**Section 1150.100 Definition of Terms**

Wherever in this Part the following terms or pronouns in place of them are used, words importing the masculine may be applied to females, and the intent and meaning shall be interpreted as follows:

"Advertisement" − The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished.

"AML" − Abandoned Mined Lands; of or pertaining to the Abandoned Mined Lands Reclamation program.

"AVS" or "Applicant Violator System" − The computer system maintained by OSM, in accordance with 30 CFR 773, to identify ownership or control links involving coal mining permit applicants, permittees, and persons cited in violation notices.

"Award" − The decision of the Department in the form of a letter of intent to accept the proposal of the lowest responsive and responsible bidder for the work, subject to the execution and approval of a satisfactory contract and bond to secure the performance as required by this Part, and to such other conditions as may be specified. A responsible bidder is a bidder who meets the standards set forth in 44 Ill. Adm. Code 1: Subpart H.

"Bid" − a Contractor's proposal.

"Bidder" − Any individual, firm, partnership or corporation submitting a proposal for the work contemplated, acting directly or through a authorized representative.

"Calendar Day" − Every day shown on the calendar.

"Consultant" − Any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity engaged in providing professional services in the practice of architecture, engineering or land surveying as permitted by law.

"Contract" − The written Agreement between the Department and the Contractor setting forth the obligations of the parties to the contract, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract includes the invitation for bids, proposal, letter of award, contract form and contract bond, Specifications, Supplemental Specifications, Special Provisions, general and detailed plans, and any Agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

"Contract Bond" − The approved form of security furnished by the Contractor and his/her surety as a guaranty that the contractor will execute the work in accordance with the terms of the contract.

"Contractor" − The individual, firm, partnership or corporation contracting with the Department for performance of prescribed work.

"Department" − The Department of Natural Resources, Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation, of the State of Illinois, with principal offices of business at Springfield.

"Department of Transportation" − The Department of Transportation of the State of Illinois with principal offices of business at Springfield.

"Equipment" − All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the work.

"Invitation for Bids" − The advertisement for proposals for all work or materials on which bids are required. Such advertisement will indicate with reasonable accuracy the quantity and location of the work to be done or the character and quantity of the material to be furnished and the time and place of the opening of proposals.

"Materials" − Any substances specified for use in the construction of the project and its appurtenances.

"OSM" − The Office of Surface Mining, Reclamation and Enforcement, United States Department of the Interior.

"Pay Item" − A specifically described unit of work for which a price is provided in the contract.

"Plans" − The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions and details of the work to be done.

"Proposal" − The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted. In Subpart D, "Proposal" means the letter of interest and designated portions of the Consultant's Qualifications Packet submitted to the Department for consideration by the Department in selecting Consultants to provide professional services.

"Proposal Guaranty" − The security furnished with a bid to guarantee that the bidder will enter into the contract if his/her bid is accepted.

"Special Provisions" − Additions and revisions to the Standard and Supplemental Specifications covering conditions peculiar to an individual project.

"Specifications" − The body of directions, provisions and requirements contained in "Standard Specifications for Road and Bridge Construction" adopted by the Department of Transportation, or in any supplement adopted by the Department of Transportation, together with written agreements and all documents of any description made or to be made pertaining to the method or manner of performing and paying for the work, the quantities, or the quality of materials to be furnished under the contract.

"State" − The State of Illinois acting through the Department of Natural Resources, Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation, or such agency or department of State Government as the Department may designate.

"Structure" − Unless otherwise defined in the Specifications, structures shall comprise all objects constructed of materials other than earth, required by the contract to be built or to be removed.

"Subconsultant" − An individual, firm, partnership, or corporation who, with the written consent of the Department, assumes obligation for performing specified professional services.

"Subcontractor" − An individual, firm, partnership, or corporation who, with the written consent of the Department, assumes obligation for performing specified contract work.

"Supplemental Specifications" − Additions and revisions to the Standard Specifications for Road and Bridge Construction of the Illinois Department of Transportation, as modified and referenced in the proposal and contract.

"Surety" − The corporation, partnership or individual, other than the Contractor, executing the Contract Bond.

"Work" − Work shall mean the furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to the successful completion of the project and the carrying out of all the duties and obligations imposed by the contract.

(Source: Amended at 22 Ill. Reg. 15581, effective August 17, 1998)