

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

Land Development Division

MARCH 22, 2017

\_\_\_\_\_  
Date

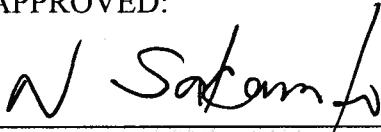
ADDENDUM NO. 1  
TO  
INVITATION FOR BIDS

**IFB-17-HHL-009**  
**LOTS 1-3 WALL IMPROVEMENTS**  
**KEKAHA RESIDENCE LOTS UNIT 4**

**Notice to All Prospective Offerors**

This addendum is hereby made a part of the contract documents for IFB-17-HHL-009, and it shall amend the said contract documents as detailed within this Addendum document.

APPROVED:



\_\_\_\_\_  
Norman L. Sakamoto, Acting Administrator  
Land Development Division  
Department of Hawaiian Home Lands

Please execute and immediately return the receipt below to the Department of Hawaiian Home Lands via facsimile to: **(808) 620-9299, Mr. Stewart Matsunaga, Master Planned Community Development Manager, Land Development Division.**

-----  
Receipt of Addendum No. 1 for: IFB-17-HHL-009, is hereby acknowledged.

Print: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
Name of Firm/Company

\_\_\_\_\_  
Date

## **ADDENDUM NO. 1**

### **IFB-17-HHL-009 LOTS 1-3 WALL IMPROVEMENTS, KEKAHA RESIDENCE LOTS UNIT 4**

#### **INCLUSIONS**

This Addendum No. 1 shall incorporate the following amendments to IFB-17-HHL-009:

1. Pre-Bid Conference; Pre-bid Conference Agenda, March 8, 2017, including responses to questions raised at Pre-bid Conference;
2. Sign-In Sheet (Pre-Bid Conference, on March 8, 2017)
3. Written Questions received, see Attachment 1
4. Revised Bid Offer form.

**Lots 1-3 WALL IMPROVEMENTS  
KEKAHA RESIDENCE LOTS UNIT 4  
IFB-17-HHL-009**

Pre-bid Conference & Site Inspection  
10:00 a.m., Wednesday, March 8, 2017  
DHHL Kauai District Office, Conference Room B  
3060 Eiwa Street, Lihue, Hawaii 96743

**AGENDA**

**1. INTRODUCTIONS**

Department of Hawaiian Home Lands (DHHL)

- Stewart Matsunaga, Project Manager
- Erna Kamibayashi, Manager, Kauai District Office

Construction Manager

Bowers + Kubota Consulting, Inc.

- Brian Bowers, President
- Steve Ientile, Inspector

**2. PURPOSE OF PRE-BID CONFERENCE and SITE INSPECTION**

- Project overview and job site(s) visit
- Review procurement requirements and schedule
- Clarify bid documents.
- Site inspection

**3. GENERAL SCOPE OF WORK**

- Removal and disposal of tar within embankment of Lots 1-3.
- Construction of wall along the boundary of Lots 1-3.
- Install geotextile fabric and backfill with clean material.
- Restore slope to top of wall; irrigate and maintain cover.
- Allowances for archaeological monitoring, geotechnical monitoring, structural inspections.

\* All work must be performed in accordance with the Scope of Work and the Plans and Technical Specifications included in this IFB, being further subject to the County of Kauai Building Code, State of Hawaii Department of Health Administrative Rules and applicable Standard Specifications and Details for Public Works Construction.

**4. PROCUREMENT REMINDERS**

- This project is subject to Chapter 103D, Hawaii Revised Statutes (HRS), and to the payment of not less than the prevailing salaries and wages promulgated by the Department of Labor and Industrial Relations;

- After bid opening and prior to award of the contract, DHHL shall verify compliance under Section 103D-310, HRS, concerning an Offeror's qualifications to perform the work, and tax clearances under Section 103D-328, HRS for bidders and all subcontractors, via Hawaii Compliance Express (HCE). Therefore the bidder and all subcontractors are encouraged to register with HCE. Instructions for registration are at the HCE website: <http://vendors.ehawaii.gov>
- Failure by the bidder and/or any subcontractor to rectify a non-compliant status within ten business days of notification will be considered as sufficient for the disqualification of the bidder and rejection of its proposal; And,
- In accordance with the provisions of Section 104-25, HRS, there are contractors who have been suspended from doing any work on State or County public work construction project. An updated list can be found at this web link: <http://labor.hawaii.gov/wsd/prevaling-wages-on-public-works/contractors-suspended-under-chapter-104-hawaii-revised-statutes/>

**5. COMPLETION SCHEDULE AND LIQUIDATED DAMAGES**

- Time to complete: One Hundred Eighty (180) calendar days from Notice to Proceed
- Liquidated damages: One thousand (\$1,000) per calendar day.

