

**IFB Checklist for Bidders**  
**IFB-21- HHL-009**  
**Honomu Subsistence Agricultural Subdivision, Phase 1**

**Items required prior to Bid Opening:**

- ☒ Notice of Intention to Bid, no later than 2:00 p.m., November 10, 2020.
- ☒ SPO Form 21 (Standard Qualification Questionnaire), submitted to DHHL, Land Development Division by 2:00 p.m., November 10, 2020.

**Items required with Sealed Bid:**

- ☒ Bid Package Envelope Cover (with the words "Sealed Bid"), included with this IFB.  
The Envelope Cover Form shall be used for Sealed Bid Envelopes. The cover form should be glued or taped to the front of the bid envelope and the information type- written or printed clearly in ink.
- ☒ Bid Offer Form (included with this IFB)  
The total sum bid amount must be typed or clearly written in both numbers and words in the appropriate space on the Bid Offer Form. Illegible writing on any portion of the Bid Offer Form, except for the signee's signature, may be grounds for considering a Bid "non-responsive".
- ☒ Corporate Resolution (Indicating who is authorized to sign bid documents and contracts), Or other authorizations required for partnerships, joint ventures, and Limited Liability Corporations.
- ☒ Bid Security (Surety companies executing bonds must appear on the U.S. Department of the Treasury's Listing of Certified Companies:  
[https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570\\_a-z.htm](https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm))
- ☒ Form 1 – Certification of Bidder's Participation in Approved Apprenticeship Program Under Act 17 (Apprenticeship Agreement Preference, if any).

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

**BID OFFER FORM FOR**

**HONOMU SUBSISTANCE AGRICULTURAL  
SUBDIVISION – PHASE 1**

**HONOMU, ISLAND OF HAWAII, HAWAII**

**TAX MAP KEYS: (3) 2 – 8 – 011: 011**

**IFB NO.: IFB-21-HHL-009**

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-21-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, 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-21-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, 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: 01/28/2021

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.: 99-0317519

Hawaii General Excise Tax ID No.: GE147839795201

Telephone No.: (808) 842-4929

Fax No.: (808) 841-8281

E-Mail Address.: estimating@nanhawaii.com

Payment address (other than street address below)

N/A

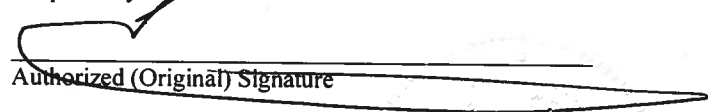
\_\_\_\_\_  
(Street Address, City, State, Zip Code)

Business address

636 Laumaka Street, Honolulu, HI 96819

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

Respectfully submitted:

  
Authorized (Original) Signature

Fooney Freestone, President

Name and Title (Please Type or Print)

\* Nan, Inc.

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-21-HHL-009 to the Department of Hawaiian Home Lands.

**HONOMU SUBSISTANCE AGRICULTURAL SUBDIVISION, PHASE 1**

Item No.	Estimated Quantity	Description	Unit Price	Total
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**MASS GRADING**

1.	2.5	Acres, Clearing and Grubbing, including handling and removal of vegetation, unsuitable material, and debris off of DHHL Lands. Per Acre	\$ 14,100 <sup>00</sup>	\$ 35,250 <sup>00</sup>
2.	5,780	Cu. yds., Unclassified excavation for roads (embankment = 4,350 cu. yds.). Per Cu. Yd.	\$ 68 <sup>00</sup>	\$ 393,040 <sup>00</sup>
2a.	3,200	Cu. yds., Unclassified over-excavation for roads. Per Cu. Yd.	\$ 70 <sup>00</sup>	\$ 224,000 <sup>00</sup>
2b.	7,550	Cu. yds., Imported 6-inch minus structural fill for roads. Per Cu. Yd.	\$ 68 <sup>00</sup>	\$ 513,400 <sup>00</sup>
2c.	9,600	Sq. yds., Triaxial geogrid Per Sq. Yd.	\$ 13 <sup>50</sup>	\$ 130,560 <sup>00</sup>
2d.	10,100	Sq. yds., Non-woven geotextile fabric Per Sq. Yd.	\$ 3 <sup>50</sup>	\$ 35,350 <sup>00</sup>
3.	3,200	Cu. yds., Unclassified excavation for drainage improvements (embankment = 0 cu. yds.). Per Cu. Yd.	\$ 74 <sup>00</sup>	\$ 236,800 <sup>00</sup>
		<b>SUBTOTAL – MASS GRADING (Items 1 to 3 inclusive)</b>		<b>\$ 1,568,400<sup>00</sup></b>

