

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

BID OFFER FORM FOR

PANAEWA LOT 185 SUBDIVISION

HILO, SOUTH HILO, HAWAII

TAX MAP KEYS: (3) 2 – 2 – 061: 002

IFB NO.: IFB-21-HHL-002

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-002. 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-022 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: March 17, 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: Hawaii

Offeror is:

Sole Proprietor Partnership Corporation Joint Venture Other: _____

Federal ID No.: 99-0155292

Hawaii General Excise Tax ID No.: GE-167-547-6992-01

Telephone No.: (808) 845-7829

Fax No.: (808) 845-3742

E-Mail Address.: rinouye@kogaeng.com

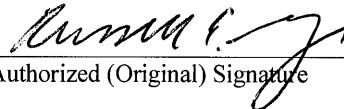
Payment address (other than street address below)

P.O. Box 31289, Honolulu, Hawaii, 96820
(Street Address, City, State, Zip Code)

Business address

1162 Mikole Street, Honolulu, Hawaii, 96819
(Street Address, City, State, Zip Code)

Respectfully submitted:



Authorized (Original) Signature

Russell E. Inouye - President

Name and Title (Please Type or Print)

* Koga Engineering & Construction, 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-002 for the Department of Hawaiian Home Lands.

PANAWEA LOT 185 SUBDIVISION

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 inclusive of general excise tax (GET).

Item No.	Estimated Quantity	Description	Unit Price	Total
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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.

MASS GRADING

1.	4.5	Acres, Clearing and Grubbing, including handling and removal of vegetation, unsuitable material, and debris off of DHHL Lands.	Per Acre \$ <u>53,000.00</u>	\$ <u>238,500.00</u>
2.	4,923	Cu. yds., Unclassified excavation for roads (embankment = 352 cu. yds.).	Per Cu. Yd. \$ <u>35.00</u>	\$ <u>172,305.00</u>
3.	3,534	Cu. yds., Unclassified site excavation (embankment = 2,667 cu. yds.).	Per Cu. Yd. \$ <u>45.00</u>	\$ <u>159,030.00</u>
4.	1,030	Cu. yds., Unclassified excavation for drainage improvements (embankment = 0 cu. yds.).	Per Cu. Yd. \$ <u>98.00</u>	\$ <u>100,940.00</u>
TOTAL – MASS GRADING (Items 1 to 4 inclusive)				\$ <u>670,775.00</u>

ROAD CONSTRUCTION

5.	112,300	Sq. ft., Fine grading of roadway.	Per Sq. Ft. \$ <u>0.60</u>	\$ <u>67,380.00</u>
6.	5,696.50	3,765 Sq. yds., Base Course, 4" thick.	Per Sq. Yds. \$ <u>15.00</u>	\$ <u>85,447.50</u>
7.	3,586.99	5,520 Sq. yds., Base Course, 6" thick.	Per Sq. Yds. \$ <u>20.00</u>	\$ <u>71,739.80</u>
8.	5,696.50	3,765 Sq. yds., Subbase Course, 6" thick.	Per Sq. Yds. \$ <u>20.00</u>	\$ <u>113,930.00</u>

9.	3586.99	5,550	Sq. yds., Asphaltic concrete pavement, 2" thick.			
				Per Sq. Yds.	<u>\$ 45.00</u>	<u>\$ 161,414.55</u>
10.	5696.503	800	Sq. yds., Asphaltic concrete pavement, 3" thick.			
				Per Sq. Yds.	<u>\$ 50.00</u>	<u>\$ 284,825.00</u>
11.	L.S.		Remove existing asphalt concrete pavement (2,500 Sq. Yds.).			
				Lump Sum		<u>\$ 25,200.00</u>
12.	L.S.		Remove existing fence and rock wall (425 Lin. Ft.).			
				Lump Sum		<u>\$ 14,400.00</u>
13.	7		Each, Standard County street survey monument.			
				Each	<u>\$ 2,000.00</u>	<u>\$ 14,000.00</u>
14.	4		Each, Standard street name sign.			
				Each	<u>\$ 250.00</u>	<u>\$ 1,000.00</u>
15.	11		Each, Traffic sign with post.			
				Each	<u>\$ 600.00</u>	<u>\$ 6,600.00</u>
16.	L.S.		End-of-Road Barrier, including guard rail, reflector signs and posts, as shown in the plans, in place complete.			
				Lump Sum		<u>\$ 7,000.00</u>
17.	L.S.		Centerline pavement striping, intersection markings and raised pavement markers.			
				Lump Sum		<u>\$ 6,000.00</u>
18.	L.S.		Edge of pavement striping and raised pavement markers.			
				Lump Sum		<u>\$ 9,000.00</u>
			TOTAL – ROAD CONSTRUCTION (Items 5 to 18 inclusive)			<u>\$ 867,936.85</u>