**6. QUESTIONS/ANSWERS ISSUED BY LAST ADDENDA**

- A written summary of this pre-bid conference will be issued as an Addendum.
- Requests for clarifications and any questions after this meeting shall be made in writing and faxed to 808-620-9299, no later than 4:30 p.m., March 15, 2017.
- Written answers to questions will be provided to all potential bidders via addenda on the DHHL website; any verbal responses by DHHL and any of its Consultants shall not be binding.
- Interested bidders are responsible to check the DHHL website for the issuance of any addenda up until the date scheduled for bid opening.

**7. DEADLINES (See attached 'Submittals and Deadlines Table')**

**8. QUESTIONS AND ANSWERS**

**9. SITE INSPECTION FOLLOWING PRE-BID CONFERENCE**

- Site location: 7723 Iwipolena Road, Kekaha, HI 96752
- TMK (4) 1-2-17:01, 02, 03

Lots 1-3 Wall Improvements, Kekaha Residence Lots Unit 4  
IFB-17-HHL-009  
March 8, 2017  
Page 3 of 4

- Any inspection done outside of this scheduled visit shall be coordinated with the DHHL contact person.
- Any and all communication pertaining to this IFB and the Scope of Work therein shall be with DHHL contact person.

**Lots 1-3 Wall Improvements, Kekaha Residence Lots Unit 4  
 IFB-17-HHL-009  
 SUBMITTALS AND DEADLINES**

SUBMITTAL	DEADLINE
Notice of Intention to Bid	4:30 P.M., March 15, 2017
Standard Qualification Questionnaire <ul style="list-style-type: none"> <li>• SQQ submittals for previous projects are NOT valid</li> </ul>	4:30 P.M., March 15, 2017
Hawaii Products Preference Request	4:30 P.M., March 15, 2017
Request for Substitutions	4:30 P.M., March 15, 2017
Written questions (Requests for Clarification)	4:30 P.M., March 15, 2017
Issuance of Last Addendum <ul style="list-style-type: none"> <li>• Interested bidders are required to check the DHHL procurement website for any Addenda issued.</li> </ul>	4:30 P.M., March 22 , 2017
Sealed Bids and Bid Opening <ul style="list-style-type: none"> <li>• Sealed bids are due to Kauai District Office located at 3060 Eiwa Street, Lihue, Kauai, 96766, according to its time clock.</li> <li>• Bids will be opened shortly after 10:00 A.M. and read aloud. (Bidders are welcome to attend).</li> <li>• Bids submitted after 10:00 A.M., March 31, 2017 will be time-stamped, but not accepted or opened.</li> <li>• All required bid forms are included in the IFB package.</li> </ul>	No later than 10:00 A.M, March 31, 2017
Award of contract will be made to the responsible and responsive bidder with the lowest "Total Sum Bid", approximately within two weeks following bid opening and after certification of the bid tabulation.	

LOTS 1-3 WALL IMPROVEMENTS, KEKAHA RES LOTS UNIT 4  
IFB-17-HHL-009

PRE-BID CONFERENCE  
MARCH 8, 2017  
10:00 a.m.  
STATE BLDG CONF ROOM

**SIGN-IN SHEET**

	Company Name	Name of Representative	Telephone/Fax	E-mail
1	Cushman Construction	Laura Cushman	332.9000	laura@cushniecci.com james@cushniecci.com
2				
3				
4				
5				
6				
7				
8				
9				

## ATTACHMENT 1 TO ADDENDUM 1

### QUESTIONS:

1. Is the owner, DHHL, supplying a source of import material for the project or is this the responsibility of the contractor. If yes, please provide the location(s).

**Response: Contractor is responsible for supplying the import material; this cost is part of the base bid. Contractor shall coordinate material testing and suitability with geotechnical consultant, per Allowance Item 4. – Allowance for Unforeseen Site Conditions - \$25,000.00**

2. There are low lying existing high-powered electrical lines that are directly in the work zone. Are these electrical lines going to be raised prior to construction because they are a safety hazard during and after construction?

**Response: Contractor needs to take all necessary precautions when working around all utilities. Contractor shall coordinate means and methods when working around all utilities. Contractor may contact Kauai Island Utility Cooperative for coordination and advice when working in close proximity to electrical system. Any costs for relocation of utilities is the responsibility of Contractor.**

3. Is removal, remediation and replacement of the existing tar considered a part the of \$25,000 allowance item, item #4? If not, how will the contractor be paid for this work since the quantities are not identified.

**Response: Item 4 – Allowance for Unforeseen Site Conditions, addresses remediation of tar, its removal and disposal. Replacement of clean fill is part of the base bid.**

4. Excavation for the wall and footings will need to be at a slope of 1.5:1 from the toe of the footing, for safety purposes in sandy conditions, which will encroach further into the existing lots than shown on the plans. Are the lot owners aware of this and has DHHL taken into consideration.

