

**Public Service Building Fencing and Stairway to Birkhimer Emergency Operation Center  
State of Hawai'i, Department of Defense,  
Job No. CA-202107-C**

Adjutant General  
State Department of Defense  
3949 Diamond Head Road  
Honolulu, Hawai'i 96816-4495

Dear Sir:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications, and all documents attached hereto, and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawai'i Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

The undersigned represents: **(Check  $\checkmark$  one only)**

- A **Hawai'i business** incorporated or organized under the laws of the State of Hawai'i, **OR**  
 A **Compliant Non-Hawai'i business** not incorporated or organized under the laws of the State of Hawai'i. Business shall be registered prior to award at the State of Hawai'i Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawai'i. State of incorporation: \_\_\_\_\_

Offeror is:

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

Federal I.D. No.: \_\_\_\_\_

Hawai'i General Excise Tax License I.D. No.: \_\_\_\_\_

Payment address (other than street address below): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Business address (street address): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Respectfully submitted:

(x) \_\_\_\_\_  
Authorized (Original) Signature (\*1)

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

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

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

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

\* \_\_\_\_\_  
**Exact Legal Name of Company (Offeror) (\*2)**

E-mail Address: \_\_\_\_\_

(\*2) If Offeror 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:

(\*1)

Original signature in ink. If unsigned or the affixed signature is a facsimile or a photocopy, the offer shall be automatically rejected unless accompanied by other material, containing an original signature, indicating the Offeror's intent to be bound.

The undersigned has carefully examined the attached plans and specifications and hereby proposes to furnish at his own expense all labor, materials, tools and equipment necessary to construct all work as shown and called for, in strict accordance with the specifications, schedules and drawings pertaining thereto, all for the LUMP SUM of:

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

(Including the cost of delivery, unloading, freight charges, all applicable taxes, and other cost involved) and will fully complete all the work under this contract within 150 consecutive calendar days from the date of commencement specified by the written order of the Adjutant General including the date of said order.

The undersigned hereby provides a breakdown of the LUMP SUM amount.

Bid Item No.	Item	Qty	Unit	Unit Price	Cost
1	Mobilization/Demobilization	1	LS		
2	Sawcut Asphalt Pavement	26	LF		
3	Remove Existing Tree, 1 Foot to 3 Feet in Diameter, 25 Feet to 60 Feet in Height	6	EA		
4	Site Preparation—Clearing and Grubbing with Off-Site Disposal	1	LS		
5	Filter Sock, 12" Diameter, and Maintenance	805	LF		
6	Chain-Link Fence, 6 Feet in Height, Galvanized Steel, In Place Complete	510	LF		
7	Chain-Link Double-Swing Vehicle Gate, 14-Foot Wide, Galvanized Steel, In Place Complete	1	EA		
8	Chain-Link Personnel Gate, 4-Foot Wide, Galvanized Steel, In Place Complete	1	EA		
9	Bonding / Grounding System for Chain Link Fencing, In Place Complete	1	LS		
10	Excavation, Unclassified	30	CY		
11	Embankment, Compaction and Final Grading	20	CY		
12	Trench Excavation	34	CY		
13	Trench Backfill, Compaction and Final Grading	34	CY		
14	Concrete Walkway, 4-Inch Thick with Base Course, In Place Complete	310	SF		
15	Concrete Stairs and Landings with Base Course, In Place Complete	400	SF		
16	Hand Railings, Schedule 80 Galvanized Steel Pipe, In Place Complete	130	LF		
17	4" Topsoil and Grassing	5,600	SF		
18	Asphalt Pavement Restoration, 4" Thick and Base Course, In Place Complete	40	SF		
	<b>Allowances</b>				
19	One 14-Day Work Stoppage and Remobilization	Allow	Allow	Allow	\$10,000.00
20	Additive Alternative 1—Archaeological Monitoring Plan	1	EA		

Bid Item No.	Item	Qty	Unit	Unit Price	Cost
21	<u>Additive Alternative 1</u> —Per Day of Archaeological Monitoring		Day		
22	<u>Additive Alternative 1</u> —Archaeological Monitoring Report	1	EA		

**NOTE:**

1. This project falls under the requirement of the “Buy American Act”.
2. Davis-Bacon Act prevailing wage rate or State wage rates apply to this contract.
3. Contract will be awarded based on the total lump sum bid.
4. A pre-bid meeting/site visit will be held at the lower, overflow Birkhimer parking lot and Public Service Building, Honolulu, Hawaii on **April 7, 2022**, at **1:00 PM**. Base pass is not required, however, bidders and/or their authorized personnel shall present a current driver’s license or other form of official identification (with photograph) to the gate guard. Contractors are to meet Mr. Jim Barbour at the lower, overflow Birkhimer parking lot prior to 1:00 PM. Please call Mr. Barbour at 808-369-3567, before 4:30 PM on April 6, 2022, to register for the site visit. If no response, please leave message giving information of company name, name of all individuals that will attend, and contact phone number. After the call, you may assume you have been registered for the site visit. All interested bidders and subcontractors are welcome. Site visit is recommended but not mandatory.

