

**PROPOSAL TO THE  
STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION**

**PROJECT:           MAALO ROAD RESURFACING  
VICINITY OF WAILUA FALLS  
DISTRICT OF LIHUE  
ISLAND OF KAUAI**

**PROJECT NO.:     583A-01-01M**

**COMPLETION TIME:   SEVENTY (70) Working Days from the date  
indicated in the Notice to Proceed from the  
Department.**

**DESIGN PROJECT MANAGER:**

**NAME:               Stephen Morikawa  
ADDRESS:           3060 Eiwa Street, Room 205, Lihue, HI 96766  
PHONE NO.:         (808)274-3118  
FAX NO.:            (808)274-3116**

Director of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Sir:

The undersigned bidder declares the following:

1. It has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal.
2. It has not been assisted or represented on this matter by any individual who has, in a State capacity, been involved in the subject matter of this contract within the past two years.
3. It has not and will not, either directly or indirectly offered or given a gratuity (i.e., an entertainment or gift) to any State or County employee to obtain a contract or favorable treatment under a contract.

The undersigned bidder further agrees to the following:

1. If this proposal is accepted, it shall execute a contract with the Department to provide all necessary labor, machinery, tools, equipment, apparatus and any other means of construction, to do all the work and to furnish all the materials specified in the contract in the manner and within the time therein prescribed in the contract, and that it shall accept in full payment therefore the sum of the unit and/or lump sum prices as set forth in the attached proposal schedule for the actual quantities of work performed and materials furnished and furnish satisfactory security in accordance with Section 103D-324, Hawaii Revised Statutes, within 10 days after the award of the contract or within such time as the Director of Transportation may allow after the undersigned has received the contract documents for execution, and is fully aware that non-compliance with the aforementioned terms will result in the forfeiture of the full amount of the bid guarantee required under Section 1032D-323, Hawaii Revised Statutes.
2. That the quantities given in the attached proposal schedule are approximate only and are intended principally to serve as a guide in determining and comparing the bids.
3. That the Department does not either expressly or by implication, agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any class or portion of the work, or to omit portions of the work, as may be deemed necessary or advisable by the Director of Transportation, and that all increased or decreased quantities of work shall be performed at the unit prices set forth in the attached proposal schedule except as provided for in the specifications.

4. In case of a discrepancy between unit prices and the totals in said Proposal Schedule, the unit prices shall prevail.
5. Agrees to begin work within 10 working days after the date of notification to commence with the work, which date is in the notice to proceed, and shall finish the entire project within the time prescribed.
6. The Director of Transportation reserves the right to reject any or all bids and to waive any defects when in the Director's opinion such rejections or waiver will be for the best interest of the public.

The bidder acknowledges receipt of and certifies that it has completely examined the following listed items: the Hawaii Department of Transportation, Air and Water Transportation Facilities Divisions, "General Provisions for Construction Projects, 1977", the Notice to Bidders, the Instruction to Bidders, the Special Provisions, the Technical Provisions, the Proposal, the Contract and Bond Forms, and the Project Plans.

In accordance with Section 103D-323, Hawaii Revised Statutes, this proposal is accompanied with a bid security in the amount of 5% of the total amount bid, in the form checked below. (Check applicable bid security submitted with bid.)

☒ Surety Bid Bond (Use standard form),

☐ Cash,

☐ Cashier's Check,

☐ Certified Check, or

☐ \_\_\_\_\_  
(Fill in other acceptable security.)

The undersigned bidder acknowledges receipt of any addendum issued by the Department by recording in the space below the date of receipt.

Addendum No. 1 12/3/03

Addendum No. 3 \_\_\_\_\_

Addendum No. 2 \_\_\_\_\_

Addendum No. 4 \_\_\_\_\_

In accordance with Section 103D-302, Hawaii Revised Statutes, the undersigned as bidder has listed the name of each person or firm, who will be engaged by the bidder on the project as Joint Contractor or Subcontractor and the nature of work to be done by each. It is understood that failure to comply with the aforementioned requirements may be cause for rejection of the bid submitted.

<u>Name of Subcontractor</u>	<u>Nature and Scope of Work</u>
1. <u>Ono Construction, Inc.</u>	<u>Rock Lining</u>
2. <u>Aina Site Construction, Inc.</u>	<u>Excavation, Concrete</u>
3. <u>Harry Asato Painting, Inc.</u>	<u>Pavement Markings</u>
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____

<u>Name of Joint Contractor</u>	<u>Nature and Scope of Work</u>
1. <u>NONE</u>	_____
2. _____	_____
3. _____	_____

("None" or if left blank indicates no Subcontractor or Joint Contractor; if more space is needed, attach additional sheets.)

The undersigned hereby certifies that the bid prices contained in the attached proposal schedule have been carefully checked and are submitted as correct and final.

This declaration is made with the understanding that the undersigned is subject to the penalty of perjury under the laws of the United States and is in violation of the Hawaii Penal Code, Section 710-1063, unsworn falsification to authorities, of the Hawaii Revised Statutes, for knowingly rendering a false declaration.

NIU CONSTRUCTION, INC.

Bidder

By

*Terence Chun*  
Authorized Signature

VICE PRESIDENT

Title

P.O. BOX 78, HONOLULU, HI 96810

Business Address

(808) 845-3991

Business Telephone

DECEMBER 11, 2003

Date

TERENCE CHUN

Contact Person and Phone Number  
(If different from above.)