**Response: Contractor shall determine its means and methods and coordinate the work in the field with DHHL's Construction Manager. Issues with private lot owners will be relayed through DHHL and CM, and not directly to individual homeowners. DHHL will include discussion with homeowners at the pre-construction stage.**

5. There is a 2'11" keyway below the bottom of footing. Our experience in the area is that the existing material is a soft sand and the natural angle of repose is a 1.3:1 angle. Would the keyway and footing be allowed to be poured separately due to the depth and the soft slope of the keyway trench. We propose the keyway and footing be poured separately and not monolithically. Please confirm.



Please see the attached drawing which depicts the actual anticipated excavated area for items 4 and 5.

**Response: Successful contractor to submit keyway and footing work plan Request for Information at Pre-construction phase for DHHL's engineer and/or Construction Manager approval.**

6. Per Section 02210, Part 3.02E, a minimum of 6" of the existing grade shall be excavated to remove any type of debris (metallic debris, dump site waste and tar patties). Please confirm that any and all gross contaminated materials will be found in the top 6" of excavation.

**Response: Section 02210, Part 3.02E is amended to read a minimum of 6" to a maximum of 24 inches of existing grade shall be excavated to remove any type of debris, subject to the AECOM Work Plan. Contractor shall anticipate debris to be found below 6" inches of existing grade Contractor shall inform DHHL Construction Manager and Contractor's Environmental Monitoring Consultant to determine whether additional excavation shall be implemented. Allowance Item 1 – Allowance for Environmental Engineering addresses Environmental Engineering consultant costs, subject to DHHL approval. Should Environmental Engineer determine additional excavation between 6" to 24" below grade, then no additional funds will be allowed. Should additional excavation greater than 24" below grade be required, then Allowance Item 4, Unforeseen Site Condition addresses the additional cost. Allowance Item 4 - Unforeseen Site Condition is increased from Twenty Five Thousand Dollars (\$25,000) to Seventy Five Thousand Dollars (\$75,000).**

7. If additional grossly contaminated materials (metallic debris, dump site waste and tar patties) are encountered in the wall excavation beyond the top 6" of excavation how will the segregation, storage and disposal be paid?

**Response: Item 4 – Allowance for Unforeseen Site Conditions. See Response to Question No. 6, above.**

8. Is it acceptable for the limits of excavation to encroach beyond grading limits shown on the drawings? Wall excavation is not feasible within the grading limits as shown.

**Response: See Response to Question #4, above. Contractor IS responsibility to survey limits of construction and location of wall as part of Contractor's base bid Item #1, lump sum. A survey Allowance is being provided for other surveying needs, outside of the construction limits and location of wall. See revised Bid Offer form.**

9. Construction estimate?

**Response: Construction estimate for Bid Offer, Item No. 1 = \$300,000**



**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

**ADDENDUM 1 BID OFFER FORM FOR**

**LOTS 1 – 3 WALL IMPROVEMENTS,  
KEKAHA RESIDENCE LOTS UNIT 4**

**KEKAHA, WAIMEA, KAUAI, HAWAII  
Tax Map Key: (4) 1-2-017:001, 002 & 003**

**IFB No.: IFB-17-HHL-009**

Chairman  
Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
91-5420 Kapolei Parkway  
Kapolei, Hawaii 96707

The undersigned has carefully examined, read, and understands the terms and conditions in the Plans and Specifications, Special Conditions attached hereto, DHHL Construction General Conditions, and General Conditions specified in the Invitation for Bids (IFB) No. IFB-17-HHL-009. The State of Hawaii's (State) Contract for Goods and Services Based on Competitive Sealed Bids AG-003 Rev. 6/22/2009, AG-008 103D General Conditions and DHHL Construction General Conditions are included by reference and made part hereof and available upon written request to the Procurement Officer. The undersigned hereby submits the following offer to perform the work for IFB No. IFB-17-HHL-009 as specified herein, all in accordance with the true intent and meaning thereof.

The undersigned understands and agrees that:

1. The State reserves the right to reject any and all offers and to waive any items that are defective when, in the State's opinion, such rejection or waiver will be in the best interest of the State. A solicitation may be rejected in whole or part when in the best interest of the State.
2. If awarded the contract, all services will be in accordance with Hawaii Revised Statutes (HRS) § 103-55.5.
3. In submitting this offer, the Offeror is not in violation of HRS Chapter 84, concerning prohibited State contracts.
4. By submitting this offer, the Offeror certifies that the offer was independently arrived at without collusion and the Offeror did not participate in any practices to restrict competition.
5. It is understood that the failure to receive any addendum shall not relieve the Offeror from any obligation under this IFB.

Date: \_\_\_\_\_

LOTS 1-3 WALL IMPROVEMENTS  
KEKAHA RESIDENCE LOTS UNIT 4  
IFB-17-HHL-009

The undersigned represents that it is: (Check  one only)

- A **Hawaii business** incorporated or organized under the laws of the State of Hawaii; **OR**
- A **Compliant Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii, is or shall be registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division (DCCA-BREG) to do business in the State of Hawaii.

