**Section 661.102 Definitions**

a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act.

b) For purposes of this Part and 35 Ill. Adm. Code 660, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Addenda" means written or graphic instruments issued prior to the execution of the agreement that modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications, or corrections.

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means grant applicant.

"Bid" means the offer or proposal of the bidder submitted on the prescribed form setting forth the prices for the work to be performed.

"Bidder" means any person, firm or corporation submitting a bid for the work.

"Change order" means a written order to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

"Construction" means any one or more of the following: surveys, designs, plans, working drawings, specifications, erection, building, acquisition (of equipment, supplies, or components), alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"Contract documents" means the contract, including advertisement for bid, information for bidders, bid, bid bond, agreements, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

"Contract price" means the total monies payable to the contractor under the terms and conditions of the contract documents.

"Contract time" means the number of calendar days stated in the contract documents for the completion of all the work including punch list items.

"Contractor" means the person, firm or corporation with whom the owner has executed a subagreement.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Drawings" means the part of the contract documents that shows the characteristics and scope of the work to be performed and that has been prepared by or approved by the engineer based upon the engineer's professional judgment.

"Engineer" means the person, firm or corporation named as such in the contract documents.

"Field order" means a written order effecting a change in the work not involving an adjustment in the contract price or an extension of the contract time, issued by the engineer to the contractor during construction.

"Force account work" means work performed or a purchase made by a grantee in lieu of such work being performed or purchase being made by a person other than the grantee.

"Generally accepted accounting principles" or "GAAP" has the meaning provided in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board.

"Generally accepted auditing standards" means generally accepted government auditing standards issued by the Comptroller General of the United States that are applicable to financial audits.

"Grant" means a grant under Section 4(x)(1) of the Act.

"Grant agreement" means the written agreement between the Agency and a grant recipient (applicant) in which the terms and conditions governing the grant are stated and agreed to by both parties.

"Grant applicant" means the unit of local government which has applied for a grant under Section 4(x)(1) of the Act.

"Grantee" or "Owner" means the unit of local government which has received a grant under Section 4(x)(1) of the Act.

"Grant procedures" means the procedures for issuing grants under Section 4(x)(1) of the Act.

"Initiation of operation" means the date specified by the grant recipient on which use of the project begins for the purposes that it was planned, designed and built.

"Notice of award" means the written notice of the acceptance of the bid from the owner to the successful bidder.

"Notice to proceed" means written communications issued by the owner to the contractor authorizing him to proceed with the work and establishing the date of commencement of the work.

"Professional judgment" means the use of those engineering principles and practices used by engineers when fulfilling their requirements and duties consistent with the specific requirements of this Part and as certified by a Professional Engineer licensed under the Illinois Professional Engineering Act [225 ILCS 325].

"Project" means the undertaking to be performed as provided in the grant agreement.

"Resident project representative" means the authorized representative of the owner who is assigned to the project site or any part of the project site.

"Responsible bidder" means a bidder who meets all of the criteria for responsibility established by the grantee or contractor in the invitation for bid or proposal and, in addition, meets all of the criteria set forth in Section 661.301(j)(1).

"Responsive bidder" means a bidder who complies with the invitation for bid or proposal in all material respects as to the method, substance and timeliness of submission.

"Shop drawings" means all drawings, diagrams, illustrations, brochures, schedules and other data which are prepared by the contractor, subcontractor, manufacturer, supplier or distributor, which illustrate how specific portions of the work shall be fabricated or installed.

"Specifications" means a part of the contract documents consisting of written descriptions of a technical nature of materials, equipment, construction systems, standards and workmanship.

"Subagreement" means a written agreement between the grant recipient and another party and any agreement thereunder for the furnishing of services, supplies or equipment necessary to complete the project for which a grant was awarded, including contracts for personal and professional services and purchase orders.

"Subcontractor" means an individual, firm or corporation having a direct contract with the contractor or with any other subcontractor for the performance of a part of the work.

"Substantial completion" means the date certified by the engineer when the construction of the project or a specified part of the project is sufficiently completed, in accordance with the contract documents, so that the project or specified part can be utilized for the purpose for which it is intended.

"Supplier" means any person or organization who supplies materials or equipment for the work, including that fabricated to a special design, but who does not perform labor at the site.

"Unit of local government" means a county, municipality, township, municipal or county water or utility authority, municipal public water district, improvement authority or municipal subdivision whose primary purpose is to construct, operate and maintain public water supply facilities.

"Work" means all labor necessary to produce the construction required by the contract documents, and all materials and equipment incorporated or to be incorporated in the project.

"Written notice" means any notice to any party of the agreement relative to any part of this agreement in writing. Written notice shall be considered delivered and the service of that notice completed, when posted by certified or registered mail to the said party at his or her last given address or delivered in person to said party or his or her authorized representative on the work.

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