All requests for substitution, clarification of bidding documents and/or specifications must be received by email at [estelita.a.pumares@hawaii.gov](mailto:estelita.a.pumares@hawaii.gov) prior to 11:59 PM on April 7, 2022.

5. The State reserves the right to determine the extent of the contract by selecting and/or omitting bid items (not necessarily in sequence) to the extent required to come within the funds available for the project. The award of the contract shall be made to the responsible bidder whose total bid is the lowest.
6. **CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS PROHIBITED.**  
If awarded a contract in response to this solicitation, offeror agrees to comply with HRS §11-355, which states that campaign contributions are prohibited from a State and County government contractor during the term of the contract if the contractor is paid with funds appropriated by the legislative body between the execution of the contract through the completion of the contract.
7. The Surety shall not be held liable beyond two (2) years of the project acceptance date.

## HAWAII PRODUCTS PREFERENCE

In accordance with ACT 175, SLH 2009 the Hawaii Products preference is applicable to this solicitation. Hawaii products may be available for those items noted on the offer form. The Hawaii Products List is available on the State Procurement Office (SPO) website at <http://spo.hawaii.gov/> search for "Hawaii Product Preferences".

Offeror offering a Hawaii Product (HP) shall identify the HP on the solicitation offer pages. 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-38, *Certification for Hawaii Product Preference*, and submit to the Department of Defense, Contracting Officer, and provide all additional information required by the Contracting Officer no later than 4:30 PM, fifteen (15) calendar days prior to the bid opening date. For each product, one form shall be completed and submitted (i.e. 3 products should have 3 separate forms completed). The form is available on the SPO webpage at <http://spo.hawaii.gov/> search for "Forms" and select form SPO-38.

Late submittals for this project will not be reviewed by the Department.

### 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 immediately notify the Contracting Officer in writing and the parties shall enter into discussions for the purposes of revising the contract or terminating the contract for convenience.

Offerors shall indicate in the Hawaii Product Schedule below whether the pre-approved Hawaii Products are offered. Offerors offering a Hawaii Product shall fill-in the quantity, unit measure, unit price and total price for the Hawaii Product they desire to be considered for preference. Products not pre-approved shall not be considered. Hawaii Products not meeting the requirements of the specification shall not be considered.

Offerors selecting the Hawaii Product preference may be required to submit additional information on the cost basis of their selected Hawaii Product preference items when requested after the bid opening to verify cost of the Hawaii Products, including the computations for the estimated quantities, manufacturers or supplier's quotations, and delivered material cost Free on Board (FOB) at the jobsite. The Hawaii Product Cost shall not include installation costs.

**Hawaii Products available for this project are as follows:**

Product Description	Class I, II or III	Manufacturer	Cost
			\$
			\$
			\$
			\$
			\$
			\$
			\$

**APPRENTICESHIP AGREEMENT PREFERENCE**

The estimated value of the public works contract is \$250,000 or more and the apprenticeship agreement preference pursuant to Hawaii Revised Statutes §103-55.6 (Act 17, SLH 2009) **shall apply**.

1. If applicable to this project, any bidder seeking the preference must be a party to an apprenticeship agreement registered with the State Department of Labor and Industrial Relations (DLIR) at the time the bid is submitted for each apprenticeable trade the bidder will employ to construct the project. "Employ" means the employment of a person in an employer-employee relationship.
  - a. The apprenticeship agreement shall be registered with the DLIR and conform to the requirements of Hawaii Revised Statutes 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.
  
2. A bidder seeking the preference must state the apprenticeable trade the bidder will employ for each trade to be employed to perform the work by submitting a completed **signed original** *Certification of Bidder's Participation – Form 1* verifying participation in an apprenticeship program registered with the DLIR. "Apprenticeable trade" shall have the same meaning as "apprenticeable occupation" pursuant to Hawaii Administrative Rules (HAR) §12-30-5.
  - a. The *Certification of Bidder's Participation – Form 1* shall be authorized by an apprenticeship sponsor listed on the DLIR list of registered apprenticeship programs. "Sponsor" means an operator of an apprenticeship program and in

whose name the program is approved and registered with the DLIR pursuant to HAR §12-30-1.

