

TECHNICAL PROVISIONS

I. OVERVIEW

II. SIGNIFICANT DATES

Non- Mandatory Pre-Proposal Conference - May 29, 2012
Submittal of Alternative Technical Concepts no later than June 4, 2012
Requests for Information no later than June 8, 2012
Submission of Proposal – June 18, 2012

III. DESIGN AND CONSTRUCTION CRITERIA AND PARAMETERS

A. PROJECT DESCRIPTION

The project includes engineering design and construction services required to improve safety on Kuhio Highway (Route 56) in the vicinity of the driveway entrances to Wailua Golf Course (WGC) and Kauai Community Correctional Center (KCCC). Work consists of constructing intersection improvements that include but are not limited to, widening the roadway section to accommodate, acceleration and deceleration lanes; lengthening and/or relocating left turn storage lanes; constructing improvements to the driveway approaches to both WGC and KCCC; and resolving localized drainage problems.

1. General Description Of Existing Roadway

- a. Kuhio Highway in the vicinity of the project is classified as a principal arterial. It is the only Highway connecting Hanamaulu to Kapaa.
- b. There are three travel lanes, two northbound lanes and one southbound lane. The two outside lanes are 10.5 feet wide while the center lane is 11.0 feet wide. Paved shoulders are provided on both sides of the highway that are 6 feet wide.
- c. Contra-flow operations are in effect on weekdays between 5:00 a.m. and 11:00 a.m. and on Saturdays from 8:00 a.m. to 2:00 p.m. the highway. During contra-flow two south bound lanes and one northbound lane are provided.
- d. The WGC driveway is located on the makai side of the highway and the KCCC driveway is located on mauka side of the highway. There is about ---- feet between the two driveways. Both driveways are served by a left turn storage lane and a shelter lane. There is a short deceleration wedge into the WGC driveway, and no other acceleration or deceleration lanes.
- e. There is a large drainage ditch on the mauka side of the highway. Guardrails are installed along the length of the ditch. The driveway to KCCC crosses over a large concrete culvert.
- f. There are several major utility transmission lines located on utility poles on the makai side of the highway. Water lines and fiber optic communication lines are located underground within the pavement section.

2. Scope Of Improvements

The scope of improvements generally includes, but is not limited to:

- a. Widening the roadway section on Kuhio Highway in the vicinity of the WGC and KCCC driveways to accommodate acceleration and deceleration lanes and to accommodate the lengthening and/or relocating left turn storage lanes.
- b. Constructing improvements to the driveway approaches to both WGC and KCCC to accommodate acceleration and deceleration lanes. The improvements may include a new or widened bridge structure for the driveway approach to KCCC.
- c. Resolving drainage problems along the makai shoulder of the highway.

B. DESIGN AND CONSTRUCTION PROVISIONS

For evaluation purposes, HDOT will assume conformance to these provisions unless specifically stated otherwise in the Proposer's proposal. Variances from these provisions are subject to HDOT acceptance. The Proposer's proposal may deviate from these provisions at the Proposer's risk. Proposals which are considered as deviating from these technical provisions may not necessarily be considered nonresponsive, but may be scored with respect to all the stated requirements and their benefits and/or detriment to the project.

New and temporary facilities should be designed and constructed along the following guidelines:

1. Intersection Improvements at KCCC and Wailua Golf Course shall be designed to provide for the safe and efficient operation of the intersections. Existing lane and shoulder widths shall be, at a minimum, maintained.

Left Turn Storage lanes for turning into KCCC and Wailua Golf Course

Resolve ponding problem in area

Driveway to KCCC shall be widened to accommodate two way traffic. Widen or replace existing bridge or provide additional new bridge to KCCC

Install guardrails as needed,

2. Utility Relocation

Relocation of existing utilities affected by the proposed work shall be coordinated with the respective utility companies. All utilities impacted by the work shall be in accordance with the directive provided in this document, HAR Chapter 19-105, "Accommodation and Installation of Utilities on State Highways and the Federal Aid County Highways", the requirements of the utility company or government agency involved, and the Contract Documents. Should a conflict arise, HDOT will solely make a decision as to how to proceed. The Proposer shall provide all options and their beneficial and detrimental characteristics, elements or impacts. Existing utilities no longer in use due to relocation shall be removed.

Prepare construction plans and detailed cost proposal for the utility relocation and obtain plan and cost proposal acceptance from the affected utility or government agency and from HDOT. Utility relocation will be paid for on a Force Account basis. Utility companies are responsible for all betterment costs (direct and indirect) and will be

required to provide funds in advance of construction. If the utility company does not comply with these requirements, no betterment work will be considered by HDOT.

Utility Agreements or MOUs may be needed for the following utilities, if affected by the Project, are required:

Kauai Island Utility Cooperative

Hawaiian Telcom Utilities

Oceanic Time-Warner Utilities

Kauai County Water Department

Other Utilities

3. Temporary Work Required For Incremental Work

Proposer will be responsible to design, install, and remove from the project all temporary work necessary to tie in a completed increment to the existing or new roadway. This work may include, but is not limited to, temporary pavement striping and markers, traffic signs, lighting, traffic signals, utilities, Work zone safety devices, site specific BMPs and drainage.

HDOT will consider the temporary work as included in the contract prices of the various contract items and will not be paid separately.

No partial acceptance of any portion of the project will be granted.

Miscellaneous Work:

All additional work necessary to complete the Project but not included or described in the RFP.

The HDOT, at its sole discretion, may compensate the Proposer for any HDOT directed changes.

4. Additional Requirements

It is the responsibility of the Proposer to verify the ROW. All roadway improvements should be contained within the existing HDOT right-of-way (ROW). If the Proposer requires additional space for permanent improvements outside the HDOT ROW or HDOT properties, an easement or permanent acquisition parcel shall be acquired. All temporary improvements outside the existing HDOT ROW shall require a permanent acquisition of the parcel or a construction parcel. The Proposer shall be responsible for obtaining any additional easements, property adjustments, or construction parcels.

Documentation for Design Exceptions should be prepared by the Proposer and submitted to HDOT for review and acceptance. Design exception acceptance submittal deadlines

will be in accordance with the 'Alternative Technical Concepts' Provisions.

The Proposer is responsible for all miscellaneous work necessary to complete the Project, even if the work is not described in the contract documents. HDOT, at its sole discretion, may compensate the Proposer for any HDOT directed changes that were not part of the Proposal or was miscellaneous work not necessary to complete the Project.

5. Codes and Design Standards to be Used in Design

1. Use where applicable

A Policy on Geometric Design for Highways and Streets, 5th edition by AASHTO (Green Book).

AASHTO LRFD Bridge Design Specifications, US Units 5th edition (2010) and subsequent interim revisions.

AASHTO AWS D1.5M D1.5:2008 Bridge Welding Code, with 2009 AASHTO Interim.

Hawaii Statewide Uniform Design Manual for Streets and Highways, State of Hawaii Division, October 1980.

Roadside Design Guide including Chapter 6 (2006), including latest revisions. ASHTO 2002.

Guide for the Development of Bicycle Facilities, AASHTO, 1999.

Guide for the Planning, Design and Operation of Pedestrian Facilities, AASHTO.

Design Criteria for Highway Drainage, HDOT Highways Division, dated 10/1/2010.

Evaluating Scour at Bridge, Second Edition, HEC #18, U.S. Department of Transportation Federal Highway Administration, April 1993.

Stream Stability at Highways Structures, HEC #20, U.S. Department of Transportation Federal Highway Administration.

Other Applicable Hydraulic Engineer Circulars (HEC) and Hydraulic Design Series (HDS), U.S. Department of Transportation, Federal Highway Administration.

State of Hawaii, Department of Transportation, Design Criteria for Bridges and Structures, 10/20/2010.

State of Hawaii, Department of Transportation, Highways Division, Statewide Policy for Permanent Highway Safety Hardware, March 1, 1999 (HWY-TD2.2822).

Required Data for Consultant Design Projects or Design-Built Project, dated November 24, 1999,

Checklist and Guidelines for Review of Geotechnical Reports and Preliminary Plans and Specifications, Publication No. FHWA ED-88-053.

HDOT, Bridge Roadway Lighting Design Guide, AASHTO, 2005.

Pavement Design Manual by the Materials Testing and Research Branch, Highways Division, Department of Transportation, March 2002.

Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signal, 5th Edition, 2009 including interim revisions; Published by the American Association of State Highway and Transportation Officials.

National Electric Code, 2002 Edition, NFPA 70.

Applicable sections of 23 CFR 650.

FEMA/ National Flood Insurance Program requirements.

Standard Details for Public Work Construction, Sept. 1984.

Standard Specifications for Public Work Construction, Sept. 1986.

Standard Plans, HDOT, Highways Division, 2008 (STANDARD PLANS, 2008).
Standard Specifications for Road and Bridge Construction, including Special Provisions, HDOT, Highways Division, 2005 (Standard Specifications).
Water System Standards, Department of Water Supply, 2002 as amended.
Construction Best Management Practices Field Manual, HDOT, Highways Division, January 2008.
 Interim Construction Best Management Practices (BMP) For Sediment and Erosion control For the County of Kauai
 Kauai County Sediment and Erosion Control Ordinance No. 808
Storm Water Permanent Best Management Practices Manual, March 2007.
Clean Water Act Section 401 404 MOU, July 2003.
Pipeline Removal Policy, April 2005.
Design Exception Policy.
Statewide Work Zone Safety and Mobility Process, October 4, 2007 (HWY-TD 2.5931).
NCHRP Report 350.
Manual on Uniform Traffic Control Devices, 2003 edition.
 FHWA Memorandum Subject: ACTION: Roadside Design: Steel Strong Post W-beam Guardrail dated May 17, 2010
 FHWA Memorandum Subject: Information: Request For Interpretation: "Official Ruling Number: 1-41--Conformance with the MUTCD" dated April 9, 2004
NCHRP Report 537 Recommended Guidelines for Curb and Curb-Barrier Installation
 Accommodation and Installation of Utilities on State Highway and Federal Aid County Highway, Hawaii Administrative Rules, Title 19, Chapter 105.
 Updated Operating and Inventory Rating Using Load Factor Design (LFD) (HWY-DB 2.6272).
 Basic Wind Speed: 105 mph.
 Mean Recurrence Interval: 100 years.
 Standards for Fiber Optic Outside Plant Communications Cable, ANSI/ICEA S-87-640-1992.
 Americans with Disabilities Act.
 American Disabilities Act - ADAAG reference manual, Designing Sidewalks and Trails for Access Part I and II, 7/99.
 Any other applicable codes and standards used for the design of highway projects. If there is a conflict between documents, the more stringent shall apply. Where it is unclear, HDOT will make the determination as to which document will apply.

C. AVAILABLE DRAWINGS AND REFERENCES

1. As-Built Drawings

The following drawings are available for on line viewing at the Department of Transportation, Highways Division, Kauai District. Please contact Mr. Stanford Iwamoto at 808-241-3015 or by e-mail to stanford.m.iwamoto@hawaii.gov. Viewing stations are limited, download at County of Kauai Division of Purchasing website at www.kauai.gov.

Project Title / Source	Date
Kuhio Highway Rehabilitation, Hanamaulu to North Leho Drive (STP-056-1(41))	1998
Kuhio Highway Safety Improvements, M.P. 2.98 to M.P. 5.07 (HSIP-056-1(53))	2010
Kuhio Highway, Shoulder Improvements for Bicycle Route, STP-056-1(40)	1997
Kuhio Highway, Resurfacing, Hanamaulu to Wailua River Bridge, 56A-01-90M	1990
Kauai Belt Road, Widening and Resurfacing, F12(18)	1930

2. Topographical Drawings

The HDOT does not have electronic files of a topographic survey for the project site. The proposer shall be responsible for conducting its own topographical survey to obtain topographical information needed in the design of the project.

D. PROJECT OBJECTIVES

HDOT is seeking the following objectives:

Minimize Project Cost – project cost should be within the estimated budget of no more than \$3,000,000

Aesthetics of Design and Context Sensitivity – the Proposer provides a design that balances of aesthetics with principles of sustainability and low maintenance. Design shall consider the requirements of the two users of the private driveways, WGC and KCCC. The proposer shall identify measures to limit and mitigate effects to historic, archaeological, cultural features of the area. The proposer provides a design to minimize environmental impacts.

Effective Traffic Management – the Proposer utilizes a combination of efficient construction traffic control and project duration which balances the effect of construction impact to the traveling public and safe work zones for roadway users and workers. Traffic management shall take into account the contraflow lane setup that will be in operation during construction.

Technical Approach – the Proposer provides a design that allows for the efficient operation of intersections of Kuhio Highway with the WGC Driveway and the KCCC driveway. The Proposer maximizes conformance to the specified guidelines and mitigation measures and establishes a cooperative work process which allows the HDOT an opportunity within the design process to collaborate and offer input. Use construction means and methods that will minimize the impact to the public and provide a safe work site for the Public to travel through. Variances from any requirements require HDOT expressed acceptance prior to implementation. Time for external reviews and acceptance shall be included in the project schedule.

