business, and Federal Service-Disabled Veteran. See Virginia DGS-30-360 and Department of Small Business & Supplier Diversity (SBSD) for detailed requirements and definitions.

Supplier: A manufacturer, fabricator, distributor, material provider or vendor who provides material for the project but does not provide on-site labor.

Tier III Agencies: Tier III agencies have control over capital outlay procedures regardless of the source (General Fund or other). For pool funded projects, this control begins once the project has been funded through the Pool Process. These agencies comply with their Institution of Higher Education Management Agreement as it relates to the Virginia Public Procurement Act. Tier III agencies have the option of selecting their Building Official.

Time for Completion: That number of consecutive calendar days following receipt of a Notice to Proceed that the Contractor has in which to substantially complete everything required of it by the contract. The time for completion is usually set out in the IFB. When the Notice to Proceed is issued, it states a Contract Completion Date which has been set by the University based on the Time for Completion.

Umbrella Project: A global appropriation fund for multiple projects, typically related in character of work. Individual projects are typically executed as standalone projects, but funding may be shifted from one project to another, as necessary within the appropriation.

Unit Price Work: Work to be paid for on the basis of established unit prices for the quantity of material provided or work done. No additional percentage markup for overhead or profit shall be added to the unit prices.

University: College of William & Mary/Virginia Institute of Marine Science.

University Building Official: See Building Official or Code Official.

University Architect: The person designated as responsible for Campus Planning, Design & Construction, and Sustainability activities at The College of William & Mary in Virginia.

University Procurement Rules: Replaces the Virginia Public Procurement Act.

University Project Manager: The University PM is responsible for managing execution of assigned projects from the planning phase through design, construction, and closeout.

Unsealed Bid: An unsealed written offer conveyed by U.S. Mail, commercial courier service, facsimile, e-mail, or other means. The bids are normally opened and recorded when received.

USBC: The Uniform Statewide Building Code adopted by the Virginia DHCD in conformance with the Code of Virginia, § 36-98 (Also referred to as the VUSBC).

VCCO: The acronym used to refer to a university employee who has completed the necessary training and testing by the Division of Engineering and Buildings (DEB) in state procurement law, policy and procedures and who has been awarded the designation of Virginia Construction Contracting Offer (VCCO). Where used in this Manual, the VCCO functions are related to the following: receipt of bids, opening of bids, review of the bids, and signing the HECO-8 recommending award of the contract to the successful bidder.

Work: All labor, materials, equipment and other services necessary to perform the complete services, or any separate identifiable part thereof, or to provide the complete product required by the contract. In construction, work includes, but is not limited to, performing services, furnishing labor, and furnishing and incorporating materials and equipment into the construction to provide the entire completed construction, or the various separately identifiable parts thereof, as required by the contract document.