

102 – Definitions

APPLICATION FOR PAYMENT: A periodic application for partial payment for Work completed to date under a Construction Contract.

ARCHITECT-ENGINEER (A/E): A firm that provides professional design services and is engaged by DFMS for Capital Construction Projects and identified as such in the Contract Documents. The term refers to the design team, consisting of the prime architect-engineer and all Sub-Consultants (if used) or consultant identified by the Owner.

ARCHITECTURAL SERVICES: Means any professional service involved in the practice of architecture including rendering or offering to render certain services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings and specifications, and administration of construction contracts (KRS 323.010)

ARCHITECT'S SUPPLEMENTAL INSTRUCTIONS (A.S.I.): For the purposes of this document, this term shall be considered equivalent to the term Field Order, i.e. a document that modifies a Construction Contract by giving direction to the Contractor, but does not change the contract amount and/or time for completion.

ARCHITECTURAL INTERIOR DESIGN: Design of aesthetic aspects (e.g., materials, colors, fixtures etc.) related to fixed architectural interior elements, such as walls, ceilings, floors, and built-in fixtures. Such design is typically considered to be within the normal services provided by an Architect-Engineer for a building design. It does not include specification of furniture or modular furniture systems (see INTERIOR DESIGN).

AS-BUILT DRAWINGS: See RECORD DRAWINGS.

BANNER: the University's financial and accounting computer software system. All Capital Construction contracts and payments are processed through the Banner system.

BASIS OF DESIGN: See SYSTEMS BASIS OF DESIGN.

BEST-VALUE: A procurement process where additional factors (other than price) may be also considered in determining the award of a Contract. Examples of such factors might be product quality, service, or vendor experience.

BID DOCUMENTS: The documents released as part of a bid advertisement, consisting of specifications and/or drawings or other information that become the basis for bidding. The Bid Documents become the Contract Documents when the Construction Contract takes effect.

CADD: Computer-Aided Drafting and Design.

CAPITAL CONSTRUCTION PROJECT: Any study, design and/or construction of a capital improvement, usually requiring professional design services; administered by DFMS.

CHANGE ORDER: A written order to the Contractor executed by the DFMS and the Architect-Engineer after execution of the Contract, directing a change in the Work. It may include a change in the Contract Price or the Contract Completion Time, or any combination thereof. A copy of ECU's Change Order form can be found at <https://facilities.eku.edu/engineering-and-construction>

COMMISSIONING: See COMMISSIONING PROCESS.

COMMISSIONING AUTHORITY (CxA): The designated person, company, agent, or combination thereof identified by the DFMS. This entity will lead, plan, schedule, and coordinate the Commissioning Team in implementing the overall Commissioning Process¹.

COMMISSIONING PLAN: A document that outlines the organization, schedule, allocation of resources, and documentation requirements of the Commissioning Process¹. It includes a schedule of Commissioning Process activities, individual responsibilities, documentation requirements, communication and reporting protocols, and evaluation procedures. This document is updated throughout the project.

COMMISSIONING PROCESS: A quality-focused process for enhancing the delivery of a project. The process focuses upon verifying and documenting that the facility and all its systems and assemblies are planned, designed, installed, tested, operated, and maintained to meet the DFMS Project Management's Project Requirements¹.

COMMISSIONING - FUNDAMENTAL: Fundamental Commissioning, a LEED prerequisite, is the process of verifying that the Project's energy-related systems are installed, calibrated, and performing according to the DFMS Project Management's Project Requirements, Systems Basis of Design, and construction documents. The Commissioning Authority may be a member of the firm of the design team or contractor firm but not directly involved in the Project. DFMS does not allow the Commissioning Authority to be a member of the same firm as the design firm of record.

COMMISSIONING - ENHANCED: Enhanced Commissioning includes all Fundamental Commissioning Requirements plus additional requirements such as involving the Commissioning Authority during the design, construction and post construction phases of the project and adhering to the additional requirements of the USGBC and LEED certification process. The Commissioning Authority must be completely independent of the design team and contract directly with the DFMS.