**ROAD CONSTRUCTION**

4.	83,280	Sq. ft., Fine grading of roadway. Per Sq. Ft.	\$ 0 <sup>35</sup>	\$ 29,148 <sup>00</sup>
5.	4,900	Sq. yds., Base Course, 4" thick. Per Sq. Yds.	\$ 23 <sup>00</sup>	\$ 112,700 <sup>00</sup>
6.	4,950	Sq. yds., Base Course, 6" thick. Per Sq. Yds.	\$ 33 <sup>00</sup>	\$ 163,350 <sup>00</sup>

6a.	205	Sq. yds., Asphalt Concrete Base Course 8" thick Per Sq. Yds.	\$ 167 <sup>00</sup>	\$ 34,235 <sup>00</sup>
7.	3,295	Sq. yds., Subbase Course, 6" thick. Per Sq. Yds.	\$ 27 <sup>00</sup>	\$ 88,965 <sup>00</sup>
7a.	205	Sq. yds., Subbase Course, 12" thick. Per Sq. Yds.	\$ 79 <sup>00</sup>	\$ 16,195 <sup>00</sup>
8.	1,553	Sq. yds., Asphaltic concrete pavement, 1-1/2" thick. Per Sq. Yds.	\$ 44 <sup>00</sup>	\$ 68,332 <sup>00</sup>
9.	4,950	Sq. yds., Asphaltic concrete pavement, 2" thick. Per Sq. Yds.	\$ 62 <sup>00</sup>	\$ 306,900 <sup>00</sup>
10.	3,295	Sq. yds., Asphaltic concrete pavement, 3" thick. Per Sq. Yds.	\$ 69 <sup>00</sup>	\$ 227,355 <sup>00</sup>
10a.	205	Sq. yds., Asphaltic concrete pavement, 4" thick. Per Sq. Yds.	\$ 194 <sup>00</sup>	\$ 39,770 <sup>00</sup>
11.	L.S.	Remove existing pipe gate. Lump Sum	L.S.	\$ 1,100 <sup>00</sup>
12.	L.S.	Remove existing asphalt concrete pavement. Lump Sum	L.S.	\$ 12,300 <sup>00</sup>
13.	5	Each, Standard County street survey monument. Each	\$ 2,100 <sup>00</sup>	\$ 10,500 <sup>00</sup>
14.	2	Each, Standard street name sign. Each	\$ 230 <sup>00</sup>	\$ 460 <sup>00</sup>
15.	10	Each, Traffic sign with post. Each	\$ 650 <sup>00</sup>	\$ 6,500 <sup>00</sup>
16.	L.S.	End-of-Road Barrier, including guard rail, reflector signs and posts, as shown in the plans, in place complete. Lump Sum	L.S.	\$ 8,300 <sup>00</sup>
17.	L.S.	Centerline pavement striping, intersection markings and raised pavement markers. Lump Sum	L.S.	\$ 19,800 <sup>00</sup>

18.	L.S.	Edge of pavement striping and raised pavement markers.  Lump Sum	L.S.	\$ 16,800 <sup>00</sup>
18a.	7	Each, Street Light  Each	\$ 2,900 <sup>00</sup>	\$ 20,300 <sup>00</sup>
		SUBTOTAL – ROAD CONSTRUCTION (Items 4 to 18a inclusive)		\$ 1,183,010 <sup>00</sup>

