

## SECTION 107 - LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC

Make the following amendments to said Section:

(I) Amend **107.02 Wages and Hours Requirements** as follows:

Amend the first paragraph to read as follows:

**"107.02 Wages and Hours Requirements.** The Contractor shall at all times observe and comply with all provisions of Chapter 104, HRS, which are emphasized in Attachment I entitled 'Requirements of Chapter 104, HRS Wages and Hours of Employees On Public Work Law', appended hereto and which require, in part, the following:"

Amend (A) **Hours of Labor** by revising the first paragraph to read as follows:

**"(A) Hours of Labor.** No work shall be done over 8 hours in any one day, Saturdays, Sundays, or legal holidays of the State without written consent of the Engineer. If the Engineer gives consent, workers shall receive compensation at a rate of not less than one and a half times the worker's basic hourly rate if the worker works:

- (1) over 8 hours in one day;
- (2) over 40 hours in one week; or
- (3) on Saturdays, Sundays or legal State holidays

plus the cost of fringe benefits according to wage rate schedules issued by the Director of Labor and Industrial Relations."

Amend (B) **Rate of Wages** to read as follows:

**"(B) Rate of Wages.** The Contractor shall pay:

- (1) no less than the prevailing wages, and
- (2) no less than the increases to the prevailing wages

to the various classes of laborers and mechanics as published in the wage rate bulletins determined by the Director of the Department of Labor and Industrial Relations (DLIR) for the entire term of the contract.

For bidding purposes, the wage rate schedule established by DLIR five calendar days before the date of bid opening shall be applicable.

Said wage rate schedule may be obtained from the Contracts Office, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813 and from the office of the Kauai District, Highways Division. The Department will include the current State wage rate schedule physically in the contract documents executed by the successful bidder.

DLIR have established minimum wage rate schedules for workers. Do not pay the workers less than the wages set forth on the applicable schedules.

Consider flaggers who perform traffic safety duties and no actual construction work on this contract as laborers or mechanics.

Post the schedule of prevailing rates of minimum wages applicable to the work in a prominent and easily accessible place at the project site. Give each worker employed under the contract a copy of that rates of wages required to be posted at the time of employment."

(II) Delete **107.04 Citizen Labor** in its entirety.

(III) Amend **107.07 Contractor's Licensing Laws** by revising the third paragraph to read as follows:

"If a Contractor's license is required by law for the performance of the work which is called for in this bid, the bidder and all subcontractors must have the required license before the submission of the bidder's proposal in the case of a non-federal-aid project, and for federal-aid projects, the bidder must have the required license prior to the award of the project and all subcontractors prior to the start of the subcontracted work."

(IV) Amend **107.08 Permits, Licenses, And Taxes** by adding the following:

"The Contractor shall be responsible in meeting the requirements of the grading, noise, and National Pollutant Discharge Elimination System (NPDES) permits and licenses needed to do its work on a timely basis.

Delays in meeting the requirements of the permits and licenses shall not be a cause for time extension or cost increase.

For night work, the Contractor shall be responsible in obtaining necessary noise variance permit. Contractor shall pay all necessary fees for the noise variance permit.

If the State Department of Health denies the noise variance permit to allow the Contractor to work at night, the Contractor shall perform all the work during the day. Daytime and night time working hours and lane closure are indicated in Subsection 104.04(B)."

(V) Delete 107.11 **Federal Aid Provisions** in its entirety.

(VI) Amend 107.12 **Sanitary, Health, And Safety Provisions** to read as follows:

**"107.12 Sanitary, Health, And Safety Provisions.** The employees shall not work in conditions that are unsanitary, hazardous or dangerous to its health or safety. Provide and maintain sanitary, health and safety provisions for its employees according to the Department and local Boards of Health.

The Contractor is directed to the Federal, State, and County laws, rules, and regulations concerning construction safety and health standards."

(VII) Amend 107.13 **Public Convenience and Safety** to read as follows:

**"107.13 Public Convenience and Safety.** Provide for the safety and convenience of the public and the protection of people and property according to Subsection 104.04 - Maintenance of Traffic."

(VIII) Delete 107.14 **Barricades and Warning Signs** in its entirety.

(IX) Amend 107.15 **Use of Explosives or Combustibles** to read as follows:

**"107.15 Use of Explosives.** When the use of explosives or combustibles is necessary, do not endanger life or property including the new work. The Contractor shall be responsible for damages and injuries resulting from the use of explosives.

The storage and use of explosives shall be according to Section 396-9, HRS.

Notify each public utility company working near the work site in writing of its intentions to use explosives. Give 10 working days notice.

Use only electric detonators for blasting. Do not use common fuses."

(X) Add the words "(For Oahu Projects Only)" before 107.21(A) **Notes for Board of Water Supply (BWS) Facilities** on page 107-16.

**END OF SECTION**