

## INSTRUCTIONS TO BIDDERS

**1. BIDDER'S QUALIFICATION AND INTENTION TO BID.** According to Section 103D-310, Hawaii Revised Statutes, the bidder shall submit a written Notice of Intention to Bid by 4:30 P.M., 5 calendar days before the designated bid opening date (not including the bid opening date) to the Contracts Office at 869 Punchbowl Street, Honolulu, Hawaii 96813. If the fifth day is on a Saturday, Sunday or State holiday, the Notice of Intention to Bid is due on the last working day before the due date. Faxed notice is acceptable provided the Contracts Office receives the faxed notice within the time stated above. The fax number is (808) 587-2132. It is the bidder's responsibility to ensure that the Contracts Office receives the faxed notice of intent on time and in a legible condition.

In accordance with said Section 103D-310, the Director may require any prospective bidder to fill out a questionnaire regarding its qualifications.

No person, firm, or corporation may bid where (1) the person, firm, or corporation, or (2) a corporation owned substantially by the person, firm, or corporation, or (3) a substantial stockholder or an officer of the corporation, or (4) a partner or substantial investor in the firm is in arrears in payments owed to the State of Hawaii or its political subdivisions or is in default as a surety or failure to do faithfully and diligently previous contracts with the State.

**2. DECLARATION OF NON-COLLUSION.** Bidder must execute and submit the attached "Declaration of Non-Collusion" with its bid. Failure to execute and submit said declaration will be sufficient grounds for rejection of bid.

**3. ADDENDA.** Any addenda issued before the opening of proposals shall be binding upon the bidder and shall be made a part of the contract.

**4. BID DOCUMENTS.** The bidder shall return the borrowed bid documents in good condition within 10 calendar days after the bid opening date.

### **5. BID AND TAX CLEARANCE REQUIREMENTS.**

**a.** The bidder's attention is directed to Section 102 - Bidding Requirements and Conditions.

**b.** All bidders should submit original tax clearance certificates or certified copies from the Department of Taxation and the Internal Revenue Service with their bid proposals when the bid is \$25,000 or more. Bidders are required to provide a tax clearance prior to entering into a public contract of \$25,000 or more, pursuant to ACT 352, SLH 1997. Only an original tax clearance certificate or certified copy issued by the State Department of Taxation and the Internal Revenue Service will be accepted. Bidder's attention is directed to Section 102.20 - Tax Clearance of the Special Provisions.

**c.** For information on Tax Clearances, contact the Department of Taxation at (808)587-4242, 587-1455 or 587-1598 or the Internal Revenue Service at (808)541-1160 or visit the Department of Taxation's Website at <http://www.hawaii.gov/tax/tax.html>. To receive forms by mail or FAX, call (808)587-7572 or 1-800-222-7572.

**6. AWARD OF CONTRACT.** The bidder's attention is directed to Section 103 - Award and Execution of Contract.

**7. EMPLOYMENT OF CONTRACTORS SUSPENDED BY THE STATE.** The bidder shall not submit a proposal on behalf of any Contractor suspended by the State. The successful bidder shall not subcontract any portion of the contract to any Contractor who has been suspended by the State; nor shall the successful bidder hire any person on the management level

of a Contractor suspended by the State in order to circumvent the provisions of this paragraph. The State may void the award of or refuse to award a contract for violation of this paragraph.

**8. CONTRACTOR'S LICENSE.** If the contract requires the Contractor's license by law for the performance of this work, then the bidder must have the required license before the Department awards the contract for a Federal-Aid project.

**9. LISTING OF JOINT CONTRACTORS AND/OR SUBCONTRACTORS.** The bidder's attention is directed to the Proposal where the names of all joint Contractors and/or subcontractors to be engaged in the work and the nature of work involved, DBE status, business start date, completed annual gross receipts to the nearest million dollars and the contract dollar value of the subcontract must all be indicated on the forms provided. Failure to comply may result in the rejection of the bid. The bidder must also submit a copy of the "confirmation by DBE" for all DBE subcontractors, manufacturers and suppliers. DBE credit will not be given if the confirmation sheet is not attached to the bid. If no joint Contractor or subcontractor is to be engaged, the bidder must complete the form by writing "NONE" on the form. If left blank, the Department will interpret the blank as no joint Contractors and/or Subcontractors will be used.

**10. PENALTY FOR FRAUD, BRIBERY AND OTHER VIOLATIONS.** According to 23 Code of Federal Regulations (C.F.R.), Chapter 1, Section 2.4, a Contractor shall be unacceptable for employment on any future highway project requiring Federal Highway Administration approval or concurrence for three months to three years where a clear and convincing evidence of fraud, bribery, collusion, conspiracy or other serious offense involving violation of State or Federal criminal statutes exists about said project.

**11. FEDERAL-AID REQUIRED CONTRACT PROVISIONS.** The bidder's attention is directed to the "Required Federal Aid Contract Provisions", "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity", and "Notice of Requirements for Participation by Disadvantaged Business Enterprises."

**12. DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS.** The Department will award this contract to the lowest responsive, responsible bidder that meets the DBE goal or satisfies the Hawaii Department of Transportation (HDOT) that "good faith" efforts were taken in accordance with 49 CFR Part 26

Prospective prime bidders are advised that HDOT must certify their prospective subcontractors, manufacturers and suppliers as DBEs (for those claiming DBE status) by the bid opening date. The Department advises the prime bidders to encourage their prospective subcontractors, manufacturers and suppliers to submit their application for certification as eligible DBE as early as possible, well before bid opening. Application forms may be obtained from the Office of Special Compliance, 869 Punchbowl Street, Honolulu, Hawaii 96813 or from their Website at <http://www.hawaii.gov/dot> under Statewide Information. Application forms are to be completed, properly executed, and returned to the Special Compliance Office.