#### DRAINAGE SYSTEM

19.	4	Each, V-Grate 20-foot Deep Drywell, as shown in the plans, in place complete.  Each	\$ 76,200 <sup>00</sup>	\$ 304,800 <sup>00</sup>
20.	4	Each, V-Grate Drain Inlet Box, as shown on the plans, in place complete.  Each	\$ 13,000 <sup>00</sup>	\$ 52,000 <sup>00</sup>
21.	146	Lin. ft., 18-inch dia. Connector Drainpipe, as shown on the plans, in place complete.  Lin. Ft.	\$ 470 <sup>00</sup>	\$ 68,620 <sup>00</sup>
22.	2,000	Sq. yds., Grassing of Drainage Swales, including Hydro-Mulch Seeding and 90-day Maintenance, in place complete.  Sq. Yds.	\$ 3 <sup>00</sup>	\$ 6,000 <sup>00</sup>
		SUBTOTAL – DRAINAGE SYSTEM (Items 19 to 22 inclusive)		\$ 431,420 <sup>00</sup>

#### MISCELLANEOUS ITEMS

23.	L.S.	Field office.  Lump Sum	L.S.	\$
24.	L.S.	Project Sign including installation and removal; In place complete.  Lump Sum	L.S.	\$ 3,100 <sup>00</sup>
25.	L.S.	Temporary Traffic Control.  Lump Sum	L.S.	\$ 5,100 <sup>00</sup>
26.	L.S.	Installation, Maintenance, Monitoring and Removal of BMP, Including Silt Fence, Filter Sock, Temporary Erosion Control, Sediment Control Filter, Dust Control, and 8" Thick	L.S.	\$ 49,800 <sup>00</sup>

		Ingress/Egress Gravel Access (50'x30'); In place complete. Lump Sum		
27.	L.S.	Permanent Erosion Control Measures for all graded areas, including grassing, watering and maintenance; In place complete. Lump Sum	L.S.	\$ 78,600 <sup>00</sup>
27a.	L.S.	Mobilization/Demobilization (Not to exceed 6% of the total of all bid items, excluding Allowance items.) Lump Sum	L.S.	\$ 61,900 <sup>00</sup>
28.	Allowance	Archaeological work, including monitoring and miscellaneous work as directed by the archaeologist with the approval of DHHL. Allowance		\$ 50,000
29.	Allowance	Unforeseen site conditions, including but not limited to removal of abandoned vehicles, trash, or dumped items, including hauling and disposal. Allowance		\$ 50,000
30.	Allowance	Additional drainage improvements or other work as directed by the Engineer. Allowance		\$ 50,000
31.	Allowance	Remove Albizia Trees as directed by the Engineer. Allowance		\$ 50,000
32.	Allowance	Joint Pole Agreement Fees Allowance		\$ 16,800
33.	Allowance	HECO-HI Installation Fees Allowance		\$ 400,000
		SUBTOTAL – MISCELLANEOUS ITEMS (Items 24 to 33 inclusive)		\$ 815,300 <sup>00</sup>

### RECAPITULATION

SUBTOTAL – MASS GRADING (Items 1 to 3, inclusive)

\$ 1,568,400<sup>00</sup>

SUBTOTAL – ROAD CONSTRUCTION (Items 4 to 18a, inclusive)

\$ 1,183,010<sup>00</sup>

SUBTOTAL – DRAINAGE SYSTEM (Items 19 to 22, inclusive)

\$ 431,420<sup>00</sup>

SUBTOTAL – MISCELLANEOUS ITEMS (Items 24 to 33, inclusive)

\$ 815,300<sup>00</sup>

**TOTAL SUM BID =** Three Million Nine Hundred Ninety Eight  
Thousand One Hundred Thirty & 00/100  
Dollars (\$ 3,998,130<sup>00</sup> ).

**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 three hundred sixty-five (365) 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 **4:00 p.m., December 4, 2020**. 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 no later than eight (8) days prior to the bid opening.

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.