COMMISSIONING TEAM: The individuals or entities that, through coordinated action, are responsible for implementing the Commissioning Process. The team members will change as the Project progresses. The Commissioning Team is led by the Commissioning Authority.

CONSTRUCTION: The process of demolishing, building, altering, repairing, or improving any public structure or building, or other tangible improvements to any real property. It does not include the routine maintenance of existing structures or real property.

CONSTRUCTION CONTRACT: For the purposes of this manual, this means the same as CONTRACT.

CONTRACT: The legal relationship, duties and obligations between the Owner and Contractor as evidenced by the Contract Documents for the Project. The Contract also includes the legal relationship with design professionals, Commissioning Authority, special inspectors, and any other vendors as required.

CONTRACT COMPLETION TIME: The number of calendar days between the Effective Date of the Contract and the dates set for Substantial Completion and Final Completion of the Work, including any adjustments thereto, all as established in the Contract between Owner and Contractor.

CONTRACT DOCUMENTS: Include the Invitation for Bids, the Instructions to Bidders, the Payment and Performance Bonds, the General Conditions, the Special or Supplemental Conditions, the drawings, specifications, solicitation addenda, the contractors response to the solicitation, any written clarification of the response, the award document containing the Agreement between the Owner and Contractor, and modifications issued after execution of the Contract.

CONTRACT MODIFICATION: A written alteration in the specifications, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes bilateral actions, such as supplemental agreements, and unilateral actions, such as change orders, administrative changes, notices of termination, and notices of the exercise of a contract option.

CONTRACT SUM: The sum stated in the Contract (including any authorized adjustments thereto) representing the total amount payable by the Owner to the Contractor for the performance of the Work under the Contract Documents.

CONTRACTOR: The person or entity with whom the Owner has executed the Contract for construction.

COST ESTIMATE FORM (B210): Total Estimate of Funds Required through Design. A form used internally to summarize projected expenditures (by accounting object codes) for a Capital Construction Project, typically prepared and maintained by the Project Manager. See Section 202.1.

COST ESTIMATE FORM (PHASE A ESTIMATE OF CONSTRUCTION COST): A form to be completed by the Architect-Engineer for cost estimates during Phase A. This form will be signed by the Using Agency Representative and the Project Manager as part of the acceptance process for Schematic Design Phase A. **See Section 309.**

COST ESTIMATE FORM (PHASES B & C ESTIMATE OF CONSTRUCTION COST): A form to be completed by the Architect-Engineer for cost estimates during Phases B and C. This form will be signed by the Using Agency Representative and the Project Manager as part of the acceptance process for each of Phases B and C. **See Sections 508 and 611.**

DESIGN DEVELOPMENT: Collectively, Phases B and C of the design process, which expand and embellish the schematic design from Phase A. See also PHASE B and PHASE C.

DIRECT EXPENSES: All items of expenses directly incurred by or attributable to a specific project, assignment or task and direct costs consist of direct materials, direct labor, subcontract costs, and other miscellaneous direct costs such as bonding and equipment rentals, which are directly related to and can be specifically attributed to an individual contract.

DFMS PROJECT MANAGEMENT'S PROJECT REQUIREMENTS: A written document that details the functional requirements of a Project and the expectations of how it will be used and operated. This includes Project goals, measurable performance criteria, cost considerations, benchmarks, success criteria, and supporting information¹. This document is updated throughout the project

ASSOCIATE DIRECTOR: Unless otherwise denoted, this term refers to the Associate Director of the Fiscal Management and Project Administration (DFMS). Typically, the Associate Director will be the direct supervisor of the Project Manager. For some projects, the Associate Director may also function as a Project Manager.

DIVISION FOR AIR QUALITY: The state agency responsible for the enforcement of regulations to achieve and maintain air quality. The Division for Air Quality is under the Energy and Environment Cabinet, Department for Environmental Protection.

