

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Land Development Division

December 11, 2019

Date

ADDENDUM NO. 3
TO
INVITATION FOR BIDS
IFB-20-HHL-004

KEOKEA-WAIOHULI DRAINAGE IMPROVEMENTS

Notice to All Prospective Offerors

This addendum is hereby made a part of the contract documents for Keokea-Waiohuli Drainage Improvements, IFB-20-HHL-004, and it shall amend the said contract documents as detailed within this Addendum document.

APPROVED:



Stewart Matsunaga, 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. Bryan Toda, Land Development Division, or scan and E-mail to: Bryan.toda@hawaii.gov.**

Receipt of Addendum No. 3 for Various Lot Improvements in Keokea-Waiohuli Drainage Improvements, Invitation for Bids No.: IFB-20-HHL-004, is hereby acknowledged.

Signature: _____
Print Name: _____

Title

Name of Firm/Company

Date

ADDENDUM NO. 3
IFB NO.: IFB-20-HHL-004
Keokea-Waiohuli Drainage Improvements

INCLUSIONS

This Addendum No. 3 shall incorporate the following amendments to IFB-20-HHL-004:

1. Meeting Minutes from Pre-Bid Conference on 12/3/19 {Revised}
2. Bid Offer Form {Revised}
This revised Bid Offer Form supersedes all previous versions.
3. Sealed bids due by 10:00 a.m., December 23, 2019, at the DHHL Maui District Office, at 655 Kaunualii Street, Suite 1, Wailuku, Maui, Hawaii 96793.

**Keokea-Waiohuli Drainage Improvements
(IFB-20-HHL-004)**

Pre-bid Conference & Site Inspection

9:00 a.m., Tuesday, December 3, 2019

Waiohuli Community Center

881 Lauie Drive, Kula, Maui 96790

MEETING MINUTES

1. INTRODUCTIONS

Department of Hawaiian Home Lands (DHHL)

- Stewart Matsunaga, Project Manager
- Robert Ing, Land Agent
- ~~Bryan Toda, LDD Engineer~~
- Frank Camacho, P.E., Community Planning and Engineering, Inc. (CP&E)
- ~~Brooks Aoki, Deputy Manager/CM, SSFM International, Inc. (SSFM)~~
- Cory Uchima, Construction Manager (SSFM)
- (See Attached sign-in Sheet)

2. PURPOSE OF PRE-BID CONFERENCE

- Project overview and job site visit
- Review procurement requirements
- Clarify bid documents.
- Submittal Schedule (Below). (Also, Pages 1-3, -Instructions for Bid Submittal).

3. SCOPE OF WORK (General Description)

a. Lot 59 & 60 Drainage Improvements

- Clearing, grubbing, handling & removal of vegetation.
- Installation, maintenance, monitoring, and removal of BMP, including silt fence.
- Excavation, embankment, erosion control
- Construction of GRP swale and drain inlet and pipe

b. Olakino Street Drainage Improvements

- Clearing, grubbing, handling & removal of vegetation.
- Installation, maintenance, monitoring, and removal of BMP, including silt fence.
- Excavation, embankment, erosion control
- Demolition and removal of existing guardrails, drain pipe, and headwalls
- Construction of underground drainage system

General

- All work must be performed in accordance with the Technical Specifications and Plans included in this IFB.
- All work and responsibilities listed in the Plans -General Construction Notes are incidental to the bid proposal and are made part of this contract.

4. PROCUREMENT REMINDERS

- This project is **NOT** exempt from the General Excise Tax (GET).
- The Apprenticeship Agreement Preference for public works projects shall apply to this IFB, in accordance with HRS §103-55.6, concerning projects with an estimated value of \$250,000 or more. It is anticipated that the project will be more than \$250,000, therefore the Apprenticeship Agreement Preference shall apply for this project.
- This project is subject to Chapter 104 HRS, Department of Labor and Industrial Relations (DLIR) prevailing wages and salaries;
- After bid opening and prior to award of the contract, DHHL shall verify compliance with Sections 103D-310 and 103D-328 HRS via Hawaii Compliance Express (HCE) for the bidder and all subcontractors. Therefore, the bidder and all subcontractors should 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;
- In accordance with the provisions of Chapter 104-25, Hawaii Revised Statutes, 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/prevailing-wages-on-public-works/contractors-suspended-under-chapter-104-hawaii-revised-statutes/>

5. COMPLETION SCHEDULE AND LIQUIDATED DAMAGES

- Time to complete: Six (6) months (180 calendar days)
- Liquidated damages: \$500 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., December 4, 2019.
- Written answers to questions will be provided to all potential bidders via addenda on the State's HANDS (Hawaii Awards Notice Data System) website; any verbal responses to questions by DHHL and its Consultant shall not be binding.

