

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

August 26, 2024

**ADDENDUM NO. 1**

Hilo AASF Emergency Generator Installation, State of Hawaii, Department of Defense, Hawaii Army National Guard, Job CA-202004-C5.

The items listed hereinafter are hereby made a part of the contract for the above-mentioned project and shall govern the work taking precedence over previously issued contract documents governing the items mentioned. Receipt of this addendum is to be acknowledged on page OF-6 of the proposer's packet.

The following documents have been modified and/or added to the bid packet:

- A. Project Duration: Revised from 270 days to 360 days.
  - a. Please see attachment 1 Revised Offer Form.
  
- B. Contractor must possess a General Contractor's License (ABC).
  - a. Please see attachment 2 Revised Notice to Bidders and attachment 1 Revised Offer Form.
  
- C. Pages 93/95 – 117/119 of Bid Packet: Project Labor Agreement (PLA) w/ Attachments.
  - a. PLA w/ Attachments was attached to the solicitation in the event, that the lowest bidder is in excess of \$1,500,000.00, and the awarded contractor will be required to provide the PLA. If the lowest bid is below \$1,500,000.00. the PLA will not be required by the awarded contractor. Please see attachment 2 Revised Notice to Bidders and attachment 1 Revised Offer Form.

Kenneth S. Hara  
Major General  
Adjutant General

Posted: August 26, 2024

**ATTACHMENT 1**

**Construction of Stand-by Emergency Generator Installation, Hilo, State of Hawaii,  
Department of Defense, Hawai'i Army National Guard, Job No. CA-202004-C5**

Adjutant General  
State Department of Defense  
3949 Diamond Head Road  
Honolulu, Hawaii 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, Hawaii 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  $\surd$  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. Business shall be registered prior to award at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawaii. State of incorporation: \_\_\_\_\_

Offeror is:

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

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

Hawaii 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 360 consecutive calendar days from the date of commencement specified by the written order of the Adjutant General including the date of said order.

**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 Site Visit/Pre-bid meeting will be held on AUGUST 21, 2024 at 1:00 PM. Contractors are to meet the Project manager at the Guard Shack of AASF#1. Please email Mr. Barbour at [James.L.Barbour@hawaii.gov](mailto:James.L.Barbour@hawaii.gov) before 4 PM on August 19, 2024 to register for the site visit. All interested bidders and sub-contractors are welcome, but not required to attend.

All requests for substitution, clarification of bidding documents, specifications and/or questions must be received via email to [jesper.h.andersen@hawaii.gov](mailto:jesper.h.andersen@hawaii.gov) with the subject line "CA-202004-C5 Questions" via email, prior to August 22, 2024 2:00 pm.

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.

**PROJECT LABOR AGREEMENT.** If the winning bid is equal to or greater than \$1,500,000.00, then the Contractor awarded the project shall be required to submit to the Department of Defense Project Manager, a complete, fully executed Agreement-To-Be-Bound Attachment A, within fourteen (14) calendar days of project award, or as soon thereafter as is practicable as determined by the Department. The Contractor shall also obtain Letters of Assent (Letters) from each Subcontractor, regardless of tier, who may be employed on the project and submit copies of such Letters of Assent to the Department of Defense Project Manager within fourteen (14) calendar days of project award, or as soon thereafter as is practicable as determined by the Department. The required Contractor's Agreement-To-Be-Bound-Attachment A and Subcontractors' Letters document are in the Project Labor Agreement, included in the solicitation. Failure to timely submit any required Agreement-To-Be-Bound Attachment A or any required Letter of Assent shall be cause for the State, in its sole discretion, to rescind the subject award and to award the project to the responsive and responsible bidder with the next lowest bid price for solicitations made under HRS § 103D-302.

### **HAWAII PRODUCTS PREFERENCE**

In accordance with ACT 174, SLH 2022, effective June 27, 2022, Hawaii Products Preference shall not apply to solicitations for public works construction. Therefore, the Hawaii Products Preference shall not apply to this project.

### **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 apprentice able 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 of ABC.

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 \$321.09 per working 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.







Enclosed herewith as required by law (Check Applicable Only):

- Surety Bond
- Certificate of Deposit
- Certified Check
- Cashier's Check
- Share Certificate
- Legal Tender

\_\_\_\_\_ 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.

## ATTACHMENT 2

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

### NOTICE TO BIDDERS

SEALED BIDS for furnishing labor, materials, tools and equipment for "Construction of Stand-by Emergency Generator Installation, Hilo, State of Hawaii, Department of Defense, Hawai'i Army National Guard, Job No. CA-202004-C5" will be received in the Engineering Office, State of Hawai'i, Department of Defense, located in Building 306-A, Room 228, 3949 Diamond Head Road, Honolulu, Hawaii, up to **2:00 P.M. on 30 AUG 2024** and will then and there be publicly opened and read aloud. Bids may also be mailed to State of Hawai'i, Department of Defense, 3949 Diamond Head Road, Honolulu, HI, 96816-4495, **ATTN: HIENG, Room 228, CA-202005-C5**. Bids must be received in the Engineering Office, Room 228, prior to the time and date fixed for opening to be considered. All bids received in the Engineering Office after the time and date fixed for opening will not be considered.