QC plan - the Proposer provides quality control (QC) plan for both the design and construction elements of the project, and coordinates design review and quality control activities with HDOT or other affected agencies. The Proposer shall perform tests for quality control, provide

inspection, and exercise management control to ensure that work conforms to the contract requirements. The Proposer's QC plan should have a field QC program that is more frequent and more detailed than HDOT's QA inspection. HDOT's QA inspection is meant to be a check of the Proposer's QC program's methods and accuracy. All material, time, labor, equipment, data, schedules, etc. required by HDOT and other affected agencies to conduct their QA and IA activities shall be provided by the Proposer.

E. SCOPE OF WORK AND SERVICES

The Proposer shall be responsible for including the Proposer's engineering consultants and subconsultants e.g., Civil, Structural, Geotechnical, Environmental, Electrical, Traffic, Surveying, Landscape, and others as deemed necessary, designated leads who currently possess a State of Hawaii professional engineer's license in the class it is designing for and specialize in the area of design it is performing, e.g., the geotechnical designer shall have a license in the civil class type but specialize in the geotechnical designs. The Proposer shall prepare construction drawings and specifications as well as all other documents to be used by the Proposer to construct the project, and by HDOT to ensure the project is constructed as designed. The Proposer's design consultant or subconsultants shall have its State of Hawaii professional engineer sign and stamp all design documents including, but not limited to, drawings, calculations, and basis of design reports.

The Proposer is solely responsible for the design and successful construction of the project using the Proposer prepared construction drawings and specifications. No claims shall be made by the Proposer for any items that HDOT may have reviewed that may have contained design errors or omissions, changes, scheduling conflicts, improper material, or other conflicting information that HDOT did not comment on or specifically accept in previous submitted ATCs. HDOT may compensate the Proposer for claims related to HDOT directed changes to the scope of work, which will be solely determined by HDOT. Compensation for these changes shall only be claimed by the Proposer if the original Proposer's design could be constructed without the directed change and still meet all the requirements of the contract. The Proposer shall supply all information needed to verify the validity of the claim or additional compensation in accordance with Section 107 and as requested by HDOT.

Elements of work include, but are not limited to: topographic surveys; design work; design coordination with Kauai County, HDOT and other HDOT projects, or known private projects; geotechnical investigations; pavement design; temporary Best Management Practices; drainage studies; utility coordination; utility relocations, permanent BMPs and improvements; obtaining and complying with all applicable clearances and permits; temporary and permanent traffic control and maintenance; temporary and permanent pavement markings; dewatering provisions; landscaping; temporary and permanent roadway lighting; construction of all temporary and permanent features; utility agreements; obtaining additional construction parcels or easements if needed; public notifications; public meetings and consultations; paying for permit application fees; and all other necessary incidental items for a complete project. Elements of work shall include all work needed to complete the project as the RFP intended and which may not include activities listed above.

This scope of work and services shall not be considered a complete or correct statement of work. As stated previously, the intent of this design/build contract is to combine all work and services for the project into one contract and one point of responsibility which shall provide a project that meets all the needs of HDOT.

The Proposer will be responsible for furnishing all supervision, professional services, labor, equipment, tools, supplies, permanent materials, temporary materials, etc. required to provide the following services:

1. Design Services

The Proposer's design team shall be responsible for providing the following services and documents:

- a. Basis of Geometric Design summary
- b. Drainage report
 - 1.) The Drainage Report shall be completed and accepted before any earthwork commences.
 - 2.) The Drainage Report shall evaluate drainage for both off-site and on-site improvements.
 - 3.) The contents of the report shall follow the guidelines in the current HDOT's "Design Criteria for Highway Drainage", dated 10/1/10.
- c. Surveys
 - 1.) Topographic surveys, as necessary.
 - 2.) Boundary surveys,
- d. All engineering and survey calculations,
- e. Structural design calculations and load rating analysis for bridges and culvert crossings (if applicable),
- f. Utilities coordination and Utilities Agreement estimates and documents,
- g. Public announcements and conducting public meetings,
- h. Site-Specific Best Management Plan and details to comply with various permit requirements including a Permanent Best Management Practices (BMP) Report as needed
 - 1.) If permanent BMP is required, a Permanent BMP Report shall be submitted to include, but not be limited to, the following:
 - (a.) Table of Contents
 - (b.) Executive Summary
 - (c.) Introduction (include description of project area, location and vicinity maps)
 - (d.) Permanent BMP checklist
 - (e.) Outfall (if needed, include location of affected outfall area, coordinate outfall with potential downstream archaeological sites to ensure no adverse impact, description of outfall condition and potential impact)
 - (f.) Permanent BMP Description (include description and intended treatment, description of environmental resources, regulatory requirements, construction plans/ details showing permanent BMP locations, location of outfalls impacted by the drainage improvements, calculations of surface area and volume tabulation, right-of-way requirements, maintenance requirements, construction cost estimate)
 - (g.) Appendix (include applicable computations, existing and proposed drainage maps, photos)
 - (h.) References
 - (i.) If Permanent BMP is not required for the project, a completed Permanent BMP checklist shall still be submitted.

2. Alternative Technical Concepts (ATC)

To promote innovation by the Proposers and to maintain flexibility of design and construction, HDOT will allow Proposers to submit for consideration Alternative Technical Concepts (ATC) that provides a variation in the Scope of Improvements. Proposed ATC should not have an adverse effect on project time, quality and objectives. At its sole discretion, the adverse effect will be determined by HDOT.

The Proposer shall be responsible for any adverse impacts due to the use of an accepted ATC and shall be responsible for all remedial repairs and impacts due to the ATC at no additional cost to the State or increase in contract time.

- a. At its sole discretion HDOT may take the following, but is not limited to, actions in regards to the ATC
 - 1.) ATC determined as having an adverse effect on project quality and objectives and reject the ATC.
 - 2.) ATC as unacceptable and reject the ATC.
 - 3.) Require that the ATC be revised and resubmitted.
 - 4.) Request additional information regarding ATC.
- b. If additional information is required to be supplied the entire ATC package shall be resubmitted with the required additional information contained in the submittal.
- c. All new or additional information shall be tabbed and highlighted for ease of review. HDOT may also choose to conduct meetings with the Proposer of ATC to clarify what is needed or to better understand the ATC.
- d. The Proposer may supply a resubmittal of ATC at their sole discretion. Failure to resubmit a revision of ATC within 5 working days or at a requested cutoff date accepted by HDOT will be considered a withdrawal by the Proposer of the ATC. HDOT reserves the right to not be allowed the ATC withdrawn in this manner to be submitted at a later date.
- e. Incomplete ATC submittal packages may be returned by HDOT without review or comment.
 - 1.) In the event an incomplete ATC is received by HDOT but the Proposer fails to complete all revisions prior to the ATC submittal cutoff date that ATC will be considered unacceptable.
 - 2.) If an ATC did not address all of HDOT's comments, the ATC will be considered incomplete and returned without review or comment.
- f. If an ATC is received before (on a day such that HDOT's review time will be completed after the cutoff date) or on the cutoff date, at its sole discretion HDOT may request clarification or additional information if needed. In this situation only, the Proposer shall:
 - 1.) If additional information is requested by HDOT after the cutoff date, submit the information within two days of notice or the ATC will be rejected.
 - 2.) HDOT may allow more time but is not obligated to allow additional time beyond the two days for the resubmittal.
- g. HDOT will return a determination to the Proposer submitting the ATC within 5 working days of receipt,
 - 1.) Provided HDOT has received all requested information regarding the ATC.
 - 2.) HDOT's determination will indicate one of the following

- (a.) The ATC is acceptable;
 - (b.) The ATC is not acceptable;
 - (c.) The ATC is not acceptable in its present form, but may be acceptable, in HDOT's sole judgment. Providing the Proposer satisfactorily meets conditions required by HDOT or certain clarifications are made or modifications to the ATC made;
 - (d.) The submittal does not qualify as an ATC. The concept conforms to the basic scope of improvements and is consistent with other contract requirements and therefore no ATC submittal is required for its use.
 - (e.) The submittal does not qualify as an ATC and shall not be included in the Proposal.
- h. Proposed ATC most likely to receive favorable consideration are those that are
- 1.) Consistent with HDOT's project objectives.
 - 2.) Maximize efficiency
 - 3.) Incorporate technical innovation.
 - 4.) Minimize project cost
 - 5.) Minimize traffic impacts
 - 6.) Reduce future maintenance
 - (a.) Frequency of maintenance
 - (b.) Duration of the maintenance work
 - (c.) Cost of the maintenance
 - (d.) Impact to the public due to maintenance. Essentially use means and methods that allow work to be quickly done and not require going back and disrupting the public for many years.
 - 7.) Increase service life
 - 8.) Improve the quality of the project
 - 9.) Reduce the contract time
- i. HDOT will not consider any change that would require
- 1.) Excessive time or cost for review, evaluation, investigation,
 - 2.) Does not result in increased benefits or savings to HDOT or to the public.
- j. Submittal of ATCs
- 1.) ATC shall be submitted to the Department of Transportation, Kauai District Office 1720 Haleukana Street, Lihue, Hawaii 96766 c/o Stanford Iwamoto
 - 2.) ATC cutoff date for submittal to HDOT shall be no later than 14 days prior to the proposal (Design and Price Proposal) submittal date. This cutoff date applies to both initial ATC and ATC that have been revised for resubmittal in response to HDOT's comments. With the exception stated in 6.) above.
- k. Each ATC submittal package shall consist of 10 copies and shall address all of the following elements
- 1.) Description – A detailed description of and schematic drawings of the configuration of the ATC and other appropriate descriptive information including, if appropriate, product details (i.e. specifications, special provisions) All technical information needed by HDOT to determine its acceptability and how it functions.
 - 2.) Usage – A description of where and how the ATC would be used on the project. Provide exact locations and conditions where it will be used;
 - 3.) Variations – References to requirements in the RFP documents the ATC is not compliant with. Provide an explanation of the nature of the variation from said

- requirements, and a request for acceptance of such deviations;
- 4.) Analysis – An analysis justifying use of the ATC and demonstrating why the requested variation from the requirements of the RFP documents should be allowed; indicate also what drawbacks the ATC may have. If there are no drawbacks state it as so.
 - 5.) Impacts – Provide an analysis of the impacts of the ATC.
 - 6.) Case Histories
 - (a.) A detailed description of three other similar projects where the ATC has been used.
 - (b.) Illustrate how it was used successfully on projects under comparable circumstances or demonstrate the reliability and efficiency of the proposed ATC.
 - (c.) Indicate any problems that may have occurred and the remedial actions taken,
 - (d.) Include projects descriptions, costs, lengths, names and telephone numbers of project owners that can confirm such usage and provide further information.
 - 7.) Benefit
 - (a.) Clearly state the benefit of the ATC and how that benefit will be accomplished by the ATC.
 - (b.) An estimate of cost savings and added value to the project likely to result if the ATC were accepted and implemented;
 - 8.) Goals. Discuss how the ATC is consistent with or exceeds HDOT's Project Goals and Objectives.

3. Transportation Management Plan And Traffic Control Plans

The Proposer shall submit a Transportation Management Plan (TMP) which articulates how they will address work zone traffic control which minimizes activity-related traffic delays and accidents. The TMP shall meet HDOT requirements.

Construction phasing and traffic control plans around the work areas shall consider but shall not be limited to

- a. Traffic flow;
- b. Pedestrians and bicycle traffic;
- c. KCCC hours and activities
- d. Work zone mobility safety.
- e. Night work (if used)
- f. HDOT Contraflow

HDOT reserves the right to impose revisions, at the sole discretion of HDOT at no additional cost or time,

The Proposer shall obtain the services of a Traffic/Transportation Engineer specifically for the duration of the project. The tasks for this traffic engineer should include, but not be limited to:

- 1.) Provide the traffic operations function in support of construction activities, including managing messages posted on portable variable message signs.
- 2.) Provide construction management support as it relates to work zone traffic control and the observed impact to traffic.
- 3.) Since traffic impacts or solutions may not be limited to the physical project limits, the Proposer's Traffic/Transportation Engineer should not limit the analysis of traffic impacts or the resolution of traffic impacts caused by the project to the limits of the project.

4. LANDSCAPE DESIGN SERVICES

Landscaping should be designed by a Hawaii licensed landscape architect using the following criteria

- a. Native, drought resistant, durable, and sustainable plant palette accepted by HDOT
- b. In areas exposed to salt spray or the soil contains salt provide salt tolerant plants.
- c. No permanent irrigation required
- d. Low maintenance
- e. Grasses shall have low maximum height
- f. Include complete restoration of all existing improvements removed during construction .

The plans should include the following minimum information

- a.) Limits of landscaping
- b.) Planting Plan including:
- c.) list of plants (plant names common and scientific)
- d.) quantity
- e.) width
- f.) height
- g.) brown trunk height
- h.) trunk caliper size
- i.) Landscape Maintenance Specifications including:
- j.) Operating Guidelines (irrigation and watering schedule)
- k.) Landscape Maintenance Specifications shall at a minimum include invasive species management, pruning, weeding, pest eradication and control, fertilizing, chemical storage, waste disposal, removal of temporary appurtenances, drainage facilities, and root pruning
- l.) Soil tests to determine fertilizer and soil amendment requirements
- m.) All weeds shall be pulled out of the ground and immediately placed in rubbish bags so as to prevent the spreading weed seeds
- n.) All applicable sections of the Standard Specifications
- o.) Maintenance Plan showing tasks and required frequency
- p.) Fertilizer and soil amendment specifications and application
- q.) Plant Material Inventory and Maintenance requirements

- r.) Estimated water usage (gpd)
- s.) Projected cost estimate for annual contracted maintenance use force account method
- t.) Representative Plant Material Photographs illustrating desired appearance
- u.) The Proposer shall submit the conceptual design as part of the Design and Price Proposal submittal for review. The successful Proposer shall submit the final design for review and acceptance to HDOT prior to planting.