Link- <https://hands.ehawaii.gov/hands/opportunities/opportunity-details/15317>

- Interested bidders are responsible to check the HANDS website for the issuance of any addenda up until the due date for bids.

7. DEADLINES (See table below)

8. QUESTIONS AND ANSWERS

- a. Is a Geotech Report available?
Ans.: A preliminary Geotechnical exploration report is included in the bidding document.
- b. Are As-Builts available?
Ans.: As-Builts will be made available as part of the bid documents, in an Addendum.
- c. Are Work to Perform (WTP) or grading permits required?
Ans.: Yes, the Contractor is responsible for determining and acquiring all required permits.
- d. Is a staging area available for the contractor?
Ans.: A conditional staging area may be available with the review and approval from DHHL. The staging area available is located along the lower side of Kaopuāpuā Street between the future road ōstüb-outö and Olakino Street or at the end of the future road ōstüb- outö at Kaopuāpuā Street (see attached aerial photo). Specific location to be determined at Pre-Construction meeting onsite. BMP and erosion control measures will be required for the staging area and the area is to be restored to the original or better condition.
- e. Can you existing 48ö drain pipe remain in place?
Ans.: The existing drain pipe could remain in-place but will need to be filled with an Engineered approved backfill material.
- f. What type of backfill material is required for filling in the existing inlet/outlet depressions/grading area?
Ans.: General fill material as approved by the Soils Engineer, subject to Contractor RFI and submittal.
- g. Is there a project cost estimate?
Ans: The estimated range for the project cost is between \$250,000 and \$2,000,000.*

9. SITE INSPECTION TO FOLLOW PRE-BID CONFERENCE

DEADLINES FOR SUBMITTALS
 Keokea-Waiohuli Drainage Improvements
 IFB-20-HHL-004

SUBMITTAL	DEADLINE
Hawaii Products Preference Request (Form SPO-038)	4:30 P.M., December 4, 2019
Request for Substitutions (See Item H, -Instructions for Bid Submittalø)	4:30 P.M., December 4, 2019
Notice of Intention to Bid	4:30 P.M., December 9, 2019
Written questions (Requests for Clarification)	4:30 P.M., December 4, 2019
Standard Qualification Questionnaire (SPO Form-21) (SQQø for previous projects are NOT valid)	4:30 P.M., December 9, 2019
Issuance of Last Addendum- * However, interested bidders are required to check the HANDS website for any Addenda issued up until the Bid Opening date.	December 11, 2019
Bid Opening <ul style="list-style-type: none"> • Sealed bids due by <u>10:00 A.M., December 23, 2019</u> at the DHHL Maui District Office, at 655 Kaunualii Street, Suite 1, Wailuku, Hawaii 96793, according to its time clock. • Bids <u>WILL NOT</u> be accepted at the DHHLø Main Office in Kapolei, Oahu. Bids to be submitted at DHHL Maui District Office, at 655 Kaunualii Street, Suite 1, Wailuku, Maui, HI 96793 • Bids will be opened shortly after 10:00 A.M. and read aloud in a designated area to be determined. (Bidders are welcome to attend). • Bids submitted after 10:00 A.M., <u>December 23, 2019</u> will be time-stamped, but not accepted or opened. • All the required bid forms are included in the IFB package. 	10:00 A.M, December 23, 2019

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

BID OFFER FORM FOR

KEOKEA-WAIOHULI DRAINAGE IMPROVEMENTS

KEOKEA & WAIOHULI, MAKAWAO, MAUI

TAX MAP KEYS: (02) 2-2-32: 56, 59, 60, & 71 AND (02) 2-2-33: 11

IFB NO.: IFB-20-HHL-004

Mr. William Aila, Jr., Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Mr. Aila:

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-20-HHL-004. 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, 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-20-HHL-004 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, Standards of Conduct.
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: _____

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 IFB-20-HHL-004 for the Department of Hawaiian Home Lands.