State of incorporation: \_\_\_\_\_

Offeror is:

- Sole Proprietor       Partnership       Corporation       Joint Venture       Other: \_\_\_\_\_

Federal ID No.: \_\_\_\_\_

Hawaii General Excise Tax ID No.: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Payment address (other than street address below)

\_\_\_\_\_  
(Street Address, City, State, Zip Code)

Business address

\_\_\_\_\_  
(Street Address, City, State, Zip Code)

Respectfully submitted:

\_\_\_\_\_  
Authorized (Original) Signature

\_\_\_\_\_  
Name and Title (Please Type or Print)

\* \_\_\_\_\_  
**Exact Legal Name of Company (Offeror)**

\*If Offeror shown above is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed.

The following bid is hereby submitted for Lots 1-3 Wall Improvements, Kekaha Residence  
 Lots Unit 4, Kekaha, Waimea, Kauai, Hawaii for the Department of Hawaiian Home  
 Lands.:

Item No.	Estimated Quantity	Description	Unit Price	Total
1.	L.S.	Retaining Wall, Price paid lump sum shall include incidentals necessary to construct the work in place complete.		
		Lump Sum		\$ _____
2.	ALLOWANCE	Allowance for Environmental Engineering	<u>\$50,000.00</u>	<u>\$50,000.00</u>
3.	ALLOWANCE	Allowance for Archaeological Monitoring Plan and Monitoring	<u>\$25,000.00</u>	<u>\$25,000.00</u>
4.	ALLOWANCE	Allowance for Unforeseen Site Conditions	<u>\$75,000.00</u>	<u>\$75,000.00</u>
5.	ALLOWANCE	Allowance for Structural Inspection	<u>\$10,000.00</u>	<u>\$10,000.00</u>
6.	ALLOWANCE	Allowance for Surveying	<u>\$10,000.00</u>	<u>\$10,000.00</u>
		SUBTOTAL ALLOWANCES( Items 2-6)	<u>\$170,000.00</u>	<u>\$170,000.00</u>
		TOTAL SUM BID (Items 1-6).....		\$ _____

The following bid is hereby submitted for IFB-17-HHL-009 to the Department of Hawaiian Home Lands.

TOTAL SUM BID = \_\_\_\_\_

Dollars (\$ \_\_\_\_\_).

**The prices herein for the above items shall include all materials, labor, tools, equipment, machinery and all incidentals necessary, inclusive of general excise tax to install or to construct these items in place complete and in accordance with the plans and specifications contained in this IFB.**

It is further understood by the Bidder that if upon being granted Hawaii Products Preference, and being awarded the contract, if the Bidder fails to use such products or meet the requirements of such preference, the Bidder shall be subject to penalties, if applicable.

## HAWAII PRODUCTS PREFERENCE

In accordance with HRS §103D-1002, the Hawaii products preference is applicable to this solicitation. Hawaii Products [are / may be] available for those items noted on the offer form. The Hawaii products list is available on the SPO webpage at <http://hawaii.gov/spo>, under Toolbox/QuickLinks click on Goods, Services and Construction, then click on Goods, Services and Construction for Vendors, Contractors and Service Providers, under Preferences, click on Preferences pursuant to HRS 103D Part X including Hawaii Products, then click on Preference for Hawaii Products, and select *Hawaii Products List* to view.

Offeror submitting a Hawaii Product (HP) shall identify the HP on the solicitation offer page(s). Any person desiring a Hawaii product preference shall have the product(s) certified and qualified if not currently on the Hawaii products list, prior to the deadline for receipt of offer(s) specified in the procurement notice and solicitation. The responsibility for certification and qualification shall rest upon the person requesting the preference.

Persons desiring to qualify their product(s) not currently on the Hawaii product list shall complete Form SPO-038, *Certification for Hawaii Product Preference* and submit to the Procurement Officer issuing the solicitation (IFB or RFP), and provide all additional information required by the Procurement Officer. For each product, one form shall be completed and submitted (i.e. 3 products should have 3 separate forms completed). Form SPO-038 is available on the SPO webpage at <http://spo.hawaii.gov/all-forms/>. The manufacturers and producers must complete and submit Form SPO-38 to DHHL. The form must be received by DHHL no later than the date specified in the IFB documents. Submittal by facsimile (808 620-9299) is acceptable. If DHHL receives and approves any Form SPO-38 relating to this solicitation, DHHL will issue an addendum listing the additional certified and qualified Hawaii products by the date of issuance of addenda in the IFB documents.

Bidders may claim a Hawaii product preference for products that it manufactures or produces with its own workforce and equipment. The SPO-38, *Certification for Hawaii Product Preference*, must be submitted in accordance with the procedures described above in order for Bidder to claim a Hawaii product preference for such Hawaii products Bidder intends to use in this work.

When a solicitation contains both HP and non-HP, then for the purpose of selecting the lowest bid or purchase price only, the price offered for a HP item shall be decreased by subtracting 10% for the class I or 15% for the class II HP items offered, respectively. The lowest total offer, taking the preference into consideration, shall be awarded the contract unless the offer provides for additional award criteria. The contract amount of any contract awarded, however, shall be the amount of the price offered, exclusive of the preferences.