5. Archaeological and Historic Preservation Services

The monitoring plan shall itemize expectations for the type of cultural resources that could be encountered in the area, and depicts how archaeological sites, features, or burials, if identified, will be documented, and outlines consultation procedures to be followed in the event any significant archaeological deposits or burials are identified.

The costs and impacts of providing archaeological monitoring services or historic preservation monitoring services as required by the archaeological monitoring plan shall be included in the proposal.

The cost of documenting and treating cultural materials and human remains discovered during construction shall be paid on a force account basis. If the Proposer can demonstrate that it has used due diligence in its investigation of the area HDOT may consider the Proposer's claim for additional compensation and contract time.

6. Utilities

The Proposer will be responsible to furnish the design, materials, labor and equipment for the installation/relocation of affected utilities/ facilities within the project limits or to the limits of the impact the change to the utility would make, e.g., to the nearest pull box or manhole outside the project limits etc. This work will include coordination with the respective utility company and executing a utility agreement. The Proposer will be responsible for preparing the utility agreement with the assistance of HDOT.

Some of the utility companies that may be affected are:

Kauai Island Utility Cooperative
Hawaiian Telcom Utilities
Oceanic Time-Warner Utilities
Kauai Department of Water
Kauai Department of Public Works

The Proposer shall investigate if other utilities are in the area and are affected.

F. PROJECT MANAGEMENT AND COORDINATION

The Proposer will be responsible for the overall project management and coordination of all professional design consultants and subconsultants, construction subcontractor, government agencies, landowners and tenants, and utility companies. This includes processing and paying

consultant's and subcontractor's payment requests, settlement of disputes within the Proposer's team, participation in disputes with HDOT, and providing all information requested by HDOT related to that dispute, distribution of required documents, providing submittals to HDOT, coordination of work on site, project schedule development and updates, document control, material control, conducting project related meetings, resolving public complaints, writing draft contract change orders and their backup, and all other project activities related to the Proposer's responsibilities required to complete the project.

All activities and decisions of the Proposer relating to the project where the following are involved will be subject to the review and acceptance by HDOT:

Changes to the quality or quantity of materials,
Changes to utilities cost or utilities schedule,
Changes to project TSLD package,
Changes in permit requirements or changes that require revisions to permits,
Decisions or activities where landowners or tenants will be affected,
Decisions or activities where the traveling public or community members will be affected,
Decisions or activities that will require additional land acquisition or rentals.

The Proposer should submit ten (10) copies of documentation related to items noted above for HDOT review and acceptance. HDOT will review any such submittals within 30 days upon receipt from the Proposer. In the event this review period falls on the critical path of the project, the project completion time will not be extended.

G. PERMITS AND CLEARANCES

Determine the need for, prepare, submit, and obtain approval of all permits necessary to construct and complete the project, which may include but is not limited to

NPDES Permits for discharge of storm water associated with Construction Activities,
Hydrotesting Activities, and discharge of effluent from dewatering operations.

Stream Channel Alteration Permit (SCAP), Water Quality Certification (Section 401),

US Army Corps of Engineers Permit (Section 404),

CZM Federal Consistency Determination,

County Stockpiling, Grading, Disposal and Excavating Permits,

Assist the HDOT as needed with Chapter 6E compliance

Noise Permit for Construction activities,

Noise variance permit for any nighttime work,

Underground Injection Control (UIC) permit,

Disability and Communication Access Board (DCAB) Project Review;

Other permits as required.

Obtain all permits and clearances prior to the start of any construction pertaining to permit activities.

All design and construction work shall comply with all permit conditions and commitments made with environmental and other agencies.

Permit fees shall be included in the contract prices for the various contract items and HDOT will not pay for permit fees separately.

No time extensions will be granted for delays due to the permitting process as a result of the Proposer's actions or inactions.

Delays due solely to permitting agency actions may qualify for a time extension.

1. A time extension will only be granted if there has been an impact to the critical path solely due to the permitting process. The causes for a delay, in addition to the condition stated elsewhere, shall include the following:
 - a. Sufficient time had been allowed in the Proposer's project schedule for the permitting process and the start dates were met.
 - b. Provide compelling evidence that the delay was solely due to the permitting agency's actions such as
2. Review took over 30 days and did not require any modification to the submittal or permit application etc, with the exception of the processing of NPDES permit from the Department of Health if the Project's site specific BMP plan is not included with the initial application.
 - a. HDOT failed to process permit in a reasonable time. HDOT in this case has to be required to be part of the permit submittal process. The Proposer had met all required deadlines of Subsection 108.03 of the Standard Specifications.

A time extension will be the exclusive relief granted on account of such delays.

Any other delay related to permitting will be considered to be a contractor's delay and non-compensatable in any manner.

H. HDOT AND FHWA REVIEW OF CONSTRUCTION DOCUMENTS

1. FHWA will take part in the review only if there are Federal funds involved in the project. HDOT will conduct the review by itself if the project is State of Hawaii, Highways Division funded. This will apply elsewhere FHWA is mention and similarly applies to a County of Kauai review if there is no County of Kauai review.
2. Prior to commencing with the construction documents, the Proposer shall meet with HDOT's Project Manager to confirm.
3. The drawing requirements such as:
 - a. Sheet size
 - b. Content of drawings
 - c. Special provision requirements.
 - d. Drawing requirements may vary due to proposed concepts.
4. HDOT would be available to meet during the design phase.
 - a. Submit a schedule for review and acceptance to HDOT, of proposed meeting dates. The frequency and number of meetings should be determined by the amount of time the design period has and the complexity of the project. HDOT has the right to limit the number of meetings and shall not be considered as a designer but shall be consider a reviewer of a designed product whose comments are to be taken into account in the finished design.
 - b. All meetings shall be held on Kauai or at a location acceptable to HDOT
 - c. With the proposed meeting schedule provide a tentative agenda, anticipated duration of the meeting and who from HDOT should attend.
 - d. Five working days before all meeting dates confirm that the meeting will be held and submit the final agenda.
 - e. HDOT may add items to agenda.
 - f. Failure to provide proper notification that certain HDOT personnel needs to attend the meeting may result in that person not being able to attend due to scheduling conflicts

- or HDOT travel restrictions.
 - g. Provide meeting facilities for all meetings.
 - h. Prepare meeting minutes in Microsoft Word 2003.
 - i. Send draft of meeting minutes' electronic file to meeting participants within 7 days after the meeting.
 - j. Allow 7 days for review and comments of the minutes.
 - k. Send final version of meeting minutes to meeting participants within 7 days after comment review deadline.
 - l. All cost of all submittals and meetings, with the exception of HDOT's travel and personnel cost shall be borne by the Proposer.
5. Address questions and comments in discussions with HDOT during preparation of the design.
 6. The "mindset" of the Proposer shall be that it is the designer for HDOT and needs to meet the all the needs and wants it may have in order to achieve the stated HDOT goals.
 7. The Proposer is tasked to help HDOT improve the clarity of RFP's intent.
 8. Maintain close communications with HDOT throughout the design and construction of the project.
 - a. It is anticipated that this close communication will serve to expedite submittal review;
 - b. Help the Proposer better understand the intent of the RFP by clarifying what is required even though it is not specifically written in the RFP.
 - c. Facilitate the incorporation of innovative project solutions that will enhance the project
 - d. Facilitate final acceptance of the project.
 9. At no time shall the Proposer consider HDOT as any part of its design review team, i.e., the HDOT review is not responsible to find design or omission or constructability errors or lack of conformance to standards, changes, scheduling conflicts, improper material, or other conflicting information, etc. HDOT's review may only be a cursory check and may not find all defects in the Proposer's submittals.
 - a. An in depth proposal review is solely the duty of the Proposer
 - b. Any design modification that is determined by HDOT during construction to be needed so that the requirements and intent of the RFP are met shall be done by the Proposer and shall be at no additional cost to HDOT or increase contract time.
 - c. It is recommended that the Proposer have a system where detailed checks of the proposal are done since the Proposer will be held solely responsible for all errors and omissions and constructability problems.
 - d. In addition, field visitation by the design team portion of the Proposer during construction is encouraged.
 - e. The thoroughness and proactive measures to be taken to achieve a good QC design program, i.e., a goal of having a well design, constructible, error-free as possible project, will be taken into account during the ranking process.
 - f. A differing site condition claim that will have enough merit for HDOT to participate in will be for only situations where information supplied by HDOT is erroneous. Extrapolation or interpolation of supplied HDOT information or the lack of information provided by HDOT will not have merit since the Proposer did the extrapolation or interpolation or failed to obtain the information that would have prevented the differing site condition. HDOT will not be responsible for Proposer's

caused differing site conditions situations.

10. For Projects done in increments or phases or similar breaking up of the project's work (increment), the construction drawings for each increment shall be complete and "stand alone" incremental plans.
11. Cross referencing between incremental plans shall not be used.
12. Cross referencing between incremental plans shall be mitigated by the issuance of additional plans that eliminates the cross referencing so that the incremental plans shall be complete and "stand alone."
13. The Special Provisions, both attached to the RFP and found on HDOT's website are part of the RFP. They are one part of the specifications governing the construction management of the Project. Submit all the Special Provisions, both the attached and on HDOT's website, the Proposer intends to use as part of the Proposal package.
 - a. Add or modify the sections in Division 200 to 700 of the Standard Specifications and Special Provisions to suit the final design.
 - b. The Standard Specifications and Special Provisions shall be considered as minimal standards and any addition or modification or change shall
 - 1.) Provide additional benefit to HDOT
 - 2.) Add to the value of the project
 - 3.) Provide equal or greater product life, durability, strength and function
 - 4.) Submit a compilation of all changes made that indicates
 - 5.) What the change is and what part of the Standard Specifications or Special Provisions it changes.
 - 6.) The additional benefit it provides.
 - 7.) The added value to the project.
 - 8.) The equal or greater product life, durability, strength and function.
 - 9.) A change that is equal in product life, durability, strength and function shall have a benefit or added value to the project otherwise shall not be used.
 - 10.) Show how the change will accomplished all of the claimed attributes.
 - 11.) Failure to provide information required in this subsection is cause to downgrade the ranking score.
 - c. Submittal Formats
 - 1.) All electronic files shall be usable in Microsoft Word 2003 and Microsoft Excel 2003 and be on CD-ROM or DVD-R. This is in addition to copies submitted on paper, i.e., hard copies.
 - 2.) All electronic files shall be "keyword" searchable with the exception of TSLD schedules and CAD files.
 - 3.) TSLD schedules and CAD files shall be usable in the program stated elsewhere in this document and in addition to copies submitted on paper be on CD-ROM or DVD-R.
 - 4.) TSLD schedules shall conform to requirements in Section 108 of the Standard Specifications unless otherwise stated herein.
 - 5.) All TSLD schedules shall be in multicolor.
 - 6.) Critical path shall be indicated in red and use a line that can be differentiated from other lines when copied in black and white.
 - 7.) Design TSLD schedules shall show all activities the Proposer must do to complete the design portion of the project and the manpower needed to accomplish it. Indicate the total workload on the Proposer, i.e., include

non-project related work that may occur during the period for the design portion of the Proposer.

- 8.) TSLD schedules shall be produced using Primavera P6 professional Project Management or alternative software accepted by HDOT. The balance of the TSLD package shall be as required by Section 108 and shall be in Microsoft Word 2003 or Microsoft Excel 2003.
 - 9.) TSLD schedule plots shall be on construction drawing size sheets; minimum size.
 - 10.) The Proposer shall provide additional smaller copies of the construction TSLD schedule plots at no additional cost within 3 days.
 - 11.) Coordinate final sizes and quantities within three days when HDOT makes a request.
 - 12.) The method statement for each TSLD schedule shall be on 8½x11 inch paper.
 - 13.) Print hardcopies on 20 pound bond and bind with the exception of the TSLD schedules which shall not be bound.
 - 14.) TSLD schedules shall be printed on paper. Size and type shall be acceptable to HDOT.
 - 15.) Detailed cost estimates shall follow HDOT's format used for State funded projects.
- d. Copies per Submittal to HDOT and FHWA
- 1.) All design submittals shall be stamped and signed by a Hawaii licensed engineer.
 - 2.) Submit each time five copies
 - 3.) Full size construction drawing sheets
 - 4.) Calculations
 - 5.) Submit for each time a proposal is made
 - 6.) 20 copies of half-size construction drawings.
 - 7.) 12 sets of design reports
 - 8.) 12 sets of detailed cost estimates,
 - 9.) 12 sets of special provisions specifications, along with copies of cited standards or methods.
 - 10.) Five copies of permit applications and fully processed permits,
- e. The number TSLD schedule packages to be submitted during the proposal period
- 1.) 12 sets of the design TSLD schedule plots
 - 2.) HDOT may ask for additional smaller copies of the design TSLD schedule plots. Coordinate final sizes and quantities with HDOT.
 - 3.) Submit 12 copies of the method statement for the design schedule.
 - 4.) 12 sets of the construction TSLD schedule plots.
 - 5.) HDOT may ask for additional smaller copies of the construction TSLD schedule plots. Coordinate final sizes and quantities with HDOT.
 - 6.) Submit 12 copies of the method statement for the construction schedule.
 - 7.) When construction starts and HDOT accepts the change in quantity of the TSLD schedule; the quantity and frequency of the construction TSLD schedule may follow the requirements in Section 108 of the Standard Specifications.
 - 8.) When the design of the project is complete and accepted by HDOT and HDOT accepts the change in quantity; the submitting of the individual TSLD design schedule package may stop. All remaining design work shall be incorporated into the construction TSLD schedule package.
 - 9.) No PERT chart, cash flow chart is needed to be submitted during the proposal stage.