OLAKINO STREET DRAINAGE IMPROVEMENTS

The prices bid herein for the following items shall include all materials, labor, tools, equipment, machinery and all incidentals necessary to install or to construct these items in place complete, all in accordance with the plans and specifications. Note: Prices are exclusive of general excise tax (GET).

Item No.	Estimated Quantity	Description	Unit Price	Total
<u>SITE WORK</u>				
1.	L.S.	Clearing and Grubbing (0.2 acre ±), including handling and removal of vegetation, unsuitable material, and debris off of DHHL Lands.		
		Lump Sum	\$ _____	\$ _____
2.	L.S.	Installation, Maintenance, Monitoring and Removal of BMP, Including Filter Sock, Temporary Erosion Control, and Sediment Control Filter; In place complete.		
		Lump Sum	\$ _____	\$ _____
3.	L.S.	Demolition and Removal of Existing Drainage Structures, Including existing cement rubble masonry (CRM) structures, grouted rubble paving (GRP) swale, 48-inch corrugated aluminum pipe (CAP), and guardrail and post; In place complete.		
		Lump Sum	\$ _____	\$ _____
4.	810	Cu. Yds., Grading, inclusive of Hauling, Placing and Compacting. Approximate Embankment = 810 cubic yards.		
		Per Cu. Yds.	\$ _____	\$ _____
5.	680	Grassing of Exposed Graded Areas.		
		Per Sq. Yds.	\$ _____	\$ _____
6.	L.S.	Backfill of demolished drainage pipe.		
		Lump Sum	\$ _____	\$ _____
7.	185	Sq. Yds., Asphaltic Concrete pavement, 1-1/2ö thick.		
		Per Sq. Yds.	\$ _____	\$ _____
8.	500	Sq. Yds., Asphaltic Concrete pavement, 2ö thick.		
		Per Sq. Yds.	\$ _____	\$ _____

9.	105	Cu. Yds., Aggregate Base Course, 6ö thick.		
			Per Cu. Yds.	\$ _____ \$ _____
10.	75	Cu. Yds., Aggregate Subbase Course, 6ö thick.		
			Per Cu. Yds.	\$ _____ \$ _____
11.	L.S.	CLSM.		
			Lump Sum.	\$ _____ \$ _____
12.	L.S.	Restriping of roadway, Including centerline pavement striping, edge pavement striping, and intersection markings; In place complete.		
			Lump Sum	\$ _____ \$ _____

DRAINAGE SYSTEM

13.	700	Lin. Ft. 48ö High Density Polyethylene Pipe, including Trench Excavation, Pipe Cushion and Backfill; In place complete.		
			Per Lin. Ft.	\$ _____ \$ _____
14.	1	Each, Special Reinforced Concrete Catch Basin öA-1ö, Type öBö, inclusive of connection to existing and new drainage pipe, In place complete.		
			Each	\$ _____ \$ _____
15.	1	Each, Special Reinforced Concrete Drain Manhole öA-2ö, inclusive of connection to new drainage pipe, In place complete.		
			Each	\$ _____ \$ _____
16.	1	Each, Special Reinforced Concrete Drain Manhole, öA-3ö, inclusive of connection to new drainage pipe, In place complete.		
			Each	\$ _____ \$ _____
17.	1	Each, Special Reinforced Concrete Drain Manhole öA-4ö, inclusive of connection to new drainage pipe, In place complete.		
			Each	\$ _____ \$ _____
18.	1	Each, Special Reinforced Concrete Drain Manhole öA-5ö, inclusive of connection to existing and new drainage pipe, In place complete.		
			Each	\$ _____ \$ _____

MISCELLANEOUS ITEMS

19.	L.S.	Temporary Traffic Control	Lump Sum	\$ _____	\$ _____
20.	L.S.	Project Sign including installation and removal; In place complete.	Lump Sum	\$ _____	\$ _____
21.	L.S.	Mobilization and demobilization, including installation and removal; In place complete.	Lump Sum	\$ _____	\$ _____
TOTAL SUM BID – OLAKINO STREET DRAINAGE IMPROVEMENTS (Items 1 to 21, inclusive)					\$ _____

LOT 59 & 60 DRAINAGE IMPROVEMENTS

The prices bid herein for the following items shall include all materials, labor, tools, equipment, machinery and all incidentals necessary to install or to construct these items in place complete, all in accordance with the plans and specifications. Note: Prices are exclusive of general excise tax (GET).