Change in Availability of Hawaii product. In the event of any change that materially alters the offeror's ability to supply Hawaii products, the offeror shall notify the procurement officer in writing no later than five working days from when the offeror knows of the change and the parties shall enter into discussions for the purposes of revising the contract or terminating the contract for convenience.

A partial list of approved products is provided below. The complete current list as compiled by the State Procurement Office is available at:

<http://www4.hawaii.gov/spoh/HiProducts/hiProducts.htm>

**Preferences, Hawaii Products**

**CONSTRUCTION PRODUCTS AND SOIL AMENDMENTS/PRODUCTS**

<b>Aggregates – Basaltic Termite Barrier</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	11/03/09		<u>Ameron International Corporation</u>	X	X		
<b>Aggregates and Sand – Basalt, Rock, Cinder, Limestone and Coral</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	11/03/09		<u>Ameron International Corporation</u>	X	X		
	10/23/09		<u>CTS Earthmoving, Inc.</u>			X	
	11/03/09	1/20/10	<u>Delta Construction Corporation</u>	X			
	12/14/09		<u>Edwin Deluz Trucking &amp; Gravel LLC</u>			X	
	01/28/10		<u>Goodfellow Bros., Inc.</u>	X			
	11/02/09		<u>Grace Pacific</u>	X		X	X
	4/26/11		<u>GW Construction</u>			X	
	11/03/09		<u>Hawaiian Cement</u>	X	X		
	12/15/09		<u>Jas. W. Glover, Ltd.</u>			X	X
	06/30/10		<u>Kauai Aggregates</u>				X
	10/20/09	07/22/10	<u>Sanford's Service Center, Inc.</u>			X	
	11/05/09		<u>Tileco, Inc.</u>	X	X	X	X
	11/03/09		<u>West Hawaii Concrete</u>			X	
	11/02/09		<u>Yamada and Sons, Inc.</u>			X	
<b>Aggregates – Recycled Asphalt and Concrete</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	12/15/09		<u>Glover Honsador</u>				X
	11/02/09		<u>Grace Pacific</u>	X			
	12/15/09		<u>Jas. W. Glover, Ltd.</u>	X		X	



	10/18/10		West Oahu Aggregate Co. Inc.	X			
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### Asphalt and Paving Materials - HI Products

Product Subcategory as applicable	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai
	06/15/10		<u>Black Maui Rose LLC</u>		X		
	12/22/09		<u>Black Plumeria LLC</u>	X			
	10/21/09	11/02/09	<u>Grace Pacific Corporation</u>	X		X	X
	12/05/09		<u>Jas. W. Glover, Ltd.</u>			X	X
	11/03/11		<u>Maui Asphalt X-IV, LLC</u>		X		
	10/28/09		<u>Maui Paving LLC</u>		X		
	11/20/09		<u>Walker-Moody Pavement Products and Equipment</u>	X	X	X	X
	11/22/09		<u>Yamada and Sons, Inc.</u> dba YS Rock and Con-Agg of Hawaii			X	

### Cement and Concrete Products

Product Subcategory as applicable	Effective Date	Last Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
	11/03/09		<u>Ameron International Corporation</u>	X			
	01/19/10		<u>BOMAT, Ltd.</u>	X	X	X	X
	12/15/09		<u>Glover Honsador</u>				X
	11/03/09		<u>Hawaiian Cement</u>	X	X		
	12/15/09		<u>Jas. W. Glover, Ltd.</u>			X	X
	12/15/09		<u>Kohala Coast Concrete &amp; Precast LLC</u>			X	
	06/30/10		<u>O. Thronas, Inc.</u>				X
	11/05/09		<u>Tileco, Inc.</u>	X	X	X	X
	11/03/09		<u>West Hawaii Concrete</u>			X	

### Precast Concrete Products

Product Subcategory as applicable	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
	7/12/10		<u>Aloha Precast, Inc.</u>	X	X	X	X
	11/03/09	04/15/10	<u>Ameron International Corporation</u>	X			
	08/02/10		<u>GPRM Prestress, LLC</u>	X	X	X	X
	11/03/09		<u>Hawaii Concrete Products, Inc.</u>	X			
	12/15/09		<u>Kohala Coast Concrete &amp; Precast LLC</u>			X	