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
Aggregates	Jas. W. Glover	\$ 660,041 <sup>00</sup>	\$ 0 <sup>00</sup>
AC Pavement	Jas W. Glover	\$ 399,600 <sup>00</sup>	\$ 0 <sup>00</sup>
Signs	GP Roadway	\$ 4,200 <sup>00</sup>	\$ 0 <sup>00</sup>
Precast Concrete	Hawaii Precast	\$ 82,460 <sup>00</sup>	\$ 0 <sup>00</sup>
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

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 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:

<u>LIST OF APPRENTICEABLE TRADES TO BE EMPLOYED</u>	
<u>TRADE</u>	<u>APPRENTICESHIP PROGRAM SPONSOR</u>
Carpenter	Edmund C. Aczon
Cement Finisher	Peter H. M. Lee
Construction Craft Laborer	Francis Tau'a
Construction Equipment Operator	Michael Akau
Heavy Duty Repairman & Welder	Michael Akau
Truck Operator & Driver	Michael Akau
Paving Equipment Operator	Michael Akau

(Add additional sheets if necessary)

**ALL JOINT CONTRACTORS OR SUBCONTRACTORS TO BE ENGAGED ON THIS PROJECT**

The Bidder certifies that the following is a complete listing of all joint Contractors or Subcontractors covered under Chapter 444, HRS, who will be engaged by the Bidder on this project to perform the nature and scope of work indicated pursuant to Section 103D-302, HRS, and understands that failure to comply with this requirement shall be just cause for rejection of the bid.

The Bidder further understands that only those joint Contractors or Subcontractors listed shall be allowed to perform work on this project and that all other work necessary shall be performed by the Bidder with his own employees. If no joint Contractor or Subcontractor is listed, it shall be construed that all of the work shall be performed by the Bidder with his own employees.

The Bidders must be sure that they possess and that the Subcontractors listed in the bid possess all the necessary licenses needed to perform the work for this project. The bidder shall be solely responsible for assuring that all the specialty licenses required to perform the work are covered in his bid.

The Bidder shall include the license number of the joint Contractors or Subcontractors listed below. Failure to provide the correct names and license numbers as registered with the Contractor's Licensing Board may cause rejection of the bid submitted.

Complete Firm Name of Joint Contractor or Subcontractor	License Number	Hawaii Tax ID Number	Nature and Scope of Work to be Performed
Maui Kipono Builders LLC	ABC-27998	GE-151-975-7312-a	AC Pavement
GP Roadway Solutions	AC-10998	GE-106-850-3040-01	Signage
Green Thumb Inc.	C-1683	GE-207-740-0880-01	Grassing
Leleiwai Electric, Inc.	C-20589	GE-049-270-1696-01	Electrical
Henry Asato Painting, Inc.	C-3814	GE-009-844-0368-01	Striping

(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, 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	<u>10/22/2020</u>	Addendum No. 5	<u>12/09/2020</u>
Addendum No. 2	<u>11/13/2020</u>	Addendum No. 6	<u>01/04/2021</u>
Addendum No. 3	<u>11/20/2020</u>	Addendum No. 7	<u>01/12/2021</u>
Addendum No. 4	<u>11/24/2020</u>	Addendum No. 8	<u>01/26/2021</u>

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: five percent (5%) of the total amount of the bid submitted**

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_)

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

<input checked="" 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,

Nan, Inc.

Name of Company, Joint Venture or Partnership

ABC-19711

**License No.**

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

**Title:** Fooney Freestone, President

Date: 01/28/2021

**Address:** 636 Laumaka Street, Honolulu, HI 96819

Telephone No.: (808) 842-4929

IF A CORPORATION, AFFIX CORPORATE SEAL TO SIGNATURE.

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, Ryan Nakaima, Secretary of Nan, Inc., 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 636 Laumaka Street, Honolulu, Hawaii, on 27th day of October, 2020, 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 President or Vice President, 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

Nan, Inc. this 28th day of January, 2021.