DIVISION OF FACILITIES MANAGEMENT AND SAFETY (DFMS) The agency responsible for administering Capital Construction Projects, consisting of (but not necessarily limited to): interfacing with the University Department Representative, employment of consultants, Project Program coordination, cost estimates, management of Project funds, and construction oversight. DFMS is under the Office of Finance and Administration.

DIVISION OF WATER: The state agency responsible for the enforcement of regulations to achieve and maintain water quality. The Division of Water is under the Energy and Environment Cabinet, Department for Environmental Protection.

DRAWINGS: The graphic and pictorial portions of the Contract Documents, wherever located and whenever issued, showing the design, location, and dimensions of the Work, generally including plans, elevations, sections, details, schedules and diagrams.

EASTERN KENTUCKY UNIVERSITY (EKU): See OWNER.

EFFECTIVE DATE: The date specified in the Contract as the date upon which the Contractor is authorized to begin work.

EKU INFORMATION TECHNOLOGY (IT): The ECU Division responsible for the coordination and specification of communication systems required by the various Departments/Divisions of the University. This agency will typically supply Project Program requirements for building phone and data systems.

ENGINEERING-RELATED SERVICES: Means specialized professional services performed by individuals, consultants, or other organizations of recognized technical competence, education, or experience that are involved in the planning, design, construction, maintenance, or operation of Kentucky's transportation systems or construction projects in accordance with applicable licensing statutes (KRS 45A.800).

ENGINEERING SERVICES: Means any professional service or creative work, the adequate performance of which requires engineering education, training, and experience as an engineer.

EXPERIENCE MODIFICATION RATING (EMR): EMR is a term used in the American insurance business for Workers Compensation insurance. It is the adjustment of annual premium based on previous worker loss experience. Usually, three years of worker loss experience are used to determine the experience modifier for a workers' compensation policy.

EXTENDED PHASE D: The warranty period of a Capital Construction Project. This Phase is 5% of the total Architect-Engineer Contract. It includes a one-year warranty inspection to determine if any remedial work is required to satisfy any outstanding warranty issues. On projects seeking LEED Certification the Architect-Engineer, in association with the Contractor, shall prepare and submit the LEED application to the USGBC and answer any appeals until the appropriate certification is acquired.

EXTRA WORK: Work not part of the existing Contract Documents which is being added to the Contract by Change Order.

FIELD ORDER: A written order issued by the Architect-Engineer which clarifies or interprets the Contract Documents or orders minor changes in the Work which does not require a change under Article 22 of the General Conditions (Changes in the Work/Change Orders). It may also be referred to as Architect's Supplemental Instructions. This definition is in Article 1.13 of the General Conditions.

FINAL COMPLETION: The Work being acceptable under the Contract Documents, the Contract fully performed in accordance with the terms and conditions of the Contract Documents, and the Contractor's entire payment balance is due and payable. This definition is in Article 1.14 of the General Conditions.

FINAL COST ESTIMATE: The last cost estimate generated during the design process, presented at the end of Phase C. This cost estimate becomes the basis for the evaluation of received bids. **See Section 611 for the Phase C Estimate of Construction Cost.**

FIRM: Means any individual, partnership, corporation, or other legal entity permitted by law to practice the profession of architecture or engineering and provide the architectural or engineering services. (KRS 45A.800)

FOAPAL: The accounting string in **Banner**, the University's financial and accounting computer software system. All Capital Construction contracts and payments are processed through the Banner system using the FOAPAL (Fund, Organization, Account, Program, Activity, Location). **See Section 110.**

FOOTPRINTS: The software used by DFMS to track all Requests to Change Facilities (RCFs) including Capital Construction Projects. Footprints tracks project dollars, Purchase Orders, project budget, etc. (See **REQUEST FOR CHANGE TO FACILITY (RCF)**).