WATERLINE SYSTEM

19.	1350		Lin. Ft., 6-inch D.I. Waterline, as shown in the plans, in place complete.			
				Lin. Ft.	<u>\$ 140.00</u>	<u>\$ 189,000.00</u>

20.	280	Lin. Ft., 4-inch D.I. Waterline, as shown in the plans, in place complete.	Lin. Ft.	<u>\$ 115.00</u>	<u>\$ 32,200.00</u>
21.	3	Each, Fire hydrant connection and assembly, as shown in the plans, in place complete.	Each	<u>\$ 17,800.00</u>	<u>\$ 53,400.00</u>
22.	8	Each, Service Lateral Connection and appurtenances, as shown in the plans, in place complete.	Each	<u>\$ 5,800.00</u>	<u>\$ 46,400.00</u>
23.	4	Each, Gate Valve and Box, as shown in the plans, in place complete.	Each	<u>\$ 2,900.00</u>	<u>\$ 11,600.00</u>
24.	2	Each, Air Relief Valve and Box, as shown in the plans, in place complete.	Each	<u>\$ 5,700.00</u>	<u>\$ 11,400.00</u>
25.	1	Each, Connection to Existing 8-inch main, as shown in the drawings, in place complete.	Each	<u>\$ 23,200.00</u>	<u>\$ 23,200.00</u>
TOTAL – WATERLINE SYSTEM (Items 19 to 25 inclusive)					<u><u>\$ 367,200.00</u></u>

DRAINAGE SYSTEM

26.	6	Each, V-Grate 20-foot Deep Drywell, as shown in the plans, in place complete.	Each	<u>\$ 50,400.00</u>	<u>\$ 302,400.00</u>
27.	4	Each, V-Grate Drain Inlet Box, as shown on the plans, in place complete.	Each	<u>\$ 15,900.00</u>	<u>\$ 63,600.00</u>
28.	200	Lin. Ft., 18-inch dia. Connector Drainpipe, as shown on the plans, in place complete.	Lin. Ft.	<u>\$ 350.00</u>	<u>\$ 70,000.00</u>
29.	2,400	Sq. Yds., Grassing of Drainage Swales, including Hydro-Mulch Seeding and 90-day Maintenance, in place complete.	Sq. Yds.	<u>\$ 19.00</u>	<u>\$ 45,600.00</u>
TOTAL – DRAINAGE SYSTEM (Items 26 to 29 inclusive)					<u><u>\$ 481,600.00</u></u>

MISCELLANEOUS ITEMS

30.	L.S.	Trench Excavation and Backfill for Gas Line and Appurtenances, in place complete. Pipeline Installation by Hawaii Gas.	Lump Sum	<u>\$ 69,800.00</u>
31.	L.S.	6' x 22' x 6" Thick Concrete Slab, 11 Bollards, and 10' x 26' x 6' High Fence Enclosure for Gas Tank, in place complete. Gas tank installed by Hawaii Gas.	Lump Sum	<u>\$ 47,000.00</u>
32.	7	Each, Street Light, in place complete.	Each <u>\$ 3,000.00</u>	<u>\$ 21,000.00</u>
33.	L.S.	Gang Mailbox, with 11' x 4'-4" x 9" Thick Concrete Slab and 9" Compacted Base Course, in place complete.	Lump Sum	<u>\$ 24,700.00</u>
34.	L.S.	Project Sign including installation and removal; In place complete.	Lump Sum	<u>\$ 4,200.00</u>
35.	L.S.	Temporary Traffic Control.	Lump Sum	<u>\$ 11,300.00</u>
36.	L.S.	Installation, Maintenance, Monitoring and Removal of BMP, Including Silt Fence, Filter Sock, Temporary Erosion Control, Sediment Control Filter, Dust Control, and 12" Thick Ingress/Egress Gravel Access (30'x50'); In place complete.	Lump Sum	<u>\$ 72,000.00</u>
37.	L.S.	Permanent Erosion Control Measures for all graded areas, including grassing, watering and maintenance; In place complete.	Lump Sum	<u>\$ 85,500.00</u>
38.	L.S.	Abandon existing cesspool (approx. size 6 foot diameter by 15 feet deep) in accordance with DOH rules.	Lump Sum	<u>\$ 15,000.00</u>