Bidders are advised that the Department of Defense facility at 3949 Diamond Head Road is a secure facility. In order to access the property, Bidders and/or their authorized personnel shall present a current driver's license or other form of official identification (with photograph) to the security personnel at the entry gate, and shall inform the security personnel of the building and room number they require access to (State Contracting Section 369-3491). Lack of official identification or knowledge of the building and room to which access is needed are grounds for denial of access onto the property.

Bidders should be aware and allow for security screening and random vehicle inspections. The state will not be responsible for late bids due to the afore mentioned reasons.

Proposed work consists of, but not limited to, the following: Installation of stand-by emergency generator and switchgear at the Hawaii Army National Guard AASF #1 in Hilo, HI

The estimated cost is between \$750,000.00 and \$1,300,000.00

A Site Visit/Pre-bid meeting will be held on **AUGUST 21, 2024 at 1:00 PM**. Contractors are to meet the Project manager at the Guard Shack of AASF#1. Please email Mr. Barbour at James.L.Barbour@hawaii.gov **before 4 PM on August 19, 2024** to register for the site visit. All interested bidders and sub-contractors are welcome, but not required to attend.

All documents can be downloaded from the State Procurement Office website at <http://spo.hawaii.gov/> and at the State Department of Defense website at <http://dod.hawaii.gov/hieng/>. If prospective bidders obtain copies of the bid documents from sources other than the Contracting and Engineering Office address listed above, then bidders are responsible for registering by sending their company name, address, telephone and facsimile number, and email address via email to [jesper.h.andersen@hawaii.gov](mailto:jesper.h.andersen@hawaii.gov) with the subject line "CA-202005-C5 Construction of Stand-by Emergency Generator Installation, Hilo".

All requests for substitution, clarification of bidding documents, specifications and/or questions must be received via email to [jesper.h.andersen@hawaii.gov](mailto:jesper.h.andersen@hawaii.gov) with the subject line "CA-202004-C5 Questions" via email, prior to **August 22, 2024 2:00 pm**.

Late submittals for this solicitation will not be reviewed by this agency.

An Intent to Bid is NOT required to be submitted for this project.

Bidders are required to register on the Hawaii Compliance Express web site for all tax clearances by going to <http://spo.hawaii.gov/> click on "HCE" and registering there.

Bidders are responsible for checking for any addenda for this project. The addenda will be posted on the State Procurement Office web site under the project name at <http://spo.hawaii.gov/> and at the State Department of Defense website at <http://dod.hawaii.gov/hieng/>.

**PROJECT LABOR AGREEMENT.** If the winning bid is equal to or greater than \$1,500,000.00, then the Contractor awarded the project shall be required to submit to the Department of Defense Project Manager, a complete, fully executed Agreement-To-Be-Bound Attachment A, within fourteen (14) calendar days of project award, or as soon thereafter as is practicable as determined by the Department. The Contractor shall also obtain Letters of Assent (Letters) from each Subcontractor, regardless of tier, who may be employed on the project and submit copies of such Letters of Assent to the Department of Defense Project Manager within fourteen (14) calendar days of project award, or as soon thereafter as is practicable as determined by the Department. The required Contractor's Agreement-To-Be-Bound Attachment A and Subcontractors' Letters document are in the Project Labor Agreement, included in the solicitation. Failure to timely submit any required Agreement-To-Be-Bound Attachment A or any required Letter of Assent shall be cause for the State, in its sole discretion, to rescind the subject award and to award the project to the responsive and responsible bidder with the next lowest bid price for solicitations made under HRS § 103D-302.

**HAWAII PRODUCTS' PREFERENCE.** In accordance with ACT 174, SLH 2022, effective June 27, 2022, Hawaii Products Preference shall not apply to solicitations for public works construction. Therefore, the Hawaii Products Preference shall not apply to this project.

**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.

#### **REQUIREMENT FOR CONTRACTORS LICENSING CLASSIFICATIONS**

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

General Engineering Contractors holding an 'A' license and General Building Contractors holding a 'B' license are reminded that due to the Hawaii Supreme Court's January 28, 2002 decision in Okada Trucking Co., Ltd. v. Board of Water Supply, et al., 97 Haw. 450 (2002), they are prohibited from undertaking any work, solely or as part of a larger project, which would require the General Contractor to act as a specialty Contractor in any area in which the General Contractor has no license.

Bidders are solely responsible to review the project requirements, determine the appropriate licenses required, and ensure that they possess and that the Subcontractor(s) listed in their OFFER FORM possess the necessary specialty licenses to perform the work for this project.

Kenneth S. Hara  
Major General  
Adjutant General

Posted on: August 6, 2024  
Amended on: August 26, 2024