- f. 12 copies on CD-ROM or DVD in individual plastic “jewel box” cases containing CAD files.
 - 1.) CAD files shall not be combined with other electronic Files.
 - 2.) CAD files are required for final submittal, i.e., end of project submittal only.
 - 3.) Submit CAD files for construction drawings in:
 - 4.) Microstation V8.0 or
 - 5.) AutoCAD 2009 using the Protocol for Line Weight, Color, Level, Size, Grid Reference, Standard Units, Fonts, and Symbolology for Microstation Produced Contract Plans (“State Drafting Protocol”), dated December 1999
 - 6.) Plot tracings on vellums (20 lb) or alternative media accepted by HDOT. These shall be submitted ____ WHEN are these to be submitted? XXXXe.g.
 - g. Organize the contents of both CAD and electronic files.
 - h. The Proposer will be responsible for making the necessary submittals to other government agencies and utility companies and secure the required acceptance independent of HDOT’s review and acceptance.
14. HDOT review of design submittal
- a. HDOT will review all scheduled submittals within 30 days after the date on the letter that HDOT uses to notify the Proposer that a “complete” submittal was received.
 - b. “complete” submittal will be solely determined by HDOT during a cursory review of the submittal.
 - c. HDOT will be afforded an additional 30 days each time a submittal is resubmitted.
 - d. The project’s completion time will not be extended due to any review time required by HDOT.
15. Scheduled submittals shall be as follows
- a. 50% Design Submittal
 - b. Develop conceptual design
 - c. Clearly document the complete scope of improvements.
 - d. Conceptual design shall at a minimum; allow the Proposer to determine the permitting, plan acceptances, and construction parcels necessary to accomplish the work.
 - e. Conceptual construction drawings for all of the highway improvements, temporary construction including traffic control plans
 - f. Additional documents shall include, (if applicable) but shall not be limited to
 - 1.) Proposer’s Implementation Plan,
 - 2.) Prefinal structural design report,
 - 3.) Prefinal drainage report,
 - 4.) Site specific best management plan (BMP), and details,
 - 5.) Prefinal geotechnical report, as required,
 - 6.) Landscape installation and maintenance specifications,
 - 7.) Pavement justification report,
 - 8.) Basis for design for elements not covered by a specific report,
 - 9.) Request for Utility Agreement, Utility Relocation plan(s) and estimate(s),
 - 10.) Highway lighting and voltage drop calculations,
 - 11.) Construction parcel requirements,
 - 12.) Log of submittals needed to be made to other government agencies and utility companies and status of coordination and approvals,

- 13.) Log of permit applications needed to be made in conjunction with the work proposed and copies of draft permit applications,
- 14.) TSLD schedules
- 15.) Schedule and copies of public announcements, in coordination with HDOT,
- 16.) New special provisions section (Division 200-700) with acceptance log, as needed,
- 17.) Quality Control and Assurance Plan,
- 18.) Operational and Maintenance Plan and detail breakdown of estimated O&M costs,
- 19.) Detailed breakdown of contract payment items with schedule of values and theoretical quantities,
- 20.) Design Exceptions, as needed,
- 21.) Prefinal Traffic Control Plan,
- 22.) Prefinal Safety Plan,
- 23.) Prefinal Permanent Best Management Practice Report, as needed,
- 24.) Any ATC submittals; as needed,
- g. 100% Design Submittal (Final Design)
 - 1.) Develop all final plans and any documentation required (i.e. permitting, etc.) for construction of the proposed improvements. This may include, but may not be limited to
 - 2.) Design and construction phasing schedule (updated as necessary),
 - 3.) Construction drawings,
 - 4.) Finalized calculations,
 - 5.) Finalized cost estimate (including Operation & Maintenance costs),
 - 6.) Finalized Geotechnical Report,
 - 7.) Finalized Drainage Report,
 - 8.) Compilation of RFP Special Provisions,
 - 9.) Proposal, Contract and Bond
 - 11.) Accepted additions or modifications to Division 200 to 700 specifications,
 - 12.) Completed "Permanent BMP Consideration Checklist and Project Record",
 - 13.) Finalized "Request for Utility Agreement" document,
 - 14.) Finalized Easement documentation,
 - 15.) CAD files for construction drawings,
 - 16.) Finalized Design Exceptions,
 - 17.) Finalized Traffic Control Plan,
 - 18.) Finalized Safety Plan,
 - 19.) Final Permanent Best Management Practice Report,
 - 20.) Finalized ATC submittals,
 - 21.) Tabulation of how each comment from the 50% submittal was addressed and the resolution implemented.
 - 22.) Any other submittals needed to complete the requirements, design and construction of the Project.
- h. End of Project Submittal.
 - 1.) At the completion of the construction work
 - 2.) Furnish metes and bounds description of the utility corridor for power and communication cables, as required;
 - 3.) As-built drawings on vellum prepared and submitted within 90 days of the completion of construction work

- 4.) As-built drawings shall be in accordance with
 - (a) Standard Specifications 108.13(B)(2)
 - (b) Standard Specifications Section 648
 - (c) State Drafting Protocol
 - (d) Any other submittals needed to complete the requirements, design and construction of the Project.

I. CODES AND DESIGN STANDARDS

All permanent and temporary features of the project shall be designed and constructed according to the specified codes and guidelines. When a publication is specified, it refers to the most recent date of issue, including interim publications, before the bid opening date for the project, unless a specific date or year of issue is provided.

All permanent and temporary features of the project shall be designed and constructed according to accepted, new or amended specifications or other Codes, Design Standards, or Rules and Regulations not listed but may also apply to the Project.

The Proposer shall be the solely responsible to adhere to the appropriate documents.

J. CONSTRUCTION WORK DURING DESIGN

HDOT may, at its sole discretion, authorize the Proposer to start construction on utility relocations, mass grading, and installation of traffic control/traffic detours and other work during design. No work shall start until the Proposer receives a written authorization from HDOT. Authorization to start work before completion of the design may be given by HDOT when

1. The Proposer requests to start work in writing,
2. Attests that that the construction drawings and other design documents completely and satisfactorily address all RFP requirements, comments made on different aspects of the design, e.g., utilities, drainage, access, and archaeology, traffic control, etc..

The Proposer shall make modifications to its work at no additional cost or time should the modification be determined by HDOT necessary to make the work compliant to the Project's requirements.

HDOT will review the Proposer's design documents (design package) to determine if the Proposer may start work.

1. Submit a complete design package presenting information needed to allow the start of construction.
2. Failure to submit a complete design package may result in HDOT returning the submittal and rejecting the request to start work.
3. The minimum elements (if applicable) of the design package that may be considered by HDOT in arriving at this decision are
 - a. Satisfactorily, in the sole opinion of HDOT, completed the 50% design plans, including horizontal and vertical alignment for the highway and intersections,
 - b. Submitted copies of approved applicable permits to HDOT for all phases of work

- prior to start of any construction work,
- c. Obtained written DOH approval of site-specific pollution Best Management Practice plan for all phases of work if disturbed area is greater than one acre,
- d. Obtained written HDOT acceptance of the of site-specific pollution Best Management Practice plan for all phases of work if disturbed area is an acre or less,
- e. Obtained HDOT acceptance of all solid waste disposal documents for all phases of work.
- f. Obtained written approval from all utility companies for all phases of work,
- g. Obtained written approval from the County of Kauai for all phases of work,
- h. Completed the furnishing and installing of the State Field Office, State Laboratory, including but not limited to their utility connections, furniture, test equipment and calibration of test instruments. If applicable:
- i. Obtain written HDOT acceptance of testing laboratories and equipment and personnel that will conduct all of the Proposer's QC testing.
- j. Submitted to HDOT and obtained written acceptance of all proposed materials to be used at this stage,
- k. Hold public meeting; publish notices in the newspaper to apprise the public of construction and anticipated impacts, and project status.
- l. When HDOT authorizes the Proposer in writing, to start construction on a portion of the Project's work; the Proposer shall in addition to the submittal of the design package mentioned above; complete the following before any other construction works begins,
- m. Submit to HDOT and obtain acceptance of shop drawing and other document that are required to be submitted per the Standard Specifications prior to construction work starting.
- n. The first work activity on the project site shall be the rain gage followed by the installation of site-specific erosion and siltation BMPs.
- o. Construct all work in accordance with the HDOT accepted construction drawings and specifications. Limit work to the limits established in the work authorization letter.
- p. Submit to HDOT for review and acceptance far enough in advance as to not delay the project and prior to performing any work all drawings and applicable calculations including all revisions or deviations from the accepted construction drawings. All submittals shall be stamped and signed by a Hawaii licensed engineer.
- q. Provide copies of all communications, e.g., letters, memorandums, e-mails, etc., that pertain to any corrections or clarifications to the shop drawings and specifications.

K. INSURANCE AND BOND REQUIREMENTS

Maintain for the entire duration of the Project for any design and construction work within State Right-of-Way and construction parcels and areas where work is indicated or needed to be perform to complete the work required by the contract documents, a policy or policies of commercial general liability and automobile liability insurance with an insurance company licensed to do business in the State of Hawaii,

1. Name County of Kauai and the State of Hawaii and its officers and employees as additionally insured,
2. Have a limit of Excess Liability of not less \$2,000,000 for each occurrence covering what is stated in Section 107 of the Standard Specifications and

- a. All of the Proposer's operations,
 - b. Operations of the Proposer's subcontractors,
 - c. Proposer's completed operations,
 - d. Motor vehicles of every description for which the Proposer is legally responsible, and
 - e. Pedestrian and other non-motor vehicular traffic of every description.
3. Minimum coverage for Personal Injury and Property Damage Liability and Automobile Bodily Injury and Property Damage Liability shall be as specified in Section 107 of the Standard Specifications.
4. Builder's Risk:
 - a. Have in force a Builders Risk insurance policy from the date of the Notice to Proceed through the day of final acceptance of the project if applicable.
5. New Buildings or Bridges.

Take out a policy of builder's risk insurance for

 - a. Full replacement value of the insurable work of the project from a company licensed to do business in the State of Hawaii,
 - b. Coverage all work, labor and materials furnished by Proposer and all its team members, e.g., subcontractors, etc.
 - c. Coverage against loss by fire, windstorm, lightning, explosion and other perils covered by the standard Extended Coverage Endorsement,
 - d. Coverage against vandalism and malicious mischief
 - e. Include coverage for the clean up, removal disposal of debris and damaged work on the project site and any remedial work needed to restore the project site so the project may be completed.
 - f. The State of Hawaii, its officers and employees, shall be as additional insured under these coverages.
6. Building or Bridge Renovation Contract.
 - a. Take out a policy of builder's risk insurance for:
 - 1.) The amount equivalent to the contract amount project from a company licensed to do business in the State of Hawaii,
 - 2.) Coverage of all work, labor and materials furnished by such Proposer and all its team members, e.g., subcontractors, etc..
 - 3.) Coverage against loss by fire, windstorm, lightning, explosion and other perils covered by the Extended Coverage Endorsement,
 - 4.) Coverage against vandalism and malicious mischief.
 - 5.) Include coverage for the clean up, removal disposal of debris and damaged work on the project site and any remedial work needed to restore the project site so the project may be completed.
 - b. The State of Hawaii, its officers and employees, will be as additional insured under these coverages.

The Proposer will provide three copies of a certificate of insurance for all policies to HDOT in advance of any work.

L. PRECEDENCE OF CONTRACT DOCUMENTS

The contract documents are complimentary. Any requirement occurring in one document is as binding as though occurring in all. A stricter requirement prevails over any less strict requirement. The stricter requirement will be the requirement that provides the greater product life, durability, strength, and function or benefit to the State as solely decided by HDOT.

The Proposer will be responsible for carefully studying and comparing all of the elements of its proposal with each other, against field conditions, and with the information obtained by its investigation and the information furnished by HDOT. The Proposer shall immediately report to the Engineer any errors, conflicts, ambiguities, inconsistencies, or omissions discovered during construction. But if it is in the design stage the Proposer shall modify the design. If an item is not sufficiently detailed or explained in the contract documents, the Proposer should report it to HDOT immediately if it is in the construction stage. But if it is in the design stage the Proposer shall modify the design. In all cases, the Proposer shall submit to HDOT for acceptance the modified plans and specification along with supporting calculations and data with a brief explanation as why the modification is needed.