Item No.	Estimated Quantity	Description	Unit Price	Total
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SITE WORK

22.	L.S.	Clearing and Grubbing (0.1 acre ±), including handling and removal of vegetation, unsuitable material, and debris off of DHHL Lands.	Lump Sum	\$ _____	\$ _____
23.	L.S.	Installation, Maintenance, Monitoring and Removal of BMP, Including Filter Sock, Temporary Erosion Control, Dust Control, and Sediment Control Filter; In place complete.	Lump Sum	\$ _____	\$ _____
24.	L.S.	Mass Grading, inclusive of placing and compacting (per the recommendations in the soils report) approximately 387 Cu. Yds. Of embankment and excavation.	Lump Sum	\$ _____	\$ _____

25.	367	Cu. Yds., Grading, inclusive of Hauling, Placing and Compacting. Approximate Excavation = 387 cubic yards.	Per Cu. Yds.	\$ _____	\$ _____
26.	L.S.	Remove, salvage, and restore existing wooden fence (approximately 35 Lin. Ft.) and wire fence (approximately 285 Lin Ft.).	Lump Sum	\$ _____	\$ _____

DRAINAGE SYSTEM

27.	104	Cu. Yds., Unclassified Excavation for Catch Basin and Drain Line including Backfill.	Per Cu. Yds.	\$ _____	\$ _____
28.	72	Lin. Ft. 24ø Corrugated Aluminum Pipe, inclusive of Trench Excavation, Pipe Cushion, Backfill, and connecting to existing Catch Basin øA14ø. In place complete.	Per Lin. Ft.	\$ _____	\$ _____
29.	1	Each, Special Reinforced Grated Inlet øA-14aø, inclusive of connection to new drainage pipe, In place complete .	Each	\$ _____	\$ _____
30.	290	Lin. Ft. Construction of Trapezoidal GRP swale (3øbottom width x 3ødepth), slopes and inverts where shown on the drawings. Inclusive of 10 LF top transition, 17.5 LF bottom transition, and connection to grated inlet øA14aø. In place complete.	Per Lin. Ft.	\$ _____	\$ _____
31.	183	Sq. Yds., Hydro-Mulch Seeding and 90-day Maintenance.	Per Sq. Yds.	\$ _____	\$ _____

MISCELLANEOUS ITEMS

32.	L.S.	Temporary Traffic Control	Lump Sum	\$ _____	\$ _____
33.	L.S.	Project Sign including installation and removal; In place complete.	Lump Sum	\$ _____	\$ _____

34. L.S. Mobilization and Demobilization; In place complete.

Lump Sum \$ _____ \$ _____

TOTAL SUM BID – LOT 59 & 60 DRAINAGE IMPROVEMENTS (Items 22 to 34, inclusive) \$ _____

RECAPITULATION

OLAKINO STREET DRAINAGE IMPROVEMENTS (Items 1 to 21, inclusive) \$ _____

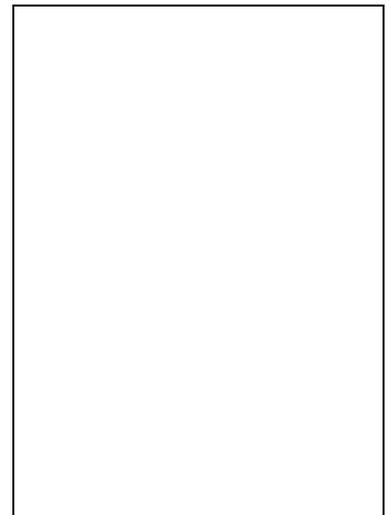
LOT 59 & 60 DRAINAGE IMPROVEMENTS (Items 22 to 34, inclusive) \$ _____

TOTAL SUM BID = \$ _____

GET = \$ _____
(Note: GET @ 4.1667%)

GRAND TOTAL = \$ _____
(With GET)

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.