	11/03/09		<u>Ramtek Fabrication Co., Inc.</u>	X	X	X	X
	06/30/10	02/26/10	<u>Walker Industries, Ltd.</u>	X	X	X	X
<b>Environmental Sewage-Treatment Innovative System (ESIS) Individual Wastewater System which utilizes anaerobic/aerobic processing to treat wastewater to R-2 quality at discharge</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	Oahu	Maui	Hawaii	Kauai
	11/20/09		<u>Environmental Waste Management Systems, Inc.</u>	X	X	X	X
<b>Septic Tanks</b>	11/03/09		<u>Ameron International Corporation</u>	X			
	11/05/09	02/26/10	<u>Walker Industries, Ltd.</u>	X	X	X	X
<b>Hot Dip Galvanizing</b>							
<b>Product Subcategory as applicable</b>	<b>Effective Date</b>	<b>Revised Date</b>	<b>Manufacturer</b>	Oahu	Maui	Hawaii	Kauai
	03/03/10		<u>Universal Associates, Inc.</u>	X			
<b>Pipes-Aluminum and Galvanized</b>							
<b>Product Subcategory as applicable</b>	<b>Effective Date</b>	<b>Revised Date</b>	<b>Manufacturer</b>	Oahu	Maui	Hawaii	Kauai
<b>Pipes-Miscellaneous</b>	11/03/09		<u>Ameron International Corporation</u>	X			
<b>Aluminum Docks, Floating, etc. - Miscellaneous</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	Oahu	Maui	Hawaii	Kauai
	05/25/10	06/14/10	<u>Bluewater Marine and Dock Specialties</u>	X	X	X	X
<b>Playground Surfaces</b>							
<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	Oahu	Maui	Hawaii	Kauai
	01/07/10		<u>Innovative Playgrounds and Recreation, Inc.</u>	X	X	X	X

**Signs - Traffic, Regulatory and Construction**

<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	12/14/09		<u>GP Roadway Solutions, Inc.</u>	X	X	X	X
	11/20/09		<u>Safety Systems Hawaii, Inc.</u>	X	X	X	X

**Veneer**

<b>Product Subcategory as applicable</b>	<b>Effective</b>	<b>Revised</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	11/14/11		<u>Big Rock Manufacturing</u>	x	x	x	x

**Soil Amendments, Mulch, Compost**

<b>Product Subcategory as applicable</b>	<b>Effective Date</b>	<b>Revised Date</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	10/16/09		<u>Kauai Nursery &amp; Landscaping, Inc.</u>	X	X	X	X
	10/20/09		<u>Sanford's Service Center, Inc.</u>			X	

**Compost Filter**

<b>Product Subcategory as applicable</b>	<b>Effective Date</b>	<b>Revised Date</b>	<b>Manufacturer</b>	<b>Oahu</b>	<b>Maui</b>	<b>Hawaii</b>	<b>Kauai</b>
	01/25/10		<u>EnviroTech BioSolutions Hawaii, Inc.</u>	X	X	X	X
	6/02/11		<u>Certified Erosion Control Hawaii LLC</u>	X	X	X	X

SCHEDULE OF ACCEPTABLE HAWAII PRODUCTS AND DESIGNATION OF HAWAII PRODUCTS TO BE USED			
ACCEPTABLE HAWAII PRODUCTS		HAWAII PRODUCTS TO BE USED Cost FOB Jobsite, Unloaded Including Applicable General Excise and Use Taxes	
Description	Manufacturer	Base Bid	Additive Alternate
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

It is further understood by the Bidder that if upon being granted Hawaii Products, and being awarded the contract, if the Bidder fails to use such products or meet the requirements of such preference, the Bidder shall be subject to penalties, if applicable.

## APPRENTICESHIP AGREEMENT PREFERENCE

Hawaii Revised Statutes §103-55.6 (ACT 17, SLH 2009) provides for a Hawai'i Apprenticeship Preference for public works contracts having an estimated value of \$250,000.00 or more. The preference shall be in the form of a 5% bid adjustment applied to the bidder's amount for bidders that are parties to apprenticeship agreements. The estimated value of this public works contract is \$250,000.00 or more and the apprenticeship agreement preference **shall** apply.

To be eligible for the preference, the bidder shall:

1. Be a party to an apprenticeship agreement registered with the DLIR at the time the bid is made for each apprenticeable trade the bidder will employ to construct the public works project for which the bid is being made.
  - a. The apprenticeship agreement shall be registered and conform to the requirements of HRS Chapter 372.
  - b. Subcontractors do not have to be a party to an apprenticeship agreement for the bidder to obtain the preference.
  - c. The bidder is not required to have apprentices in its employ at the time the bid is submitted to qualify for the preference.
  - d. If a bidder's employee is multi-skilled and able to perform work in more than one trade (for example, a project requires a carpenter and a laborer, and the employee is a carpenter, but is also able to perform the work of a laborer), the bidder need only be a party to the carpenter's apprenticeship agreement and does not need to be a party to the laborer's apprenticeship agreement in order to qualify for the preference. The bidder is not "employing" a laborer, only a carpenter, and so only needs to be a party to the carpenter's apprenticeship agreement.
  - e. Qualification for the preference is given on a project-by-project basis and depends upon the specific offer for a specific project. A bidder's employees may vary from project to project and may qualify for the preference on one project but may not qualify on another project. For example, on one project, if the bidder only employs carpenters to perform work in the carpentry and labor trades, then the bidder only needs to be a party to the carpenter's apprenticeship agreement in order to qualify for the preference. However, on another project if the same bidder employs both carpenters and laborers, then the bidder will not qualify for the preference if the bidder is only a party to the carpenter's apprenticeship agreement and not the laborer's apprenticeship agreement.