  
Secretary



### END OF BID

PRESIDENT & TREASURER:	Fooney E. Freestone
VICE PRESIDENT & SECRETARY:	Ryan Y. Nakaima
VICE PRESIDENT:	Frank H. Okimoto
VICE PRESIDENT:	Wyeth M. Matsubara



**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

**CERTIFICATE OF VENDOR COMPLIANCE**

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer

**Vendor Name:** **NAN, INC.**

**DBA/Trade Name:** **NAN, INC.**

**Issue Date:** **01/26/2021**

**Status:** **Compliant**

Hawaii Tax#: W20491010-01  
New Hawaii Tax#: GE-1478397952-01  
FEIN/SSN#: XX-XXX7519  
UI#: XXXXXX3495  
DCCA FILE#: 98419

**Status of Compliance for this Vendor on Issue date:**

Form	Department(s)	Status
A-6	Hawaii Department of Taxation	Compliant
	Internal Revenue Service	Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Compliant
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

**Status Legend:**

Status	Description
Exempt	The entity is exempt from this requirement
Compliant	The entity is compliant with this requirement or the entity is in agreement with agency and actively working towards compliance
Pending	The entity is compliant with DLIR requirement
Submitted	The entity has applied for the certificate but it is awaiting approval
Not Compliant	The entity is not in compliance with the requirement and should contact the issuing agency for more information

EXHIBIT A

**SURETY [BID] [PROPOSAL] BOND**  
(11/17/98)

Bond No. N/A

**KNOW TO ALL BY THESE PRESENTS:**

That we, NAN, INC.  
*(Full Name or Legal Title of Offeror)*

as Offeror, hereinafter called Principal, and THE CONTINENTAL INSURANCE COMPANY  
*(Name of Bonding Company)*

as Surety, hereinafter called Surety, a corporation authorized to transact business as a Surety

in the State of Hawaii, are held and firmly bound unto STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN  
HOME LANDS  
*(State/County Entity)*

as Owner, hereinafter called Owner, in the penal sum of FIVE PERCENT (5%)

OF THE TOTAL AMOUNT OF THE BID SUBMITTED

*(Required Amount of Bid Security)*

Dollars (\$                    ), lawful money of the United States of America, for the payment of which sum well and truly to be made, the said Principal and the said Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**WHEREAS:**

The Principal has submitted an offer for Honomu Subsistence  
Agricultural Subdivision, Phase 1, Honomu, Hawaii, State of  
Hawaii, IFB No. IFB-21-HHL-009  
*(Project by Number and Brief Description)*

**NOW, THEREFORE:**

The condition of this obligation is such that if the Owner shall reject said offer, or in the alternate, accept the offer of the Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such offer, and give such bond or bonds as may be specified in the solicitation or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof as specified in the solicitation then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed this 8th day of January, 2021.

(Seal)

NAN, INC.

Name of Principal (Offeror)

Signature

Fooney Freestone, President

Title

(Seal)

THE CONTINENTAL INSURANCE  
COMPANY

Name of Surety

Signature

Michael Grossi, Attorney-in-fact

Title

# POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

**Know All Men By These Presents**, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Michael Grossi, Arlene A Tanaka, Clarence Regalado, Chad W Karasaki, Matthew Liew, Individually**

of Honolulu, HI, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

## - In Unlimited Amounts -

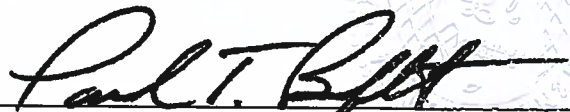
and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

**In Witness Whereof**, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 23rd day of April, 2020.



The Continental Insurance Company


  
Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 23rd day of April, 2020, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2021

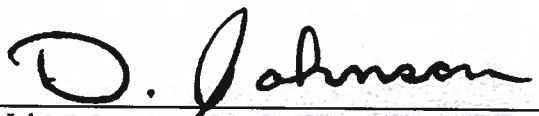
  
J. Mohr Notary Public

## CERTIFICATE

I, D. Johnson, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 8th day of January, 2021.



The Continental Insurance Company

  
D. Johnson Assistant Secretary

Form F6850-4/2012

Go to [www.cnasurety.com](http://www.cnasurety.com) > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.