HAZARDOUS MATERIALS COORDINATOR: An employee or agent of Eastern Kentucky University who is responsible for the identification of hazardous materials, development of abatement strategies, and administration of abatement contracts or related services.

HIGH PERFORMANCE BUILDING STANDARDS (HPBS): A set of standards as set forth in Kentucky Administrative Regulations intended to ensure that High Performance Buildings are designed and constructed so that they: Increase environmental performance and economic value over time; Safeguard the health of occupants; Enhance satisfaction and productivity of workers through energy-efficient systems; Incorporate environmentally friendly materials and products; and Reduce waste **See Chapter 106.5 - Responsibilities of Design Professionals for the High Performance Building Standards.**

INTERIOR DESIGN: The design of moveable interior furnishings and/or modular furniture layouts within a building. See also ARCHITECTURAL INTERIOR DESIGN.

INTENT TO AWARD: Is a written letter issued to the apparent successful contractor after acceptance of bid price, unit prices, subcontractors and equipment and materials. The Intent to Award informs them of such acceptance and requests the required additional documentation to initiate the Contract. This is not an authorization to proceed.

IT: Refers to ECU's Division of Information Technology (See ECU IT).

LEED: Leadership in Energy and Environmental Design was developed by the U.S. Green Building Council (USGBC) to set a benchmark for design, construction, and operation of high-performance green buildings.

LINE-ITEM PROJECT: A Capital Construction Project (typically larger than \$1,000,000 in Project Scope) that has been included as a specific “line-item” in the Legislature’s biennium budget. Except for special circumstances, projects may not exceed \$1,000,000 in total scope unless they have “line-item” status.

L.R.C.: Legislative Research Commission; the administrative arm of the Kentucky General Assembly.

K.A.R.: Kentucky Admistrative Regulation

K.R.S.: Kentucky Revised Statute

MASTER AGREEMENT PROCUREMENT SPECIALIST: An employee of ECU who is responsible for the procurement of professional design services via the Master Agreement.

OFFICE OF FINANCE AND ADMINISTRATION: A first-level subdivision of Eastern Kentucky University, which is charged with the authority to administer Capital Construction Projects on behalf of University Department Representative. For the purpose of Capital Construction Projects, this authority has been delegated to the Division of Facilities Management and Safety (DFMS).

OWNER: Eastern Kentucky University acting through the Board of Regents of Eastern Kentucky University and the University President. The Eastern Kentucky University is represented by Division of Facilities Management and Safety (DFMS). This definition is in Article 1.17 of the General Conditions.

PERSONAL SERVICES CONTRACT (PSC): A contract issued by the Purchasing Official used to procure Professional Design Services. Typically, such contracts are offered to firms selected through a qualifications-based process.

PHASE A: The initial design phase of a Capital Construction Project, which culminates in the schematic design of the Project. Typically, this phase is approximately 20% of total effort of the Architect-Engineer.

PHASE B: The second design phase of a Capital Construction Project, in which the schematic design of the Project is further developed. Typically, this phase is approximately 40% of total effort of the Architect-Engineer.

PHASE C: The third and final design phase of a Capital Construction Project, in which the schematic design of the project is totally developed. Typically, this phase is approximately 75% of total effort of the Architect-Engineer, and results in documents that are Ready-To-Advertise.

PHASE D: The construction phase of a Capital Construction Project. The construction administration phase is 25% of the total contract of the Architect-Engineer. When Phase D services is added to Phases A, B, and C it combines to be 100% of the total Architect-Engineer contract. For projects requiring LEED Certification, 80% of the total Phase D price (20% of the total Price) shall be paid for Construction Administration services during Phase D construction and 20% of the Phase D Price (5% of the Total Price) shall be paid during the Extended Phase D services. **See Section 106.13.**

PURCHASING OFFICIAL: An employee of ECU, Division of Purchases and Stores who is the designated contracting representative. The Purchasing Official is responsible for the procurement of construction services.