M. PLANS, SPECIFICATIONS, AND ATTACHMENTS

In addition to the items covered in this Technical Provisions document and other codes and design standards referenced in the Section titled CODES AND DESIGN STANDARDS, the following is a listing of Project Plans and Specifications that should be used as applicable for the preparation of Construction Drawings, Project Specifications, and Estimates.

Latest versions of the Hawaii Standard Specifications for Road and Bridge Construction shall be used. It may be obtained from HDOT's website:
<http://hawaii.gov/dot/highways/specifications2005/specifications/spectble.htm> as modified by standard special provisions for 2005 Standard Specifications for DOT/ State projects. Attached Special Provisions shall supersede the standard special provisions on HDOT's website.

Standard Plans, HDOT, Highways Division, 2008 (STANDARD PLANS, 2008).

Special Provisions for HDOT/State Projects:

The Proposer shall use applicable portions of the DOT/Federal projects Special Provisions for 2005 Standard Specifications found at
http://hawaii.gov/dot/highways/specifications2005/provisions/projectspprov/sp_st.htm and attached Special Provisions.

All applicable 200 to 600 Sections shall have the measurement and payment subsections modified to reflect lump-sum payment for all items except for force-account items listed in the attached Proposal.

N. DESIGN-BUILD QUALITY CONTROL PLAN REQUIREMENTS

This section applies to both design and construction. The Proposer is responsible for Quality

Control (QC) for both design and construction. HDOT will perform the Quality Assurance (QA) reviews for construction only. As mention previously HDOT will only perform a cursory review and shall not be held responsible for any errors or omissions, etc., in the Proposer's proposal. The Proposer shall be responsible for preparation of a QC Plans for both design and construction (QC Plan) acceptable to HDOT. The Proposer will not be allowed to commence with design or construction until the QC Plan has been accepted in writing by HDOT.

The Proposer will be responsible for the quality of construction and materials incorporated into the project. The Proposer's Quality Control measures are to ensure that operational techniques and activities provide material of acceptable quality and workmanship. Proposer sampling and testing should be performed to control the processes and determine the degree of material compliance with the Contract Provisions. The plan should detail how the Proposer will provide quality control for all construction elements of the project (e.g., perform tests for quality control, qualification of test laboratory and technicians, and provide inspection, and exercise management control to ensure that work conforms to the contract requirements). The plan should also detail how the Proposer will assist HDOT with their independent QA and IA program.

The QC Plan shall detail how the Proposer's Design Team will provide QC and allow HDOT or other affected agencies to review the submitted documents. It shall also, show how it will coordinate the design review. It shall allow for HDOT's project's QA for all construction elements.

The Proposer's QC Plan shall include a description of the quality control organization show The number of full-time and part-time employees, i.e., indicate the number of hours per day the employee is expected to be on the project site doing QC work.

Show lines of authority and reporting responsibilities.

The persons and organizations performing Quality Control functions shall have sufficient authority and organizational autonomy to identify quality problems, and to initiate, recommend, and verify implementation of solutions should a problem occur.

Persons performing design Quality Control functions shall be at an organizational level that ensures that they shall not be influenced by the impact of implementation of Quality Control measures on the design or construction Project schedules, performance or cost.

The Proposer's Design Team's QC plan should describe, in detail, how the QC organization shall provide in-depth reviews and who and what level each member of the design team are in the organization, level of authority of each member and experience in the type of design to be done. The design team should have a procedure as to how it would resolve internal design conflicts, field questions about the design, etc..

In addition, there should be some mechanism that allows the design team to ensure the project is being constructed according to their design.

The construction portion of the QC Plan shall in addition have

Describe how it will maintain the required quality of the material used and how it will measure the level of workmanship and maintain it at a high level.

Inspection requirements; e.g., indicate sampling rates, frequency and analysis plan, etc., of the material use and how it will attain test results, i.e., show which test methods used, that are acceptable to HDOT.

Have as an option its own Independent Assurance Program

Test equipment recalibration certification program.

Project progress schedule;

Submittal schedule;
Identify the laboratory(ies) to be used;
Specify documentation for QC activities, including control charts;
Contract requirements for corrective action when quality control and/or acceptance results indicate nonconformance; and
Communication procedures with HDOT inspection staff.
Having an excellent QC staff and plan both in the area of design and construction will only benefit the Proposer since, as stated before, the Proposer is responsible for nearly all aspects of the design and the construction of the project. In addition, the QC plan will be part of the ranking score.

Proposer's QC Staff

The Proposer should provide a QC staff and procedures that will meet the needs of the project and assure HDOT that it will be accomplished by the QC staff and plan. However, if HDOT finds the Proposer's QC staff or plan to be unsatisfactory HDOT has the right to have the Proposer make changes to the QC staff or plan at no additional cost or contract time. HDOT also has the right to stop all work until the QC staff and plan is determined to be potentially satisfactory. The Proposer shall submit the revision of the QC staff or plan for acceptance.

- Proposer's Quality Manager

The Proposer's Quality Manager is the individual with overall responsibility for development of and adherence to the Proposer's QC Plan. This individual should be a Professional Engineer licensed by the State of Hawaii having a minimum of ten years supervisory experience in roadway design or ten years supervisory experience in inspection of roadway transportation construction projects or a combination thereof.

- Proposer's Design QC Manager

The Proposer's Design QC Manager is the individual with overall responsibility for the design portion of the Design-Build QC Plan. This individual should have a minimum of five years supervisory experience in roadway design and on roadway transportation construction projects.

- Proposer's Construction QC Manager

The Proposer's Construction QC manager is the individual with overall responsibility for the construction portion of the Design-Build QC Plan. This individual will be responsible for implementing, monitoring, and adjusting the processes as necessary to ensure acceptable quality. This individual should have a minimum of five years supervisory experience in inspection or documentation of testing materials or combination thereof on roadway transportation construction projects acceptable to the HDOT. Experience on other types of construction may be substituted providing it is acceptable to HDOT. In addition, Construction QC manager shall meet one of the following additional requirements:

- A Professional Engineer registered in the State of Hawaii

- A Bachelor of Science Degree in Civil Engineering or Construction with at least six years of highway materials and/or inspection experience acceptable to the HDOT.

○ Quality Testing Supervisor

The Quality Testing Supervisor may be an employee of the Proposer's laboratory, and should be on-site during the testing. Disclose resume of the proposed individual as part of the RFP-selection process. The Quality Testing Supervisor should meet one of the following requirements:

- A Professional Engineer registered in the State of Hawaii with at least one year of highway materials testing experience acceptable to the HDOT, or
- A Bachelor of Science Degree in Civil Engineering or related field acceptable to HDOT and at least three years of highway materials testing experience acceptable to the HDOT, or
- An individual with at least eight years of highway materials testing and construction experience acceptable to the HDOT.

○ Inspection Technicians

The Proposer's QC field and Lab Inspection Technicians should have

- A minimum of three years of roadway construction inspection experience in the work activity being inspected or in the case of new methods attended training for the new method and was found acceptable by HDOT
- All field technicians should be HDOT certified and all labs must be AMRL or CCRL approved in the test methods to be performed. All lab personnel should have training records in the AMRL folders for all tests to be performed by the testing firm or be witnessed by HDOT during all testing.

Design QC Plan

The quality control and quality assurance procedures for each type of Design and Construction Document should be organized by engineering discipline (e.g., civil, landscaping, electrical, and utilities). These procedures should specify procedures that are to be taken by the Proposer's Design Team

Ensure that appropriate quality standards are specified and included in the Design Documents and Construction Documents.

Control deviations from accepted standards.

No deviations from standards should be made unless they have been previously accepted by HDOT.

Acceptance is at HDOT's sole discretion.

Establish standards of workmanship and how they will be maintained.

Selection process of suitable materials and elements of the Work that shall be used in the Project.

Ensure the required and accepted material is used for the work.

The Design QC Plan may include the following:

- Quality control procedures for preparing and checking all plans, calculations, drawings, and other items to be submitted to HDOT to ensure that they are checked in a manner that are a generally accepted architectural and engineering practice and shall provide a design that is as error free as possible.
- Checking of these documents should be by experienced architects and engineers, respectively, who are experienced in the type of design and construction methods to be used.
- Specific procedures for verifying data produced from computer programs should also be part of the QC plan.
- All plans, reports, and other documents shall be stamped, signed, and dated by the responsible Hawaii registered architect or engineer who had any part in the design, or in conformance with generally accepted architectural or engineering practices, or by applicable laws.
- The plan should set forth the level, frequency, and methods of review to ensure the adequacy of the design, i.e., show the methods by which all final design documents and construction documents and submittals shall be reviewed and verified for adequacy of design, and that the documents are correct and complete.
- Checked by architects and engineers experienced in the type design and construction methods to be used and who have not been involved with the preparation of such documents.
- Have procedures for coordinating work performed by different persons in the same spatial area, or in adjacent spatial areas, or in related design tasks to ensure that conflicts, omissions, or misalignments, etc. do not occur between drawings or between the drawings and the specifications. Plan should coordinate the review, acceptance, release, distribution, and revision of documents involving such persons.
- Identify those elements of the contract provisions, design documents, or construction documents, etc., if any, requiring special quality control attention or emphasis, including applicable standards of quality or practice to be met, level of completeness and extent of detailing required, or on-site training of the Proposer's and HDOT's staff.
- Provide training of worker, engineers and inspectors in areas where new construction or design methods are to be used or for work that errors may greatly impact the project.
- Identify in a table the discipline, name, qualifications, duties, responsibilities and authorities for all persons proposed to be responsible for QC.
- State the name and any requirement for qualifications, duties, responsibilities, and authorities of external technical experts necessary to ensure the quality of the design of the Project, the anticipated timing of use, the expected availability, duration on the project site and any coordination required with respect to any such experts.
- The plan should describe the Proposer's required design quality control and assurance functions, including scheduled activities for Design QC.

Record Keeping

Identify the Design Documents and Construction Documents to be delivered to HDOT for its review at each stage of the design or work phase of the Project and its approximate delivery timeline.

The Proposer's Design Team will be responsible for maintaining all documents for the duration of the Contract and shall be organized, indexed, and delivered to HDOT.

When a request for Final Acceptance is given, unless required to be delivered earlier pursuant to the contract documents or requested by HDOT ,

- Even if incomplete, submit within seven days after receipt of a request from HDOT. If incomplete state that the submittal is in such a condition. The balance shall be submitted within seven days.
- Failure to meet these submittal deadlines will allow HDOT, if it decides to do so; not grant final acceptance and stop progress payments until all documents required are submitted.
- Include, but are not limited to, the following items: design criteria, reports and notes, calculations, drawings, schematics, supporting materials, submittals, acceptance letters, etc.

HDOT/County Review of Design Work

HDOT will not officially accept design work after initial acceptance of the Proposer's Design Team's Proposal, except as noted for requests for deviations from the RFP, right of way plans, and permit documents. HDOT will accept the final and complete design.

Submit schedule for acceptance by HDOT with dates and times for design reviews.

HDOT will comment on design work and may require comment responses from the Proposer.

Specifically requested work that is deemed to be outside the provisions of the contract or design or construction omission may also require a response from the Proposer. Comments made by HDOT will be provided in writing to the Proposer's Design Team within 30 days, or as agreed to in writing.

When HDOT determines that the design work is not conforming to RFP or proposal requirements, HDOT reserves the right to suspend work and payment until resolution of the issue. Proposer's Design Team will be responsible for submitting to the County for all applicable reviews and shall be responsible for obtaining approvals to satisfy County requirements.

All submissions shall be done in a timely manner so that the review and acceptance process will not cause a delay. No extension of time will be granted for review delays unless the delay can be solely attributed to HDOT.

Design and Construction Documents relating to the following construction phases shall be submitted to HDOT for review. The following table indicates some of the submittals needed to be submitted for review. The Proposer shall determine what other submittals are to be submitted.

Construction Phase	Documents
Environmental	All required permits
Civil	Roadway Geometrics (Plan and Profile) Intersection Plans Erosion Control Plan Roadway Quantities Construction Specifications
Geotechnical	Draft Geotechnical Report Final Geotechnical Report
Surfacing and Pavements	Pavement Justification Report Roadway Geometrics Roadway Sections Paving Quantities

	Paving Plan Construction Specifications
Drainage Structures & Hydraulics	Hydraulics Report Design calculations Drainage Plans & Profiles Drawing & Special Details Construction Specifications
Landscaping	Planting Plan Construction Specifications
Safety and Traffic Items	Phasing and Construction Sequence Report Sign Inventory Traffic Markings and Delineation Roadway Lighting Permanent Signing Transportation Management Plan Work Zone Traffic Control Plan Construction Specifications
Misc. Construction	Plans and Plan Details Construction Specifications HDOT requested documents

The Proposer shall be fully responsible for the schedule impacts and costs of revisions arising from HDOT's review.