2. State the trades the bidder will employ to perform the work;
3. For each trade to be employed to perform the work, the bidder shall submit a completed signed original *CERTIFICATION OF BIDDER'S PARTICIPATION IN APPROVED APPRENTICESHIP PROGRAM UNDER ACT 17 (Certification Form 1)* verifying the participation in an apprenticeship program registered with the State Department of Labor and Industrial Relations (DLIR);
4. The *Certification Form 1* shall be authorized by an apprenticeship sponsor of the DLIR list of registered apprenticeship programs. The authorization shall be an original signature by an authorized official of the apprenticeship sponsor; and
5. The completed *Certification Form 1* for each trade must be submitted by the bidder with the offer. A facsimile or copy is acceptable to be submitted with the offer; however, the completed signed original must be submitted within five (5) working days of the due date of the offer. If the signed original is not received within this timeframe, the preference may be denied. Previous certifications shall not apply.

Failure to comply with ALL of the conditions noted above, without exception, shall disqualify the Bidder from qualifying for, and thus receiving, benefit of the Hawai'i Apprenticeship Preference.

The *Certification Form 1* and the List of Construction Trades in Registered Apprenticeship Programs is available on the DLIR website at: <http://labor.hawaii.gov/wdd/>.

Upon receiving *Certification Form 1*, the DHHL will verify with DLIR that the apprenticeship program is on the list of apprenticeship programs registered with the DLIR. If the program(s) are not confirmed by the DLIR, the bidder will not qualify for the preference.

If the bidder is certified to participate in an apprenticeship program for each trade which will be employed by the bidder for the project, a preference will be applied to decrease the bidder's total bid amount by five per cent (5%) for evaluation purposes.

Should the bidder qualify for other preferences (for example, Hawaii Products Preference), all applicable preferences shall be applied to the bid amount.

While preference for Hawai'i Apprenticeship will be taken into consideration to determine the low bidder, the contract awarded shall be the original bid amount, exclusive of any preferences. The preference is only for evaluation purposes.

The bidder hereby certifies that it will employ the following apprenticeable trades to perform the work for this project:

LIST OF APPRENTICEABLE TRADES TO BE EMPLOYED

<u>TRADE</u>	<u>APPRENTICESHIP PROGRAM SPONSOR</u>

(Add additional sheets if necessary)





## METHOD OF AWARD

Bidder is required to bid on the entire project. The low bidder shall be determined by the procedures outlined in items 1) through 4) below:

- 1) Prior to opening of bids, the State will determine the amount of funds available for the project. This amount will be designated the "control amount". The control amount shall be announced at, and prior to the opening of bids.
- 2) The Base Bid and Alternate, if any, of each Bidder will be adjusted to reflect the applicable preferences in accordance with Chapter 103D, HRS. The Alternate, if any, will then be added to the Base Bid and compared with the control amount.
- 3) The low bidder shall be the Bidder having the lowest aggregate amount, within the control amount (after application of the various preferences), for the Base Bid plus the Alternate, if any.
- 4) If adding the Alternate, if any, would make the aggregate amount exceed the control amount for all Bidders, the low bidder shall be the Bidder having the lowest Base Bid after application of the various preferences.

It is further understood and agreed that:

- 1) The Chairman reserves the right to reject any and/or all bids and waive any defects when, in his opinion, such rejection or waiver will be in the best interest of the State.
- 2) After determining the low bidder, an award may be made either on the amount of the Base Bid alone, or including the Alternate (exclusive of preferences), if:
  - a. It is in the best interest of the State;
  - b. Funds are available at time of the award; and
  - c. The combination of the Base Bid plus Alternate does not change the apparent low bidder.
- 3) In the event the Base Bid for all Bidders exceed the control amount, the Chairman reserves the right to negotiate with the lowest responsible and responsive bidder to award a contract within available funds.
- 4) In the event the award is made for the Base Bid alone, the Chairman reserves the right to amend the contract at a later date to include the Alternate should funds subsequently become available.