PURCHASE ORDER: An official document issued by the Purchasing Official to a vendor indicating types, quantities, and agreed prices for products and/or services ordered.

PROGRESS MEETINGS: Scheduled on-site meetings for the progress review of a Construction Contract.

PROJECT: Means any capital improvement project, study, plan, survey, or new or existing program activity of a political subdivision that requires architectural or professional engineering services. (KRS 45A.800). Includes construction performed under the Contract Documents in whole or a part of which may include Construction by the Owner and/or by separate contractors.

PROJECT MANAGER: The person designated by Division of Facilities Management and Safety (DFMS) to oversee the design and construction processes associated with a Capital Construction Project.

PROJECT PROGRAM: A written document that defines the University Department Representative's requirements and expectations for a Capital Construction Project, typically performance-based rather than prescriptive.

PROJECT SCOPE: The total amount of money allocated for a Capital Construction Project, including all costs such as (but not limited to) land acquisition, legal, design, inspection, printing, construction, and contingencies.

PROJECT TITLE: A project identification name assigned for administrative purposes by DFMS. **See Section 110**

QUALIFICATION STATEMENT: means federal form SF330 and any other supporting documents that present a firm's qualifications and performance data. (KRS 45A.730).

REQUEST FOR CHANGE TO FACILITY (RCF): Project number assigned by the Project Manager used to track project in FootPrints, ECU's project tracking system. **Please reference RCF number in all project correspondence.**

READY-TO-ADVERTISE: Construction documents that have been completed by the Architect-Engineer and given final review and acceptance by the Project Manager and the University Department Representative, that will be released for bidding.

RECORD DRAWINGS: Construction drawings that have been revised to reflect actual dimensions and configurations as constructed by the Contractor, where differing from the bidding documents. Record drawings are produced by the Architect-Engineer at the end Phase D from information provided by the contractor throughout the construction process.

REQUEST FOR BID (RFB): A process where ECU publicly request bids for a construction Project.

REQUEST FOR INFORMATION (RFI): A process through which ECU may publicly request information about a particular subject, inviting vendors to submit appropriate information for consideration.

REQUEST FOR INFORMATION – DURING CONSTRUCTION: A document where the Contractor may request information from the Architect-Engineer about issues relating to the Contract Documents and the Work.

REQUEST FOR PROPOSAL (RFP): A procurement process through which ECU may publicly solicit offers from a vendor to provide goods and/or services related to a Capital Construction Project. Such contracts may be Personal Service Contracts, Construction Contracts, or contracts for purchases of material or equipment.

REQUEST FOR PROPOSAL – DURING CONSTRUCTION: A document where the Architect-Engineer requests a proposal from the Contractor that requires a change in the Contract Sum and will be the basis for a Change Order.

REQUEST FOR QUALIFICATIONS (RFQ): A process through which ECU may publicly request information about parties that may be qualified relative to particular criteria, inviting vendors to submit appropriate information for consideration.

RESIDENT OBSERVER: A party engaged by the Architect-Engineer and assigned at the request of the Project Manager to provide on-site observation, documentation, and communication services at a construction site, usually on a full-time (i.e., daily) basis.

SCHEDULE OF VALUES: A zero-dollar Certification of Payment (i.e., invoice), completed shortly after the beginning of a Construction Contract, which outlines the labor and material components of the Contract amount, usually by specification division. When approved by the Contractor, Architect-Engineer and DFMS, this document becomes the basis for all Applications for Payment.

SCHEMATIC DESIGN PHASE: See PHASE A.

SHOP DRAWINGS: Drawings, completion diagrams, schedules, and other data specially prepared for the Work by the Contractor or any Subcontractor, lower tier subcontractors, manufacturer, supplier, or distributor to illustrate some portion of the Work.

SUB-CONSULTANT: Any design professional entity that subcontracts with an Architect-Engineer to become part of the design team for a particular Capital Construction Project.

SUBCONTRACTOR: The person or entity having a direct contract with the Contractor for the performance of a part of the Work.