# FORM I

## CERTIFICATION OF BIDDER'S PARTICIPATION IN APPROVED APPRENTICESHIP PROGRAM UNDER ACT 17

<b>I. Bidder's Identifying Information</b>			
A. Legal Business Name: Nan, Inc.			
B. Project Bid Title & Reference No.: Honomu Subsistence Agricultural Subdivision, Ph1, IFB-21-HHL-009			
C. Contact Person's Name: Fooney Freestone			
1. Phone No.: (808) 842-4929		2. E-Mail: estimating@nanhawaii.com	
<b>II. Apprenticeship Trades To Be Employed*</b>			
<b>A. (List)</b>		<b>B. Apprenticeship Sponsor* (One Sponsor Per Form)</b>	<b>C. No. Enrolled</b> (# of apprentices currently enrolled as of bidder's request date)
1. Carpenter		Hawaii Carpenters Apprenticeship and Training Program	1549
2.			
3.			
4.			
5.			
6.			
<b>III. Bidder's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the preference under Act 17 and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference.			
Name (Type) <b>Fooney Freestone</b>		Title <b>President</b>	
Signature (original signature required)		Date <b>01/28/2021</b>	
<b>IV. Apprenticeship Sponsor's Contact Information</b>			
A. Training Coordinator's Name: Edmund C. Aczon		D. E-Mail: hcathepdesk@hcarpenterstraining.com	
B. Address: 1311 Houghtailing Street, Suite 201, Honolulu, HI 96817		E. Fax No: (808) 841-5961	
C. Phone No.: (808) 848-0794, x5			
<b>V. Apprenticeship Program Sponsor's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the bidder's preference and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference under Act 17.			
Name of Authorized Official <b>Edmund C. Aczon</b>		Director of Apprenticeship & Training	
Signature (original signature required)		Date <b>01/28/2021</b>	

\* Name of Apprenticeship Trade and Apprenticeship Sponsor must be the same as recorded in the List of Construction Trades in Registered Apprenticeship Programs that is posted on the State Department of Labor and Industrial Relations website.

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## CERTIFICATION OF BIDDER'S PARTICIPATION IN APPROVED APPRENTICESHIP PROGRAM UNDER ACT 17

<b>I. Bidder's Identifying Information</b>			
A. Legal Business Name: Nan, Inc.			
B. Project Bid Title & Reference No.: Honomu Subsistence Agricultural Subdivision, Ph1, IFB-21-HHL-009			
C. Contact Person's Name: Fooney Freestone			
1. Phone No.: (808) 842-4929		2. E-Mail: estimating@nanhawaii.com	
<b>II. Apprenticeable Trades To Be Employed*</b>			
<b>A. (List)</b>	<b>B. Apprenticeship Sponsor* (One Sponsor Per Form)</b>	<b>C. No. Enrolled</b> (# of apprentices currently enrolled as of bidder's request date)	<b>D. No. Completed</b> (# of apprentices who completed the apprenticeship program in the 12 months prior to request date)
1. Cement Finisher	J.A.T.C. For Cement Finishers	95	6
2.			
3.			
4.			
5.			
6.			
<b>III. Bidder's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the preference under Act 17 and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference.			
A. Name (Type) Fooney Freestone		B. Title President	
C. Signature (original signature required)		D. Date 01/28/2021	
<b>IV. Apprenticeship Sponsor's Contact Information</b>			
A. Training Coordinator's Name: Peter H. M. Lee			
B. Address: 1188 Sand Island Parkway, Honolulu, Hi. 96819			
C. Phone No.: (808) 782-5783		D. E-Mail: pleetraining@gmail.com	
E. Fax No: (808)847-7068			
<b>V. Apprenticeship Program Sponsor's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the bidder's preference and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference under Act 17.			
Peter H. M. Lee		Training Coordinator	
A. Name of Authorized Official		B. Title	
C. Signature (original signature required)		D. Date 01/28/2021	

\* Name of Apprenticeable Trade and Apprenticeship Sponsor must be the same as recorded in the List of Construction Trades in Registered Apprenticeship Programs that is posted on the State Department of Labor and Industrial Relations website.