- b. The authorization shall be an original signature by an authorized official of the apprenticeship sponsor.
  - c. The completed *Certification of Bidder's Participation – Form 1* for each trade must be submitted with the bid. A facsimile or copy is acceptable to be submitted with the bid, however the signed original must be submitted within five (5) working days of the bid open date. If the signed original is not received within this timeframe, the preference may be denied. Previous certifications shall not apply.
  - d. When filling out the *Certification of Bidder's Participation – Form 1*, the 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. "Registered apprenticeship program" means a construction trade program approved by and registered with the DLIR pursuant to HAR § 12-30-1 and §12-30-4.
  - e. The *Certification of Bidder's Participation – Form 1* and the List of Construction Trades in Registered Apprenticeship Programs is available on the DLIR website at: <http://hawaii.gov/labor/wdd>
3. Upon receiving the *Certification of Bidder's participation – Form 1*, the Procurement Officer will verify that the apprenticeship program is on the List of Construction Trades in Registered Apprenticeship Programs and that the form is signed by an authorized official of the Apprenticeship Program Sponsor. If the programs and signature are not confirmed by the DLIR, the bidder will not qualify for the preference.
  4. 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 bid amount by five (5) percent for evaluation purposes.
  5. Should the bidder qualify for other preferences (for example, Hawaii Products), all applicable preference shall be applied to the bid price.
  6. If the winning bidder has submitted Form 1 with his bid packet, the Form 2 will be required the first week of each month for the prior month beginning with the month of the start of work.

#### CHARACTER OF WORKERS OR EQUIPMENT

The Contractor shall perform with his own organization, work amounting to not less than twenty percent (20%) of the total contract cost. The Engineer may require the Contractor to verify the percentage of work he will be providing with his own organization by furnishing pertinent information such as all of the actual

subcontractor(s)' quotations he received for the bid. If requested, the Contractor shall provide such verification within 5 working days of the request.

### CERTIFICATION FOR SAFETY AND HEALTH PROGRAM FOR BIDS IN EXCESS OF \$100,000

In accordance with HRS 396-18, by submitting this proposal, the undersigned certifies that his company 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 (HIOSH).

### TAX CLEARANCES FROM THE STATE DIRECTOR OF TAXATION AND INTERNAL REVENUE SERVICE

Contractors are required to provide a state and federal tax clearance as a prerequisite to entering into a public contract of \$2,500 or more. To meet this requirement, all bidders shall submit valid tax clearances with their bid proposals when the bid is \$2,500 or more.

Failure to submit the required tax clearance may be sufficient grounds for the State to refuse to receive or consider the prospective bidder's proposal.

In accordance with Act 190 Amendment to HRS 103D-310(c), required as a prerequisite to entering into a contract, the contractor shall register on the Hawaii Compliance Express web site for all tax clearances by going to <http://vendors.ehawaii.gov> and registering there.

A Certificate of Vendor Compliance generated from this website should be included with their bid proposal. A Compliant status is required prior to awarding the contract.

### LICENSE

Due to the nature of the work contemplated, bidder must possess a valid State of Hawaii Contractor's license in the appropriate classification.

1. The Adjutant General or his designated representative 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. The award of the contract shall be conditioned upon funds being made available for these projects and further upon the right of the Adjutant General or his designated representative to hold all bids received for a period of ninety (90) days from the date of the opening thereof, unless otherwise required by law, during which time no bid may be withdrawn.

3. The liquidated damages per working day for failure to complete the work on time shall be at \$200.00 per calendar day or as stipulated in the General Conditions, whichever is higher.
4. By submitting this proposal, the undersigned is declaring 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 two years.
5. Upon the acceptance of the proposal by the Adjutant General or his designated representative, the undersigned must enter into and execute a contract for the same and furnish a bond, as required by law. This bond shall conform to the provisions of Section 103D-324 of the Hawaii Revised Statutes and any law applicable thereto.
6. If the lowest bid received by the State exceeds the funds available for this project, the State reserves the right to negotiate with the lowest responsible bidder as permitted under Section 103D-302, Hawaii Revised Statutes, as amended, to reduce the scope of work and award a contract therefore.
7. This contract may be awarded as an informal contract as determined by the Adjutant General or his designated representative in accordance with the applicable Hawaii Revised Statutes as amended, whereby a purchase order will be executed and used as the formal contract.

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

Addendum No. 1 \_\_\_\_\_      Addendum No. 2 \_\_\_\_\_  
  Date  
Addendum No. 3 \_\_\_\_\_      Addendum No. 4 \_\_\_\_\_

It is understood that failure to receive any such addendum shall not relieve the Contractor from any obligation under this Proposal as submitted. (See Special Notice to Bidders for information regarding addenda.)



Enclosed herewith as required by law:

- Surety Bond
  - Certificate of Deposit
  - Certified Check
  - Cashier's Check
  - Share Certificate
  - Legal Tender
- (Cross Out Those Not Applicable)

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

\_\_\_\_\_  
 \*Signature HAWAII GENERAL EXCISE TAX  
 Title \_\_\_\_\_ I.D. NO. \_\_\_\_\_

\_\_\_\_\_  
 Name of Company

\_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 LICENSE CLASSIFICATION  
 AND/OR SUBCLASSIFICATION  
 NO.  
 \_\_\_\_\_

\_\_\_\_\_  
 Telephone

\_\_\_\_\_  
 Date

(CORPORATE SEAL)

\*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.

**NOTE:** Fill in all blank spaces with the information asked for or bid may be invalidated.  
PROPOSAL PAGES MUST BE INTACT; MISSING PAGES MAY INVALIDATE YOUR BID.