Design Quality Review

Prior to the release of final design and construction documents, the Proposer's Design Team will be responsible for completing reviews in accordance with the requirements of this document. The review shall verify that the design documents and construction documents were prepared in such a manner as to ensure that they will be acceptable to HDOT, as well as the Proposer. The criteria used in such review shall check for

- Conformity of the final design documents and construction documents with the contract provisions,
- Satisfactory performance of all materials, equipment and elements of the work to be incorporated into the project have been designed and provided for the purpose intended,
- The appearance, organization, technical and grammatical accuracy of all documents,
- Documents have been checked and signed by the drafter, designer, checker and reviewers,
- Documents that they have been stamped, signed and dated by the responsible Hawaii registered civil engineer or architect where required under the contract, generally accepted architectural or engineering practices or applicable law,
- Full constructability, compatibility of materials and conformity to acceptance criteria for inspections and tests as provided in the Contract.

Plan acceptance by HDOT

Permit drawings and utility construction drawings shall be developed to the appropriate design

standards as specified. HDOT or the appropriate agency will accept these drawings after a review has determined that they are acceptable. HDOT will return all non-conforming drawings it received to the Proposer's Design Team for corrective action.

Plans Distribution

The Proposer's Design Team will be responsible for providing to HDOT the following documents, with all design changes and revisions shown, upon their being stamped "Released for Construction" and signed by the Proposer's design team. These documents will be used by HDOT to facilitate their administration and inspection responsibilities

All Design and Construction Documents

All shop or fabrication drawings which have been approved by the Proposer's Design Team

All forming plans which have been approved by the Proposer's Design Team
All traffic control plans which have been approved by the Proposer's Design Team

QC of Design Changes

Changes in the design of the project as shown on the design and construction documents, including field changes, should be subject to design QC measures and procedures equal and with those applied to the original design. All changes shall be approved in writing by the Proposer's design team that performed the original design. Submit changes and Proposer's design team's acceptance to HDOT for review and written acceptance by HDOT. Documents containing design or field changes shall be distributed according to the requirements set forth in the section titled "Plans Distribution".

The Proposer's Part In HDOT QA Program

As stated previously, only HDOT will perform QA testing for its own acceptance, and the Proposer's QA contribution to the support of HDOT's QA program is to provide aid, assistance, and information so HDOT will be able to conduct their QA program.

Proposer shall provide a FEDEX or UPS or equal account so that other material samples may be sent directly to HWY-L on Oahu for testing. Pickup of material samples to be sent to HWY-L for testing will be at Kauai District Office.

- The Proposer will be responsible for supplying all packing and shipping material required for material samples to be sent to HWY-L.
- HDOT will be solely responsible for determining the acceptability of the packing and shipping materials.

HDOT's Project Responsibilities

- Verification acceptance sampling and testing will be performed by HDOT to validate the Proposer's sampling and testing as well as the quality of the material produced.
- An Independent Assurance Program will also be conducted by HDOT on HDOT's staff and laboratory to evaluate all sampling and testing used in the acceptance of materials.
- HDOT will sample and test materials following the guidelines of the minimum sampling of material as shown in Hawaii Standard Specifications for Road and Bridge Construction 2005 Subsection 106.04 - Material Sample.
- HDOT reserves the right to increase the sampling rate as necessary from the amounts

- listed at no additional cost.
- The sampling of material (time, unit, location) and testing for verification purposes will be controlled by HDOT or its agent.
- In addition, all samples that will be used for verification acceptance testing by HDOT will be stored and transported to the testing laboratory by HDOT or its agent.
- Samples not meeting these requirements will not be used for HDOT's QA.
- The Proposer shall be responsible for providing a schedule of its work in order for HDOT to conduct material testing. The schedule should state date, time, location, material and anything that HDOT requests to be on the schedule and a suggested response time for test results. The response times will be reviewed by HDOT. The Proposer shall immediately notify HDOT of any changes in the schedule, e.g., date, time, location, material, etc..
- Verification acceptance testing as well as inspection is for the benefit of HDOT
- The Proposer will be responsible for ensuring the quality of the work and material meets contract requirements. The Proposer should not confuse the testing rate and frequency of HDOT's QA program with the Proposer's QC program's testing rate and frequency; it should in general be greater in magnitude than HDOT's.

HDOT will be solely responsible for determining the acceptability of materials incorporated into the project. Disputes in the acceptability of a material will be addressed in accordance with HDOT's current "Quality Assurance Manual for Materials, Highways Division, Materials Testing and Research Branch" Dated October 2001.

Quality Control Inspections

- Coordination and Notification
- The Proposer's Construction QC Manager shall designate a person who shall be the primary point of contact.
- This person shall be responsible to notify HDOT of their construction activity schedule in a timely manner so that HDOT may conduct an inspection if it chooses.
- Should the original designated point of contact be absent an alternate individual shall be designated to be responsible to perform this function. The designation shall be in writing.
- HDOT will also designate one individual to handle responses to the Proposer's contact person.
- HDOT may allow an alternative method of notification.

Quality Control Inspection

- The QC Plan shall contain an inspection plan for each of the project's construction activities whether performed by the Proposer or a subcontractor or vendor.
- The project's construction activity may be definable features or items of work defined by HDOT's Hawaii Standard Specifications for Road and Bridge Construction, 2005.
- Inspect for conformance with the contract provisions' construction requirements

Construction QC Inspection Standards

- Inspections shall be performed during all phases of the project from start to final project acceptance in order to assure that the work is performed in accordance with the contract

provisions, plans, specifications, accepted submittals, and any other requirements.
HDOT may direct additional inspections at anytime.

Proposer Sampling And Testing

The Proposer's field and laboratory sampling and testing shall be performed as specified in

- The HDOT Standard Specifications
- HDOT's "Quality Assurance Manual for Materials, Highways Division, Materials Testing and Research Branch" Dated October 2001 and any updated addendums,
- HDOT Materials Quality Control Manual.
- The Proposer's sampling and testing QC program shall be performed by qualified testing personnel defined in this specification and should be performed in a laboratory that is AMRL or CCRL-certified in the test method they will be performing for the project.
- Randomly obtained by at specified frequencies and locations and as the material properties change representative samples.
- Furnish copies of all test results to HDOT within 24 hours of acquiring the sample's test results or the next day of business.
- The Proposer shall provide HDOT a testing plan for each material.
- Submit testing plan prior to the beginning of production or placement or use of the material.
- Maintain a material summary of quantities of each specific material incorporated into the work with dates and results of quality control testing associated with the material usage and compliance to contract requirements.
- This summary should be made available to HDOT when requested.
- All of the testing equipment should be calibrated by an independent certified calibration company within 1 year of the prior certification testing
- Continually check with verification tests as required by AMRL.
- Prior to acceptance and use for testing the project's material, the equipment proposed for use shall be listed and inspected by HDOT testing lab personnel.
- The concrete testing apparatus shall have either neoprene or sulfur caps that fit the cylinder ends.
- All laboratory soil tests and field density tests shall be performed by the Proposer's design geotechnical engineering firm or HDOT accepted testing laboratory.
- All concrete tests shall be conducted to failure, and data shall include the strain rate.
- The Proposer is responsible for providing HDOT a complete acceptance and testing plan for all foundation types.
- This plan shall be submitted for review and acceptance by HDOT
- No foundation work shall start before HDOT accepts the testing plan for the foundation
- HDOT shall be allowed 30 days to review the plan.

QC Inspection Documentation

Each of the Proposer's QC inspectors shall summarize their daily inspections and test and material sampling activities in a daily report.

- The daily report shall contain all data needed to recreate what happen during the day the report is being written about, e.g., manpower, e.g., labor classifications, names, etc., equipment, work done and its location, etc..
- Copies of the inspector's diaries shall be provided to HDOT daily.

Material Certification

- When the project is completed, the Proposer shall be responsible for completing a thorough final review of all documentation of material compliance to contract requirements
 - Verify that all test reports, inspection reports, and other pertinent information have been recorded and that such documents contain the required information.
 - The verification process should be an ongoing task conducted constantly during the project so that the information is contemporaneous.
- The Proposer will be responsible for preparing and submitting a letter of material certification to the Engineer. The letter shall include the following statement

“This is to certify that:

The results of quality control tests indicate that the materials incorporated into the construction work and construction operations, controlled by sampling and testing, were in conformity to the Contract requirements. Explanations for exceptions to the Contract requirements are as follows:”

- The material certification letter shall list any exceptions and how they were resolved, including any explanation for justification of material compliance or usage.

Activities Meetings

- Prior to the start of any work activity, hold an activity meeting to ensure that all project personnel including HDOT’s have a thorough understanding of the work to be done and what “Best Practices” are to be used..
- Work activities generally correspond to the sections of the Standard Specifications, such as clearing and grubbing, earthwork, etc. or a definable feature of work e.g., a pre-paving conference.
- The Activity Meeting should include discussions related to what will be accomplished, by whom it will be performed, and where, when, and how the work will be done.
- The Activity Meetings are to ensure that all parties have the same understanding of the design intent, have the appropriate plans, specifications, and any special details. The Proposer may at this time make participants aware of safety regulations and procedures that need to be followed.
- At this time, the QC inspection checklist for this activity should be reviewed. On the checklist shall have items that may be forgotten or ignored and if not done will have a impact to the work,
- Activity Meetings should be scheduled several weeks in advance of the actual work beginning on an activity to allow for additional preparation if necessary.
- The Activity Meetings should be planned and conducted by the Proposer with the majority of the input from the Proposer’s Construction QC Manager.
- Minutes of the meeting should be taken to document what was said during the meeting such as any clarifications and understandings related to the construction of the item that are not documented elsewhere.
- Activity Meetings shall be activity milestones on the Proposer’s schedule and should be identified in the Proposer’s QC plan.
- Suggestions made by HDOT during these meetings are nonbinding if not required by the

contract documents or required in writing.

O. PUBLIC RELATIONS AND PUBLIC COMPLAINTS

HDOT's goal is to minimize the emotional and physical impact on roadway users, businesses, and neighborhoods that abut or are serviced by the roadways that are affected by this project. It will be the responsibility of the Proposer to provide the following services for the well-being of the affected roadway users, residents, and businesses.

The Proposer shall be aware that any road work done on the highway is on a major roadway.

The Proposer shall be responsible for providing a public information specialist responsible for managing public information and public involvement activities outlined below. This staff member should be experienced in all aspects of providing the public with information on public works projects, including newsletter writing, design and production, direct mailing, telecommunications, news release writing, webpage management, and public speaking. This public information specialist will be expected to work with HDOT staff in a team effort to help promote public satisfaction with the project. All information released should be submitted to HDOT in advance for review and acceptance.

The public information specialist shall have "real-time" access to all project details that may be relevant to the public, public agencies, emergency service providers, businesses, and other interested groups. The public information specialist shall provide "real-time" information to HDOT's Project Manager on a weekly basis in general, daily when lanes are blocked or encroached upon and more frequently if deemed necessary by HDOT. The public information specialist is also expected to maintain a 24-hour hotline to handle public inquiries and complaints.

Although media interviews will mainly be the responsibility of HDOT, the Proposer or the public information specialist may be asked by HDOT to provide the media with an interview or other information on short notice. In such a case, the Proposer or the public information specialist shall be responsible for delivering a message consistent with HDOT's point of view. The Proposer or designee shall seek HDOT's point of view, inform and coordinate this activity with HDOT prior to the interview.

In addition, all written, audio and video materials produced by the Proposer's staff for public dissemination shall comply with HDOT's standards. Copies of all such materials shall be provided to HDOT for acceptance at least seven days prior to scheduled distribution.

The goal of written, audio, or video materials should be to increase public satisfaction of the project by educating and informing the public about the project, including long-term, short-term, and daily disruptions, changes to traffic conditions, project benefits, project staging when appropriate, and other relevant issues.

Three weeks before construction activities begin, minimum, HDOT's Project Manager will meet with the Proposer and public information specialist to review the following requirements. Provide HDOT three weeks advance notice of the meeting.

Public Meetings

The Proposer shall be responsible for having well-trained and informed speakers familiar with local and project issues attend all public meetings, community and civic organizations, neighborhoods associations, private businesses, and other stakeholders.

The Proposer shall be responsible for organizing, preparing, attending, and conducting, a minimum of three Public Informational Meetings (PIM). One PIM will be conducted during design to provide project status and information to the community. The second PIM will be conducted just prior to construction to advise the community of temporary construction impacts and schedule. A third PIM will be conducted after the start of construction to address any public complaints received by HDOT or the Proposer. The Proposer shall determine if more PIMs are needed based on the residential location of the impacted public. The total number of PIMS shall be stated in the proposal. If HDOT feels that there should have been more PIMs than stated or if there was a failure to state the number of PIMs this may be taken into account during the creation of ranking scores.

If required and as solely determined by HDOT, any additional PIMs beyond the number stated in the proposal conducted by the Proposer may be considered as extra work and compensable by change order. HDOT will not pay for the cost of public meeting(s) associated with the permits separately, or public meetings required due to complaints about the Proposer or the work, if required. HDOT will consider the cost of the public meeting(s) associated with the permits as included in the contract prices for the various contract items.