The CONTRACTOR shall complete all work as specified or indicated in the Contract Documents on or before One Hundred Eighty (180) calendar days after receiving written Notice to Proceed, subject to extensions, as may be granted.

HAWAII PRODUCTS PREFERENCE

Section 103D-1002, Hawaii Revised Statutes (HRS), as amended by Act 175 (Session Laws of Hawaii 2009), provides preference for Hawaii products. The previous Hawaii products list established pursuant to HRS §103D-1002 was suspended effective July 1, 2009, and a new list has been published by the State Procurement Office (SPO). DHHL will be supplementing the list with additional approved products for this solicitation.

Pursuant to HRS §103D-1002(b) (2) and Procurement Circular No. 2009-13, bidders intending to use Hawaii products should distribute the attached SPO-38, *Certification for Hawaii Product Preference*, to each of the manufacturers and producers of such products which bidders intend to use if the manufacturers and producers and their products are not listed on the SPO Hawaii Products List or in the DHHL's list below. The manufacturers and producers must complete and submit SPO-38 to DHHL. The form must be received by DHHL no later than **4:30 p.m., December 4th, 2019**. Submittal by facsimile (808 620-9299) is acceptable. If DHHL receives and approves SPO-38s relating to this solicitation DHHL will issue an addendum listing the additional certified and qualified Hawaii products by **4:30 p.m., December 6th, 2019**.

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.

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

Aggregates – Basaltic Termite Barrier							
Product Subcategory <i>as applicable</i>	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai
Aggregates and Sand – Basalt, Rock, Cinder, Limestone and Coral							
Product Subcategory <i>as applicable</i>	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai

Aggregates – Recycled Asphalt and Concrete

Product Subcategory as applicable	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai

Asphalt and Paving Materials - HI Products

Product Subcategory as applicable	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai

Cement and Concrete Products

Product Subcategory as applicable	Effective Date	Last Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai

Precast Concrete Products							
Product Subcategory <i>as applicable</i>	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Environmental Sewage-Treatment Innovative System (ESIS) Individual Wastewater System which utilizes anaerobic/aerobic processing to treat wastewater to R-2 quality at discharge							
Product Subcategory <i>as applicable</i>	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Hot Dip Galvanizing							
Product Subcategory <i>as applicable</i>	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Pipes-Aluminum and Galvanized							
Product Subcategory <i>as applicable</i>	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Aluminum Docks, Floating, etc. - Miscellaneous							
Product Subcategory <i>as applicable</i>	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Playground Surfaces							
Product Subcategory	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai

as applicable							
Signs - Traffic, Regulatory and Construction							
Product Subcategory as applicable	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai
Veneer							
Product Subcategory as applicable	Effective	Revised	Manufacturer	Oahu	Maui	Hawaii	Kauai
Soil Amendments, Mulch, Compost							
Product Subcategory as applicable	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai
Compost Filter							
Product Subcategory as applicable	Effective Date	Revised Date	Manufacturer	Oahu	Maui	Hawaii	Kauai

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

Section 103-55.6, HRS, (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 for the Hawai'i Apprenticeship Agreement Preference 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:

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, HRS, 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, HRS, 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:

	Date		Date
Addendum No. 1	_____	Addendum No. 5	_____
Addendum No. 2	_____	Addendum No. 6	_____
Addendum No. 3	_____	Addendum No. 7	_____
Addendum No. 4	_____	Addendum No. 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:

- | | |
|--|---|
| <input type="checkbox"/> Surety Bond (*1) | <input type="checkbox"/> Official Check (*3) |
| <input type="checkbox"/> Legal Tender (*2) | <input type="checkbox"/> Share Certificate (*3) |
| <input type="checkbox"/> Cashier's Check (*3) | <input type="checkbox"/> Teller's Check (*3) |
| <input type="checkbox"/> Certificate of Deposit (*3) | <input type="checkbox"/> Treasurer's Check (*3) |
| <input type="checkbox"/> Certified 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