SUBSTANTIAL COMPLETION: The point at which, as certified in writing by the Architect-Engineer, the Project is at a level of completion in strict compliance with the Contract. Approvals by public authorities has been given such that the University Department can enjoy beneficial use or occupancy and can use, operate and maintain it in all respects, for its intended purpose. Partial use or occupancy of the Project shall not result in the Project being deemed substantially complete and such partial use or occupancy shall not be evidence of Substantial Completion. Typically, warranties start on the date of Substantial Completion.

SYSTEMS BASIS OF DESIGN: A document that identifies the design parameters of a Project and how each criterion in the DFMS Project Management's Project Requirements will be addressed. The document records the concepts, calculations, decisions, and project selections used to meet the DFMS Project Management's Project Requirements and to satisfy applicable regulatory requirements, standards, and guidelines. The document includes both narrative descriptions and lists of individual items that support the design process. This document is updated throughout the Project.

SYSTEMS MANUAL: A system-focused composite document that includes the DFMS Project Management's Project Requirements, Record Drawings, operations and maintenance manual, and additional information of use to the DFMS during the Occupancy and Operations Phase.

TESTING AND BALANCING (TAB): The TAB specialist performs air and hydronic measurements on the HVAC systems and adjusts the flows as required to achieve optimum performance of the building environmental equipment. The balancing is based upon the design flow values required

by the Mechanical Engineer for the Project, and the TAB contractor submits a written report which summarizes the testing and balancing and notes any deficiencies found during the TAB work.

U.S. GREEN BUILDING COUNCIL (USGBC): A non-profit trade organization that promotes sustainability in how buildings are designed, built, and operated. USGBC is best known for the development of the Leadership in Energy and Environmental Design (LEED) green building rating systems and Greenbuild, a green building conference and expo that promotes the green building industry, including environmentally responsible materials, sustainable architecture techniques and public policy.

UNIT PRICE BID: A bid format for Construction Contracts where categories of Work are listed with estimated amounts, and the Bidder supplies numerical values for each corresponding unit price. The total bid amount is the sum of the products of the estimated quantities and the unit prices.

UNIVERSITY DEPARTMENT REPRESENTATIVE: The division, department or college that will occupy and utilize the finished Work. The University Department Representative is the client of the Division of Facilities Management and Safety (DFMS) and the eventual user of the finished product. The General Conditions of the Contract refer to the University Department Representative as the Agency.

VALUE ENGINEERING: A process for establishing and evaluating costs and benefits for alternative methods or materials that may be considered for use in construction of a Capital Construction Project.

VENDOR VIOLATIONS: A listing of all violations of the General Contractor within the last 5 years. The listing includes violations of the following:

1. KRS Chapter 136 (Corporation and Utility Taxes)
2. KRS Chapter 139 (Sales and Use Taxes)
3. KRS Chapter 141 (Income Taxes)
4. KRS Chapter 337 (Wages and Hours)
5. KRS Chapter 338 (Occupational Safety and Health of Employees)
6. KRS Chapter 341 (Unemployment Insurance);
7. KRS Chapter 342 (Workers Compensation)
8. Occupational Safety and Health Laws in Kentucky as well as any other states and at the federal level

WARRANTY: A written document that provides a guarantee or assurance by the Contractor or manufacturer that the building and all its components function as specified in the Contract Documents.

WORK: Includes the construction and services required by the Contract Documents, whether completed or partially completed, and includes all labor, supervision, materials, equipment, services, and things provided or to be provided by the Contractor to fulfill the Contractor's obligations.

WORK PLAN: A project-specific outline for the phased delivery of professional design services, used for Projects that do not lend themselves to traditional facility design phasing (i.e., Phases A through D as defined in this document). Typically used for civil engineering or master planning projects.

1 ASHRAE. 2004. *ASHRAE Guideline 0 – The Commissioning Process*. American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. Atlanta, GA.