For each meeting, the Proposer shall be responsible for providing technical assistance, data, and information necessary to produce and shall produce all needed display boards, printed materials, video graphics, and other forms of information necessary for dialogue with the public per NCHRP 407. The Proposer will also be responsible for providing the necessary staffing and video equipment to present the information. The Proposer shall find a suitable venue (ADA accessible) to conduct the PIM and make arrangements to reserve the meeting facility. The meeting place shall be centralized in the area where the impacted public lives. The Proposer shall make accommodations for disabled or disadvantaged people. The Proposer shall be responsible for submitting a newspaper notice to HDOT for review and acceptance, and after obtaining HDOT's acceptance, the Proposer will publish the notice in The Garden Island News for three consecutive days. The notice should be published no later than 14 days prior to the PIM date.

In addition to the general public attending the PIM, the Proposer should, at a minimum, contact the following organizations:

State Department of Transportation Highways Kauai District

State Department of Public Safety, KCCC

State Department of Land and Natural Resources, CWRM

State Historic Preservation Division, SHPD

Office of Hawaiian Affairs, OHA

Kauai Island Burial Council

Kauai Visitors Bureau

Kauai Historic Preservation Review Commission

Lihue Business Association

Hawaiian Telcom

Oceanic Time Warner Cable

Kauai County Department of Public Works

Kauai County Department of Parks and Recreation

Kauai Police Department

Kauai Fire Department

Owners/lessees within 500-feet

Kauai Department of Water

Kauai Island Utility Cooperative

Sandwich Isles Communications

Kauai Outdoor Circle

Mayor, Kauai County

Council Members of Kauai County Council

Legislative delegation from Kauai: Senator Ronald Kouchi, Representative Daynette Morikawa, Representative James Tokioka, Representative Derek Kawakami

The Proposer will be responsible for preparing a list of attendees and meeting minutes. The meeting minutes should accurately record all discussions in the PIM and identify all action items and responsible parties for each action item. Ten (10) copies of the list of attendees and meeting minutes should be provided to HDOT within seven days from the PIM date. HDOT will maintain the right to make changes to the meeting's minutes.

Two Week Public Interaction Reports

The Proposer shall be responsible for providing update reports every two weeks to the HDOT Project Manager. Information in the report shall at a minimum specify details of the following period's closures, detours, general project status, and other information relevant to the motoring public.

The Proposer shall be responsible for providing the HDOT Project Manager a summary of public inquiries, complaints, and comments every two weeks that includes general categories and trends of comments and an explanation of how the Proposer has responded to those comments.

Project Web Page

The Proposer shall be responsible for developing and maintaining a project web page that will contain information listed below and in Special Provisions Section 691:

<u>Information</u>	<u>Update Frequency</u>
Project Work Scope	Beginning of job and if there is a change in the scope of work. HDOT to direct the need for updating.
Project Site Map	Beginning of job and if there is a change in the scope of work. HDOT to direct the need for updating.
Proposer call-in number for complaints	Beginning of job or if phone number changes and upon HDOT request.
Progress Schedule/ Milestones	Beginning of job and when schedule is adjusted. Schedule format shall be easily understood by the public and yet convey all pertinent information. Schedule changes shall be accepted by HDOT prior to posting.
Email list serve	Beginning of job
Proposer's Contacts and emails and Physical Addresses	Beginning of job and when information changes
Work progress narrative with sketches	Every 2 weeks
Scheduled Road/Lane Closures	14 days prior to closure changes. Proposer shall provide to HDOT a minimum of 14 days notice for any road/lane closures or changes to road/lane closures.

HDOT may require the Proposer to link this project web page to the HDOT and County of Kauai's websites. The Proposer shall include the web page address on a minimum of two construction advisory signs or changeable message boards dedicated to disseminating project

website information and complaint telephone number. Wording shall be visible to the public in a locations and format as directed by HDOT.

P. CONTRACT TIME

The approximate award date will be 30 days after the selection of the Proposer whose proposal was determined as the "Best Value" offer, the approximate date of contract signing will be 45 days after the award date, and the approximate NTP date will be 30 days after the contract is signed.

The Contract Time shall be 365 days from the date of Design Notice to Proceed to completion of all constriction work items, or the duration shown in the Project Schedule submitted as part of the Design and Price whichever is less. For any work beyond the established Contract Time, the Proposer will be subject to Liquidated Damages in accordance with Section 108.08 of the Special Provisions.

The above contract time will be exclusive of plant establishment period specified in Special Provision Sections 618 and 619.

IV. PROPOSAL

A. PROPOSAL SUBMITTAL REQUIREMENTS

Each Proposer interested in being considered for this project is required to submit a Proposal, no later than the date and time specified in the Notice to Design-Build Contractors Request for Proposals to:

Department of Transportation
Contracts Office
869 Punchbowl Street
Honolulu, HI 96813

By submitting a Proposal, the Proposer acknowledges the Proposer is fully qualified to complete the Project and the allocated time was sufficient to collect the necessary information and to prepare designs to base its price proposal as well as to complete the construction of the project. No claims due to "insufficient time to collect information and prepare studies and designs." or the completion of the construction of the project will be allowed or will the Proposer file a claim based on the time allotted in the RFP was insufficient.

Once the Proposal is submitted to the HDOT, the Proposer shall turn over ownership and all rights to HDOT, i.e., HDOT becomes the owner of the Proposal. As the owner HDOT may utilize the Proposal as it see fit. After the winning Contractor is selected and the project is awarded, the Department may disclose desirable elements from other Proposals to the winning Contractor, with the exception of information that can be regarded as confidential, e.g., financial information, etc..

The Proposal shall be divided into three sections, a Qualifications Section, a Design Concepts Section, and a Price Section. The three sections shall be submitted as one package with the Price

Proposal provided in sealed envelope clearly marked with the wording "Price Proposal".

B. REQUESTS FOR INFORMATION

HDOT will accept Requests for Information (RFI) related to preparing the Design Concept Documents up to 10 days prior to the Design and Price Proposal submittal date specified in the Notice to Design-Build Contractors Request for Proposals.

All RFIs will be received by the Division of Purchasing in writing, by FAX or email, by 4:00 pm of this date. RFIs shall be emailed to the following address: stanford.m.iwamoto@hawaii.gov or faxed to the following number: (808) 241-3011, attention: Mr. Stanford Iwamoto.

No verbal inquiries will be accepted by HDOT.

HDOT's responses to the RFIs related to the preparation of the Design Concept Documents will be issued by Addendum no later than 5 days prior to the Proposal submittal date. After the Addendum is received, the Proposers shall finish their design documentation according to their best understanding of all information obtain for this project, e.g., Request for Proposal Documents, the pre-proposal meeting, any addenda documents received to that point.

C. QUALIFICATIONS SECTION

The Qualification Section shall contain the following:

- Experience And Qualifications
 - Proposer, key subcontractors, and key consultants' experience and qualifications relevant to the Project and to the Design Build process. Key personnel may include, but may not be limited to, Project Manager, Design Lead, Construction Lead, QC Manager, Design QC Manager, Construction QC Manager, Quality Testing Supervisor, and Public Information Specialist.
 - Include documentation showing experience in roadway construction completed within the last 4 years. Documentation may include, as a minimum, a list of relevant projects and a short description of each project including project scope, construction cost and date of completion; the name of the owner, point of contact, point of contact's telephone number and email address.
- Past Performance
 - Past performances on roadway projects of similar scope for public agencies or private industry. Indicate which projects, if any, were design build.
 - Show awards, commendation letters, etc..
- Capacity To Do Work
 - Capacity to accomplish the work in the required contract completion date.

- Proposer's proposed staffing plan showing the organizational structure proposed to accomplish the management, design, permitting, construction, quality control, and administrative services.
 - Illustrate how the Proposer shall be done according to the contract documents and have and maintain a high level of workmanship.
 - Illustrate the ability to resolve project problems both design and construction quickly.
- Financial Capability
- This may include a certification or letter from a financial institution attesting that the Proposer is financially capable of undertaking the project.
 - Include balance sheets, consolidated statements of income, or consolidated statements of cash flow if possible.
 - The Proposer shall enclose one copy of all of these documents in a separate sealed envelope marked "CONFIDENTIAL" and include it with the proposal submittal.
 - The financial documents in the sealed envelope will not be counted towards the 50 page qualification proposal limitation.

The Proposer will be scored according to what is presented in the Qualification Section. HDOT may take into account what is written, how it is organized and the proactive nature of the Qualification Proposal as an indicator of how the project will be managed and constructed. For example, false or exaggerated or erroneous information about experience the proposed staff may have if discovered will be taken as an indicator that the Proposer shall have the same level of work in constructing the project. As a result it may receive a lower score than a Proposer that provides information on an organized, factual, well thought out manner and provides a proposal that anticipates the needs of the project.

Submit Seven hard copies of the Qualification Section in a bound volume on 8 ½" x 11" letter size paper. Drawings, charts, or exhibits may be of larger size up to 11" x 17" and optionally "Z" folded down to letter size. To facilitate HDOT's review, the Proposer should include a Table of Contents and tab each of the above three items clearly.

In addition to the items contained in the five categories above, a completed CONFLICT OF INTEREST (COI) DISCLOSURE FORM shall be included as a separate tabbed Appendix to the Qualification Section. A blank form is provided after the Technical Provisions. All known potential conflicts of interest shall be disclosed in the COI Disclosure Form including relationships with all persons who may be ask to review a competitor's proposal, e.g. State Historic Preservation Division, SHPD. Kauai Island Burial Council, Kauai Visitors Bureau. Kauai Historic Preservation Review Commission, etc. The Proposer may include a conflict mitigation plan as described in the COI disclosure form. If the Proposer was aware of an organizational COI prior to award of the contract and did not disclose the conflict or potential COI to HDOT, HDOT may delay contract execution or rescind the award or may terminate the contract for default if

discovery is made after contract execution and the COI is not addressed.

The COI forms shall be used throughout the term of the contract to disclose any conflicts that may arise (i.e. new contract awards, replacement of subcontractors/subconsultants, etc.).

D. QUALIFICATIONS SECTION EVALUATION CRITERIA

HDOT's Review Committee will review the Qualifications Proposal and a Qualifications Score will be based on the following criteria items tabulated below:

	CRITERIA ITEM	MAXIMUM POINTS	ACTUAL POINTS
1	EXPERIENCE AND QUALIFICATIONS	5	
2	PAST PERFORMANCE	3	
3	CAPACITY TO DO WORK	5	
4	FINANCIAL CAPABILITY	2	

Maximum Qualification score = 15 Points

The total number of pages including the introductory letters, evaluation criteria items, exhibits, and references shall not exceed 50 pages. Tabs and completed COI forms will not be counted as a page. A penalty of one points will be deducted from the total score for each page exceeding the 50 page total limit. If double-sided pages are used, each printed face will count as one page. (Example, 2 sheets of paper with one sheet double-sided print and one sheet single-sided print will count as three pages). If multiple versions of the proposal are submitted the pages will be counted. All pages shall be sequentially numbered. Minimum font size for all documents except for the TSLD schedules shall be 12 pts.

All information required for HDOT to properly evaluate the Proposer for each criteria item contained in the four categories identified should be submitted in the Qualifications Submittal for HDOT to assign a credible score. Failure to provide complete information in the Qualifications Section will result in a reduced total score. In addition, HDOT, at its sole discretion, may deem the Qualifications Submittal as nonresponsive if the information submitted is incomplete or missing or if HDOT is unable to assign a credible Qualifications Section score due to the incomplete submittal. The total score may be reduced if the Proposer fails to correctly organize the Qualifying Section.

The maximum Qualifications Proposal score is 15 points. Any score of 10 points or less will be considered as non-qualified for the project.

In the event only one qualified Proposer remains after all Qualifications Sections are evaluated, HDOT reserves the right to cancel this Request for Proposals and re-advertise the project.

E. DESIGN CONCEPT SECTION DOCUMENTS

Design Concept Documents Requirements

- An itemized, written statement of conformance affirming any and all technical provisions that the Proposer will comply with.
- An itemized, written statement of any and all technical and special provisions that the Proposer will deviate from along with a mitigation description explaining how and why the deviation will add value to the project. HDOT will assess the variations during the evaluation process and score the proposal accordingly.
- Any variations from the Scope of Improvements or any other section of this RFP, including Alternative Technical Concepts (ATC), shall be identified by the Contractor. Any variations either perceived or noted by the Contractor or the HDOT shall not cause a proposal to be considered nonresponsive. HDOT will assess the variations during the evaluation process and score the proposal accordingly.
- Schematic drawings shall be provided to show the proposed conceptual design in sufficient detail to describe the work to be done. At a minimum, schematic drawings using 20 or 40 scale showing final roadway alignment, utilities layout, and traffic control phasing and management schemes shall be provided.
- A Narrative describing the Proposer's Quality Control Plan shall be provided. The narrative shall describe in sufficient detail how the Proposer will provide quality control over both the design and construction of this project. A description of the quality control organization showing lines of authority and reporting responsibilities shall be included in the Narrative.
- Project Schedule – Follow requirements stated in the Technical Provisions. The schedule shall indicate that the project will be completed within the required contract time. Any schedule that indicates the project will not be completed within the contract time will be considered nonresponsive to the requirement and will result in a reduction in scoring points. Schedule should indicate work hours, e.g., number of shifts per 24 hour period, number of days per week that work will be done, etc. The schedule shall include the following milestones with sufficient documentation
 - 50% Design Submittal,
 - 100% Design Submittal,
 - End of Job Submittal,
 - HDOT design reviews,
 - Permitting activities,
 - Public meetings,
 - Scheduled public events,

- Start of construction,
- Relocation of utilities,
- Construction phasing plan,
- Retaining walls,
- Intersection improvements,
- Lane closures
- Landscaping,
- Completion of all work items, and
- Plant establishment and maintenance periods.
- Updated Quality Control Plan containing all materials or elements known at the Design Concept stage.

