

1 **SECTION 109 – MEASUREMENT AND PAYMENT**

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3 Make the following amendments to said Sections:

4
5 **(I) Amend Subsection 109.03 Measurement of Quantities** by adding the
6 following sentences after line 85:

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8 **“Contract quantity.** The quantity to be paid is the quantity shown
9 in the bid schedule. The contract quantity will be adjusted for
10 authorized changes that affect the quantity or for errors made in
11 computing this quantity. If there is evidence that a quantity
12 specified as a contract quantity is incorrect, submit calculations,
13 drawings, or other evidence indicating why the quantity is in error
14 and request, in writing, that the quantity be adjusted.”

15
16 **(I) Amend Subsection 109.05 Allowances for Overhead and Profit** by
17 revising lines 101 to 110 to read as follows:

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19 **“(1)** 20 percent of the direct cost for any work performed by the
20 Contractor’s own labor force.

21
22 **(2)** 20 percent of the direct cost for any work performed by each
23 subcontractor’s own labor force.

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25 **(3)** For the Contractor or any subcontractor for work performed
26 by their respective subcontractor or tier subcontractor, 10 percent
27 of the amount due to the performing subcontractor or tier
28 subcontractor.”

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30 **(II) Amend Subsection 109.08(B) Payment for Material On Hand** by
31 revising lines 421 to 423 to read as follows:

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33 **“(2)** The materials shall be stored and handled in accordance
34 with Subsection 105.14 – Storage and Handling of Materials and
35 Equipment.”

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38 **(III) Amend Subsection 109.11 Final Payment** by revising lines 568 to 576
39 to read as follows:

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41 **“(3)** A current “Certificate of Vendor Compliance” issued by the
42 Hawaii Compliance Express (HCE). The Certificate of Vendor
43 Compliance is used to certify the Contractor’s compliance with

44
45 **(a)** Section 103D-328, HRS (for all contracts \$25,000 or
46 more) which requires a current tax clearance certificate

47 issued by the Hawaii State Department of Taxation and the
48 Internal Revenue Service;

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50 (b) Chapters 383, 386, 392, and 393, HRS; and

51
52 (c) Subsection 103D-310(c), HRS. The State reserves
53 the right to verify that compliance is current prior to the
54 issuance of final payment. Contractors are advised that
55 non-compliance status will result in final payment being
56 withheld until compliance is attained.

57
58 Sums necessary to meet the claims of any governmental agencies
59 may be withheld from the sums due the Contractor until said
60 claims have been fully and completely discharged or otherwise
61 satisfied.”
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66 **END OF SECTION 109**