39.	Allowance	Archaeological work, including monitoring and miscellaneous work as directed by the archaeologist with the approval of DHHL.	Allowance	\$ <u>20,000</u>
40.	Allowance	Removal of abandoned vehicles, trash, or dumped items, including hauling and disposal.	Allowance	\$ <u>5,000</u>
41.	Allowance	Additional drainage improvements or other work as directed by the Engineer.	Allowance	\$ <u>25,000</u>
42.	Allowance	Contingency	Allowance	\$ <u>100,000</u>
43.	Allowance	Joint Pole Agreement	Allowance	\$ <u>16,800</u>
44.	Allowance	HECO – HI Installation Fees	Allowance	\$ <u>150,000</u>
		TOTAL – MISCELLANEOUS ITEMS (Items 30 to 44 inclusive)		\$ <u><u>667,300.00</u></u>

RECAPITULATION

TOTAL – MASS GRADING (Items 1 to 4 inclusive)	\$ <u>670,775.00</u>
TOTAL – ROAD CONSTRUCTION (Items 5 to 18 inclusive)	\$ <u>867,936.85</u>
TOTAL – WATERLINE SYSTEM (Items 19 to 25 inclusive)	\$ <u>367,200.00</u>
TOTAL – DRAINAGE SYSTEM (Items 26 to 29 inclusive)	\$ <u>481,600.00</u>
TOTAL – MISCELLANEOUS ITEMS (Items 30 to 44 inclusive)	\$ <u>667,300.00</u>
TOTAL - SUM BID (Items 1 to 44, inclusive)	\$ <u>3,054,811.85</u>

TOTAL SUM BID = \$ Three Million Fifty-Four Thousand Eight Hundred Eleven and 85/100

Dollars (\$ 3,054,811.85) .

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

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 For Vendors select *Hawaii Products Preferences* 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 SPO-38 to DHHL. The form must be received by DHHL no later than **2:00 p.m., February 26, 2021**. 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	Puna Rock Co., Ltd.	\$ <u>147,117.00</u>	\$ _____
Asphalt Paving Materials	Yamada & Sons, Inc.	\$ <u>189,633.00</u>	\$ _____
Cement and Concrete Products	Yamada & Sons, Inc.	\$ <u>1,400.00</u>	\$ _____
Cement and Concrete Products - Precast	Hawaii Precast, Inc.	\$ <u>139,020.00</u>	\$ _____
Cement and Concrete Products - Precast	Jensen Precast	\$ <u>24,300.00</u>	\$ _____
Signs - Traffic, Regulatory, and Construction	GPRoadway Solutions	\$ <u>3,900.00</u>	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

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:

LIST OF APPRENTICEABLE TRADES TO BE EMPLOYED

<u>TRADE</u>	<u>APPRENTICESHIP PROGRAM SPONSOR</u>
Construction Craft Laborer	Hawaii Laborers' Joint Apprenticeship Committee
Construction Equipment Operator	Hawaii Joint Apprenticeship Committee for Operating Engineers

(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
Yamada & Sons, Inc.	AC-1714	GE-186-806-6816-01	Asphalt Paving
GP Roadway Solutions	AC-10998	GE-106-850-3040-01	Signage
GP Roadway Solutions	AC-10998	GE-106-850-3040-01	Guardrail
Central Striping Services, Inc.	C-11288	GE-192-257-2288-01	Pavement Striping and Markers
Green Thumb, Inc.	C-1683	GE-207-790-0800-01	Hydro-Mulch/Grassing
Simmons Steel Corporation	C-25707	GE-138-318-8480-01	Reinforcing Steel
Lelewi Electric, Inc.	C-20589	GE-049-270-1696-01	Electrical
Pural Water Specialty Co., Inc.	C-19053	GE-206-430-8224-01	Chlorination
Islandwide Fencing, Inc.	C-23220	GE-145-103-2576-01	Fencing and Bollards
Constructors HI, Inc.	ABC-5927	GE-119-328-5632-01	Concrete