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## CERTIFICATION OF BIDDER'S PARTICIPATION IN APPROVED APPRENTICESHIP PROGRAM UNDER ACT 17

<b>I. Bidder's Identifying Information</b>			
A. Legal Business Name: Nan, Inc.			
B. Project Bid Title & Reference No.: Honomu Subsistence Agricultural Subdivision, Ph1, IFB-21-HHL-009			
C. Contact Person's Name: Fooney Freestone			
1. Phone No.: (808) 842-4929		2. E-Mail: estimating@nanhawaii.com	
<b>II. Apprenticeable Trades To Be Employed*</b>			
<b>A. (List)</b>		<b>B. Apprenticeship Sponsor* (One Sponsor Per Form)</b>	<b>C. No. Enrolled</b> (# of apprentices currently enrolled as of bidder's request date)
1. Construction Craft Laborer		Hawaii Laborers' Joint Apprenticeship Committee	138
2.			
3.			
4.			
5.			
6.			
<b>III. Bidder's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the preference under Act 17 and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference.			
<b>Fooney Freestone</b>			
A. Name (Type)		<b>President</b>	
C. Signature (original signature required)		B. Title 01/28/2021	
		D. Date	
<b>IV. Apprenticeship Sponsor's Contact Information</b>			
A. Training Coordinator's Name:		Lawrence DeRego	
B. Address:		73-4171 Huliikoa Drive, Kona, HI 96740	
C. Phone No.:		(808) 329-1590	
D. E-Mail:		lderego@hiltip.org	
E. Fax No:		(808) 329-1591	
<b>V. Apprenticeship Program Sponsor's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the bidder's preference and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference under Act 17.			
<b>Francis Tau'a</b>			
A. Name of Authorized Official		Director of Training	
C. Signature (original signature required)		B. Title 01/28/2021	
		D. Date	

\* Name of Apprenticeable Trade and Apprenticeship Sponsor must be the same as recorded in the List of Construction Trades in Registered Apprenticeship Programs that is posted on the State Department of Labor and Industrial Relations website.

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## CERTIFICATION OF BIDDER'S PARTICIPATION IN APPROVED APPRENTICESHIP PROGRAM UNDER ACT 17

<b>I. Bidder's Identifying Information</b>			
A. Legal Business Name: Nan, Inc.			
B. Project Bid Title & Reference No.: Honoum Subsistence Agricultural Subdivision, Ph1, IFB-21-HHL-009			
C. Contact Person's Name: Fooney Freestone			
1. Phone No.: (808) 842-4929      2. E-Mail: estimating@nanhawaii.com			
<b>II. Apprenticeable Trades To Be Employed*</b>			
<b>A. (List)</b>	<b>B. Apprenticeship Sponsor* (One Sponsor Per Form)</b>	<b>C. No. Enrolled</b> (# of apprentices currently enrolled as of bidder's request date)	<b>D. No. Completed</b> (# of apprentices who completed the apprenticeship program in the 12 months prior to request date)
1. Construction Equipment Operator	Hawaii Joint Apprenticeship	49	13
2. Heavy Duty Repairman & Welder	Committee for Operating Engineers	12	0
3. Truck Operator & Driver		0	0
4. Paving Equipment Operator		8	0
5.			
6.			
<b>III. Bidder's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the preference under Act 17 and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference.			
A. Name (Type) <b>Fooney Freestone</b>		B. Title <b>President</b>	
C. Signature (original signature required)		D. Date <b>01/28/2021</b>	
<b>IV. Apprenticeship Sponsor's Contact Information</b>			
A. Training Coordinator's Name: Michael Akau			
B. Address: P.O. Box 428, 56-1160 Kamehameha Highway, Kahuku, HI 96731			
C. Phone No.: (808) 232-2001		D. E-Mail: oejac3@gmail.com	
E. Fax No: (808) 232-2217			
<b>V. Apprenticeship Program Sponsor's Certification</b>			
I certify that the above information is accurate to the best of my knowledge. I understand that my willful misstatement of facts may cause forfeiture of the bidder's preference and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify the bidder's preference under Act 17.			
Michael Akau			
A. Name of Authorized Official		B. Title <b>State Administrator</b>	
C. Signature (original signature required)		D. Date <b>01/28/2021</b>	

\* Name of Apprenticeable Trade and Apprenticeship Sponsor must be the **same** as recorded in the List of Construction Trades in Registered Apprenticeship Programs that is posted on the State Department of Labor and Industrial Relations website.