## OTHER CONDITIONS

- 1) The liquidated damages per working day for failure to complete the work on time have been determined and are noted in the Special Conditions of the sample contract.
- 2) By submitting this bid, the undersigned is declaring that his firm has not been assisted or represented on this matter by an individual who has, in a State capacity, been involved in the subject matter of this contract in the past one (1) year.
- 3) By submitting this bid, the undersigned is declaring that Bidder's own organization will perform at least 20% of the contractor's work. For the purposes of this section, the Contractor's work is defined as: direct cost labor for contractor's forces; direct cost materials installed by the contractor's direct cost labor force; direct cost equipment, either owned or leased, used by the contractor's direct cost labor force; and field overhead cost to include: field supervision, field office trailer (if any), field office equipment and supplies, etc.
- 4) Upon the acceptance of the bid by the Chairman, the undersigned must enter into and execute a contract for the same and furnish a Performance and Payment Bond, as required by law. These bonds shall conform to the provisions of Sections 103D-324 and 325, Hawaii Revised Statutes, and any law applicable thereto.
- 5) The quantities given herewith are approximate only and are subject to increase or decrease.
- 6) The estimated quantities shown for items for which a UNIT PRICE is asked in this bid are only for the purpose of comparing on a uniform basis bids offered for the work under this contract. No claim shall be filed for anticipated profit or loss because of any difference between the quantities of the various classes of work done or the materials and equipment actually installed and the said estimated quantities. Payment on UNIT PRICE items will be made only for the actual number of units incorporated into the finished project at the contract UNIT PRICE.
- 7) If the product of the UNIT PRICE BID and the number of units does not equal the total amount stated by the undersigned in the Bid for any item, it will be assumed that the error was made in computing the total amount. For the purpose of determining the lowest Bidder, the stated UNIT PRICE alone will be considered as representing the Bidder's intention and the total amount bid on such items shall be considered to be the amount arrived at by multiplying the UNIT PRICE by the number of units.
- 8) Certification for Safety and Health Programs for Bids in Excess of \$100,000. In accordance with Sections 103D-327 and 396-18, Hawaii Revised Statutes, by submitting this bid, the undersigned certifies that his firm will have a written Safety and Health Plan for this project that will be available and implemented by the Notice to Proceed date of

this project. Details of the requirements of this plan may be obtained from the Department of Labor and Industrial Relations, Occupational, Safety and Health Division.

- 9) Any contract arising out of this offer is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.

Receipt of the following addenda issued by the Department is acknowledged by the date(s) of receipt indicated below:

Table with 2 columns: Addendum No. and Date. Rows 1-8.

It is understood that failure to receive any such addendum shall not relieve the Contractor from any obligation under this IFB as submitted.

Bid Security in the amount of: \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

as required by law, is enclosed herewith in the form of:

- ( ) Surety Bond (\*1)
( ) Legal Tender (\*2)
( ) Cashier's Check (\*3)
( ) Certificate of Deposit (\*3)
( ) Certified Check (\*3)
( ) Official Check (\*3)
( ) Share Certificate (\*3)
( ) Teller's Check (\*3)
( ) Treasurer's Check (\*3)

Respectfully submitted,

Name of Company, Joint Venture or Partnership

License No.

By \_\_\_\_\_ Signature (\*4)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

(IF A CORPORATION, AFFIX CORPORATE SEAL TO SIGNATURE, BE SURE TO FILL IN ATTACHED LIST OF SUBCONTRACTORS. THIS BID FORM MAY NOT BE ALTERED AND BIDDERS MAY NOT QUALIFY OR CONDITION THEIR BIDS IN ANY WAY.)

PLEASE FILL OUT THE ATTACHED CERTIFICATE OF RESOLUTION GIVING EVIDENCE OF THE AUTHORITY OF THIS OFFICER TO SUBMIT BIDS ON BEHALF OF THE COMPANY.

NOTES:

- \*1. Surety bond underwritten by a company licensed to issue bonds in this State;
- \*2. Legal tender; or
- \*3. A certificate of deposit; share certificate; or cashier's, treasurer's, teller's, or official check accepted by, and payable on demand to the State by a bank, a savings institution, or credit union insured by the Federal Deposit Insurance Corporation of the National Credit Union Administration.
  - A. These instruments may be utilized only to a maximum of \$100,000.
  - B. If the required security or bond amount totals over \$100,000, more than one instrument not exceeding \$100,000 each and issued by different financial institutions shall be accepted.
- \*4. Please attach to this page evidence of the authority of this officer to submit bids on behalf of the Company, and also the names and residence addresses of all officers of the Company.
- \*5. Fill in all blank spaces with information asked for or bid may be invalidated. BID MUST BE INTACT; MISSING PAGES MAY INVALIDATE YOUR BID.

CERTIFICATE OF RESOLUTION

I, \_\_\_\_\_, Secretary of \_\_\_\_\_, a Hawaii Corporation, do hereby certify that the following is a full, true and correct copy of a resolution duly adopted by the Board of Directors of said Corporation, at its meeting duly called and held at the office of the Corporation \_\_\_\_\_, Hawaii, on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which a quorum was present and acting throughout; and that said resolution has not been modified, amended or rescinded and continues in full force and effect.

“RESOLVED that any individual at the time holding the position(s) of \_\_\_\_\_, be, and each of them hereby is, authorized to execute on behalf of the Corporation any bid, proposal or contract for the sale or rental of the products of the Corporation or for the services to be performed by the Corporation and to execute any bond required by any such bid, proposal or contract with the United States Government or the State of Hawaii or the City and County of Honolulu, or any County of Municipal Government of said State, or any department or subdivision of any of them.”

IN WITNESS THEREOF, I have hereunto set my hand and affixed the corporate seal of said \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary

END OF BID