(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:

	Date		Date
Addendum No. 1	<u>3/09/2021</u>	Addendum No. 5	_____
Addendum No. 2	<u>3/09/2021</u>	Addendum No. 6	_____
Addendum No. 3	<u>3/09/2021</u>	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: 5% of the Bid Amount
_____ DOLLARS (\$ _____)

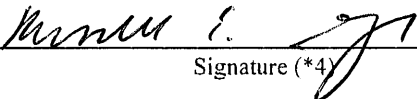
as required by law, is enclosed herewith in the form of:

- | | |
|--|---|
| <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,

Koga Engineering & Construction, Inc.
Name of Company, Joint Venture or Partnership

ABC - 6826
License No.

By 
Signature (*4)

Title: Russell E. Inouye - President

Date: March 17, 2021

Address: P.O. Box 31289
Honolulu, Hawaii 96820

Telephone No.: (808) 845-7829

(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.



I, Carol S. Koga, Secretary/Treasurer of Koga Engineering & Construction, 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 held at the office of the Corporation, 669 Ahua Street, Honolulu, Hawaii on the 9th day of October 1973, at which time 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 of President, Vice-President, Secretary/Treasurer be, and each of them hereby is, authorized to execute on behalf of the Corporation, any bid, proposal of contract for the sale or rental of the products of the Corporation or for 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 & County of Honolulu, or any County or Municipal Government of said State, or any department or sub-division of any of them."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Koga Engineering & Construction, Inc., this 17th day of March, 2021.

Carol S. Koga
Secretary/Treasurer

- President: Russell E. Inouye – 1356 Ala Puumalu St. – Honolulu, HI 96818
- Vice President: Lori N. H. Isara – 2736 Henry Street – Honolulu, HI 96817
- Vice-President: Gregg Ichimura – 5448 Opihi St. – Honolulu, HI 96821
- Vice-President: Garrett Ichimura – 409 Kiholo St. – Honolulu, HI 96821
- Sec/Treasurer: Carol S. Koga - 1040 Lunalilo Street – Honolulu, HI 96822

O'ahu, Big Island & Maui County
MAIN OFFICE
1162 Mikole Street
Honolulu, Hawai'i 96819-4320

MAIL
P.O. Box 31289
Honolulu, Hawai'i 96820-1289

Phone: 808-845-7829
Fax: 808-845-3742

Kaua'i
OFFICE & MAIL
1740 Haleukana Street
Lihu'e, Hawai'i 96766-9065

Phone: 808-245-9505
Fax: 808-245-1850

AN EQUAL
OPPORTUNITY
EMPLOYER

EXHIBIT A

SURETY [BID] [PROPOSAL] BOND

(11/17/98)

Bond No. _____

KNOW TO ALL BY THESE PRESENTS:

That we, _____ Koga Engineering & Construction, Inc.,
(Full Name or Legal Title of Offeror)

as Offeror, hereinafter called Principal, and _____ Travelers Casualty and Surety Company of America _____,
(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 Bid Amount***

(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 PANAEWA LOT 185 SITE IMPROVEMENTS,

HILO, HAWAII, IFB NO. IFB-021-HHL-002

(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 5th day of March, 2021.

(Seal)

Koga Engineering & Construction, Inc.

Name of Principal (Offeror)

Russell E. Inouye

Signature

RUSSELL E. INOUE - PRESIDENT

Title

(Seal)

Travelers Casualty and Surety Company of America

Name of Surety



John N. Bustard

Signature

John N. Bustard, Attorney-in-Fact

Title



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Jason Kott, John N. Bustard, Sean K. Spencer, Roland R. Eugenio, Shirley J. Pace, and Francis Wirt**, of **Honolulu, Hawaii**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **3rd** day of **February, 2017**.



State of Connecticut

City of Hartford ss.