Design Concept Document Submittal

The submittal shall contain the following

- Seven bound sets of schematic drawings and renderings (half-size prints)
- Seven copies of a list of anticipated permits and clearances to be obtained,
- Seven multi-colored plots of project schedule on 11"x17" size paper folded to approximately 8 ½ "x 11" size,
- Seven bound sets of Quality Control Plan Narrative, and
- Seven copies of the Design Concept Document Submittal on a searchable PDF files on CD-ROM or DVD media.

F. DESIGN CONCEPT SECTION SCORING

The contract resulting from this solicitation will be awarded to the responsible Proposer whose offer, conforming to this solicitation, is determined to be the most advantageous to the HDOT considering Design and Price evaluation factors. This Proposer in this and other documents may have been referred to in the documents under several different names, e.g., "lowest bidder", best value bidder, best value Proposer, etc., regardless of what is used the contract will be awarded in general in accordance with the ranking method stated in this Technical Provisions. However, HDOT reserves the right, at its sole discretion, to award the contract to other than the highest rated Proposer if HDOT determines another Proposer is the "Best Value".

Design Evaluation

- Evaluation of the Design Concept Documents will be conducted by a review committee consisting of a three member scoring panel (Evaluation Committee) and a non-scoring Technical Advisory Committee (TAC) comprised of personnel from the various disciplines covered within the proposal.

Discussions With Proposers

- Each Proposer will be given an opportunity to present their design concept to HDOT's Review Committee after HDOT establishes an initial Design Concept Score but before the Price Proposals are opened. These interviews will be held to allow HDOT to clarify any questions it may have.
- Any substantial oral clarification by the Proposer shall be reduced to writing by the Proposer and submitted to HDOT within 5 days after the meeting. HDOT will consider all information presented by the Proposer in this meeting in determining the final Design Concept Score and is part of the Design Concept.
- The winning Proposer shall incorporate into their design and construction all items presented in the interview that were not reflected in the Design Concept Documents. HDOT may take meeting minutes, audio or video records and will assume that all items discussed and in the written clarification submitted by the Proposer have been incorporated into subsequent design submittals.
- The Proposer shall be permitted to submit a new proposal or amend those submitted if, and only if, HDOT issues an addendum following these interviews.
- Each interview will be limited to 60 minutes maximum. 30 minutes will be given to the Proposer for presentation purposes, and a 30-minute questions and answers session. HDOT will contact each Proposer to set the final time, date, and location of the interview and will provide a minimum 7 days notice.

Design Evaluation Scoring

The evaluation will be based on the following weights:

	CRITERIA ITEM	MAX DESIGN SCORE
1	Effective Traffic Management Traffic Control Plan and Operational Efficiency, Work Zone Safety, Project Duration, Construction Duration, Lane Closure Duration	14
2	Technical Approach Road Widening And Ancillary Improvements (Drainage, Utilities, Etc.), Driveway/Crossing Design, Reduced Maintenance, Technical Innovation	20
3	Aesthetics of Design and Context Sensitivity Aesthetics and Landscaping Environmental Considerations	7
4	QC Plan	4

*For evaluation of the Basic Bid only

Maximum Design Concept score = 45 Points

G. PRICE PROPOSAL ITEMS

The Project is a design build project to be priced for a total lump sum price plus force account work items.

The itemized lump sum prices in the Proposal Schedule are intended principally to serve as a guide in determining and comparing the price proposals. The Proposal Schedule may not include all units of work traditionally itemized in other HDOT projects. The Proposer shall not add any force account items, only HDOT may add force account items. It is the responsibility of the Proposer to price the total scope of work necessary to complete the Project. Work that is left out of the Proposal Schedule and necessary to the completion of the project in the manner intended in the RFP will be considered to be included in the prices or the various contract items.

The Price Proposal shall consist of the completed PROPOSAL SCHEDULE and contract documentation attached.

The completed Price Proposal shall be submitted in a sealed envelope and clearly marked "PRICE PROPOSAL" that is separate from the Qualification and Design Concept Sections.

HDOT will consider this Price Proposal to be the Proposer's Best and Final offer unless HDOT issues addendum(s) to the Request for Proposal after receiving the Proposals.

Price Evaluation

The sealed Price Proposal will be opened after the Design Concept Documents have been evaluated and scored. The Price Score weight will be determined by HDOT's Review Committee as follows

$$\text{Price Score} = \frac{40 \text{ points} \times \text{Low Bid Amount rounded to the Nearest Thousand}}{\text{Bid Amount of any given Proposer rounded to the Nearest Thousand}}$$

The score will be rounded to the nearest tenth of a point. Any score of 0.05 or greater will be rounded to the next higher tenth of a point.

Total Score

Total design-build score will be the sum of Qualifications, Design Concept, and Price Scores.

The total Qualifications, Design, and Price Proposal Score will be as follows

BASIS FOR COMPARISON	MAX. QUALIFICATION SCORE	MAX. DESIGN SCORE	MAX. PRICE SCORE	MAX. TOTAL SCORE
Basic Bid	15	45	40	100

Depending on available funding and the determination of “Best Value” by the HDOT Review Committee the Review Committee has the discretion of determining which offer is most advantageous to the HDOT in determining the "Best Value" offer. In determining the “Best Value” offer to the HDOT, the HDOT need not quantify the tradeoffs that led to the “Best Value” decision.

H. DETERMINATION OF PROJECT AWARD AND CONTRACT EXECUTION

The project will be awarded to the Proposer deemed to offer the Best Value to HDOT based on the Qualifications Evaluation, Design Concept Evaluation, and Price Evaluation.

After HDOT completes its review of the completed Proposal Documents and determines the documents are in order and verifies that sufficient funds are available, HDOT will issue an award letter to the apparent Best Value Proposer.

The winning Proposer shall, for monthly payment and measurement purposes, break down all of lump sum contract items contained in the Proposal Schedule into measurable elements as required in Section 109 in the Standard Specifications. Unless otherwise shown in the Proposal Schedule, all items should be lump sum based.

Once Price Proposals are opened and Best Value evaluations are finalized, the winning Proposer will not be allowed to withdraw from the project. HDOT reserves the right to correct any mathematical errors and will base the Best Value on the corrected amount.

In the event, after evaluation of the Qualifications, Design, and Price Proposal, there is less than two responsive Proposers or if the construction cost for the apparent successful Proposer substantially exceeds HDOT’s project budget, HDOT, may at its sole discretion, cancel this Request for Proposal and re-advertise the project or reduce the scope of work.

END OF TECHNICAL PROVISIONS

V. ATTACHMENTS

CONFLICT OF INTEREST (COI) DISCLOSURE FORM

Potential organizational conflict must be disclosed by proposers to the project owner as stated in 23 CFR 636.116. This form is to be completed by the General Contractor and all of its engineering, environmental, or architectural consultants hired for this project.

The Federal Highway Administration has defined “organizational conflict of interest” in 23 CFR Section 636.116 as follows:

Organizational COI means that because of other activities or relationships with other persons, a person is unable to render impartial assistance or advice to the owner, or the person’s objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

These regulations also apply to “improper business practices and personal conflicts of interest” of the project owner’s selection team members. 23 CFR Section 636.117 indicates that Federal Acquisition Regulations will apply to the state’s selection team members in absence of relevant state laws and procedures. These regulations require government business to be “above reproach,” conducted “with complete impartiality and with preferential treatment for none” and with “the highest degree of public trust and an impeccable standard of conduct” to avoid “even the appearance of a conflict of interest.”

The identification, assessment, and management of real or potential COI is a joint task between HDOT and the private sector. It requires both parties to work together in an atmosphere of candor and accountability.

HDOT’s determination will be based on a number of factors including;

1. Situational facts – description of the situation and all known facts specific to the actual or potential COI;
2. Type of work – specific product or service involved;
3. Relationship to Management – specific interactions with HDOT’s decision managers; and
4. Timing and availability of project or service.

It is important to understand that specific facts disclosed in any COI situation will be unique to that situation. Therefore, the decisions and conclusions reached in one situation may or may not be directly applicable to another.

If an organizational COI is determined to exist, The State of Hawaii, Department of Transportation, Highways Division may, at its sole discretion, disqualify the proposer from further participation in the procurement, cancel this procurement, or if award has already occurred, canceled the contract. If the proposer was aware of an organizational COI prior to

award of the contract and did not disclose the conflict or potential conflict to HDOT, HDOT may terminate the contract for default.

Some examples of conflict of interest as seen by HDOT are:

Conflict

<u>Category</u>	<u>Description</u>
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- | | |
|----|--|
| 1. | An employee of the Contractor, who has a spouse or immediate relative that is a key Department personnel working on the project; |
| 2. | Any employee of the Contractor's engineering or environmental consultant who has a spouse or immediate relative that is a key Department personnel working on the project; |
| 3. | Any firm who assisted HDOT or HDOT's agent in preparing various Requests for Proposal (RFP) documents, and where that same firm is also partnering on the Proposer's team for the project.
Applicable RFP documents includes but is not limited to:
A. Technical Provisions;
B. Plan Sheets;
C. Special Provisions;
D. Geotechnical Borings; and
E. Any environmental document where specific recommendations or mitigation items are required as part of the project scope. |
| 4. | Any firm who is currently defending HDOT against a lawsuit, claim, informal claim, or notice of claim, by a contractor or subcontractor, and where that same firm is also partnering with the same contractor for this project. Also, any firm who is currently providing post design or construction management services to HDOT on a project where his Design-Build partner is the contractor. |

HDOT Key Project Personnel List:

Michael Hinazumi, Kauai District, Assistant District Engineer
Jamie Ho, Construction & Maintenance Branch, Engineering Program Manager
Stanford Iwamoto, Kauai District, Project Manager
Raymond McCormick, Kauai District, District Engineer

Failure to submit a complete Conflict of Interest Disclosure Form by the contractor and all of its engineering, environmental, or architectural consultants will automatically designate the proposer as non-responsive to this solicitation.

Failure to disclose conflict of interest information and any unsatisfactory performance of the contract as a result of the conflict, as perceived by HDOT, may result in commencement of debarment or suspension action defined in Section 103D-702, Hawaii Revised Statutes and Section 3-126, Hawaii Administrative Rules.

PART I

Date:	
Contractor, Engineering, Environmental, or Architectural firm name:	
<p>Would any of the four conflict categories shown on page 2 be applicable to your business or any employee or employees of your firm?</p> <p>[] – NO If your answer is “no”, endorse this form in the signature line provided below and skip Part II of this form.</p> <p>[] – YES If your answer is “yes”, continue to Part II of this form.</p>	
<p>My signature certifies that this firm has no business or personal relationships with any other companies, agencies or persons that could be considered as a conflict of interest or potential conflict of interest to HDOT, and that no principals, officers, agents, employees, or representatives of this firm that may have business or personal relationships with any other companies, agencies or persons that could be considered as a conflict of interest or potential conflict of interest to HDOT, pertaining to any and all work or services to be performed as a result of this request and any resulting contract with HDOT.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px; height: 1.2em;"></div> Date </div> <div style="width: 45%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px; height: 1.2em;"></div> Name and Title (please print) </div> </div> <div style="display: flex; justify-content: center; margin-top: 20px;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px; height: 1.2em; width: 60%;"></div> <div style="margin-left: 10px;">Signature</div> </div>	

PART II

Applicable Conflict Category (1 to 5):
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Name(s) of Employee (if applicable and/or specific to one individual or individuals):

Provide details of the potential conflict. Include project name, project owner and current applicable contract(s), litigation or claim amount, employee or business relationship with respect to conflict, and other information as applicable (attach other sheets as necessary):

Proposed action by Contractor or its Engineering, Environmental, or Architectural firm to mitigate conflict or potential conflict (attach other sheets as necessary). If HDOT has determined that a conflict exists and HDOT accepts the proposed mitigative action by the Contractor in this block, the Qualifications proposal will be scored using the information contained in the mitigation proposal.

I certify that information provided in Part II is true and correct and to the best of my knowledge.

_____ Date	_____ Name and Title (Please Print)
_____ Signature	
FOR HDOT's REVIEW COMMITTEE'S USE:	
<ol style="list-style-type: none"> 1. ___ A conflict does not exist 2. ___ A conflict does exist 3. ___ The proposed mitigative action by the Contractor or its professional service consultant(s) is/are adequate to mitigate the conflict. 4. ___ The proposed mitigative action by the Contractor or its professional service consultant(s) is/are <u>not</u> adequate to mitigate the conflict. 	
_____ Date	_____ _____ _____ Department's Review Committee Member Signatures

Attach this completed form as a tabbed Appendix to the PROPOSAL. This will not count against the PROPOSAL 100 page limitation.