By:
Robert L. Raney, Senior Vice President

On this the **3rd** day of **February, 2017**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2021**



Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **5th** day of **March**, 20**21**

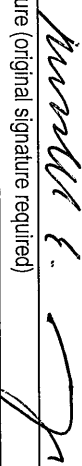
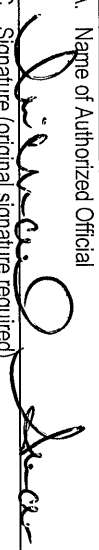



Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**

FORM 1



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

I. Bidder's Identifying Information			
A. Legal Business Name: Koga Engineering & Construction, Inc.			
B. Project Bid Title & Reference No.: <u>PMARUA LOT 185 SITE IMPROV</u>		IFB No.: <u>IFB-D21-14L-002</u>	
C. Contact Person's Name: <u>Brian J. Kunioka</u>			
1. Phone No.: <u>(808) 842-9321</u>	2. E-Mail: <u>bkunioka@kogaeng.com</u>		
II. Apprenticable Trades To Be Employed*			
A. (List)		B. Apprenticeship Sponsor* (One Sponsor Per Form)	
1. Construction Equipment Operator		Hawaii Joint Apprenticeship	
2. Heavy Duty Repairman & Welder		Committee for Operating Engineers	
3. Truck Operator & Driver			
4. Paving Equipment Operator			
5.			
6.			
III. Bidder's Certification			
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) <u>Brian J. Kunioka</u>		B. Title <u>Vice President</u>	
<u>RUSSELL E. TADOTE</u>		<u>RESIDENT</u>	
C. Signature (original signature required) 		D. Date <u>3/17/2021</u>	
IV. Apprenticeship Sponsor's Contact Information			
A. Training Coordinator's Name: <u>Michael Akau</u>			
B. Address: <u>P.O. Box 428, 56-1160 Kamehameha Highway, Kahuku, HI 96731</u>			
C. Phone No.: <u>(808) 232-2001</u>		D. E-Mail: <u>makau.cejac@gmail.com</u>	
E. Fax No.: <u>(808) 232-2217</u>			
V. Apprenticeship Program Sponsor's Certification			
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		State Administrator	
A. Name of Authorized Official 		B. Title <u>3/17/2021</u>	
C. Signature (original signature required) 		D. Date <u>3/17/2021</u>	

* Name of Apprenticable 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.

FORM 1

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

I. Bidder's Identifying Information			
A. Legal Business Name:		Koga Engineering & Construction, Inc.	
B. Project Bid Title & Reference No.:		PANAewa LOT 185 SITE IMPROVEMENTS IFB No.: IFB-021-HHL-002	
C. Contact Person's Name:		Russell E. Inouye - President	
1. Phone No.:		808-845-7829	2. E-Mail: rinouye@kogaeng.com
II. Applicable Trades To Be Employed*			
A. (List)		B. Apprenticeship Sponsor* (One Sponsor Per Form)	
1. Construction Craft Laborer		Hawaii Laborers' Joint Apprenticeship Committee	
2.			
3.			
4.			
5.			
6.			
III. Bidder's Certification			
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. Title	
Russell E. Inouye		President	
C. Signature (original signature required)		D. Date	
		3/17/2021	
IV. Apprenticeship Sponsor's Contact Information			
A. Training Coordinator's Name:		Lawrence DeRego	
B. Address:		73-4171 Hulihoa Drive, Kona, HI 96740	
C. Phone No.:		(808) 329-1590	D. E-Mail: lderego@nhp.org
E. Fax No.:		(808) 329-1591	
V. Apprenticeship Program Sponsor's Certification			
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.			
Francis Tau'ua		Director of Training	
A. Name of Authorized Official		B. Title	
		3/17/2021	
C. Signature (original signature required)		D. Date	

* 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.



**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: KOGA ENGINEERING & CONSTRUCTION, INC.

DBA/Trade Name: KOGA ENGINEERING & CONSTRUCTION, INC.

Issue Date: 03/01/2021

Status: Compliant

Hawaii Tax#: 20295176-01
New Hawaii Tax#: GE-1675476992-01
FEIN/SSN#: XX-XXX5292
UI#: XXXXXX5279
DCCA FILE#: 25306

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