**NOTE:**

If bidder is a CORPORATION, the legal name of the corporation shall be set forth above, the corporate seal affixed, together with the signature(s) of the officer(s) authorized to sign contracts for the corporation. Please attach to this page current (not more than six months old) evidence of the authority of the officer(s) to sign for the corporation.

If bidder is a PARTNERSHIP, the true name of the partnership shall be set forth above, with the signature(s) of the general partner(s). Please attach to this page current (not more than six months old) evidence of the authority of the partner authorized to sign for the partnership.

If bidder is an INDIVIDUAL, the bidder's signature shall be placed above.

If signature is by an agent, other than an officer of a corporation or a partner of a partnership, a POWER OF ATTORNEY must be on file with the Department before opening bids or submitted with the bid. Otherwise, the Department may reject the bid as irregular and unauthorized.

# PREFERENCES

1. The bidder agrees that preferences shall be taken into consideration to determine the low bidder in accordance with said Sections and the rules promulgated, however, the award of contract will be in the amount of the bid offered exclusive of any preferences.

2. It is further understood by the bidder that if the bidder elects to furnish qualified Hawaii Products, and is awarded the contract, then fails to use such products or meet the requirements of such preference, the bidder shall be subject to the statutory penalties, provided in Section 103D-1002, HRS, and such other remedies as may be available to the State.

## HAWAII PRODUCTS PREFERENCE

It is understood that certain Hawaii products as described in the schedule below are acceptable for use in this project and that, pursuant to Sections 103D-1002, HRS, which provides preference for Hawaii Products, the bidder proposing to use such Hawaii products must fill in the schedule below.

However, where there are a number of qualifying classes of Hawaii products of a given description, the bidder must indicate on the schedule which class will be furnished by circling the class of the particular Hawaii product that will be used. Otherwise, preference will be given based on the class with the lower percentage.

If the bidder proposes to use Hawaii Products, the bidder must so designate in said schedule by entering the cost of such product in the appropriate space provided. Failure on the part of the bidder to designate the use of Hawaii products will automatically void any preference for that product.

SCHEDULE OF ACCEPTABLE HAWAII PRODUCT AND DESIGNATION OF HAWAII PRODUCTS TO BE USED					
ACCEPTABLE HAWAII PRODUCTS			HAWAII PRODUCTS TO BE USED		
DESCRIPTION	CLASS	MANUFACTURER VENDOR	Cost FOB Jobsite, Unloaded Including Applicable General Excise & Use Taxes (a)	% (b)	Credit (a) x (b)
Aggregates (All Islands)	III	West Hawaii Concrete	\$	10%	\$
Asphalt Concrete Mixes - Kauai	III	Jas. W. Glover, Ltd.	\$	10%	\$
	(III)	Niu Construction, Inc.	\$ 265,200	10%	\$ 26,520.00
Basalt Sand (All Islands)	III	Jas. W. Glover, Ltd.	\$		\$
Concrete Masonry Units (All Islands)	III	Jas. W. Glover, Ltd.	\$	10%	\$

Concrete Pipes (All Islands)	III	Hawaii Concrete Products, Inc.	\$	10%	\$
Consolidated Hawaii Manufactured Products (All Islands)	II	Bomat, Ltd. dba Bonded Materials Company	\$	5%	\$
Concrete Median Traffic Barriers for Traffic Control (All Islands)	III	Hawaii Precast, Inc.	\$	10%	\$
Grade "A" Basalt Aggregate (All Islands)	III	Jas. W. Glover, Ltd	\$	10%	\$
Hot Dip Galvanizing (Oahu, Hawaii, Kauai, Maui, Molokai)	II	Ferro Union Hawaii, Inc.	\$	5%	\$
Limestone Coral Aggregate (All Islands)	III	Jas. W. Glover, Ltd.	\$	10%	\$
Limestone Coral Sand (All Islands)	III	Jas. W. Glover, Ltd.	\$	10%	\$
Limestone Masonry Sand (All Islands)	III	Tileco, Inc.	\$	10%	\$
Masonry Cement (Super mortar) (All Islands)	I	Hawaiian Cement	\$	3%	\$
Portland Cement Ready Mix Concrete (Kauai)	III	Hale Kauai Ltd	\$	10%	\$
Precast Concrete Structures (All Islands)	III	Aloha Precast, Inc.	\$	10%	\$
Precast Concrete Products (Kauai)	III	Kauai Precast, LLC	\$	10%	\$
Ready Mix Concrete: Portland Cement Concrete Mixes (All Islands)	III	West Hawaii Concrete	\$	10%	\$
Reinforced Concrete Pipe (Non Cylinder) (All Islands)	III	Ameron International Corp., dba Ameron Hawaii	\$	10%	\$
Signs	II	Sun Industries, Inc.	\$	5%	\$
Sized Basalt Rock (All Islands)	III	Jas. W. Glover, Ltd	\$	10%	\$
Traffic and Construction Signs	II	Safety Systems Hawaii, Inc.	\$	5%	\$
<b>T O T A L</b>					<b>\$26,520.</b>

The bidder agrees that preference for Hawaii products shall be taken into consideration to determine the low bidder according to said Sections and the rules promulgated, however, the award of contract will be in the amount of the bid offered exclusive of any preferences.

It is further understood by the bidder that if the bidder elects to furnish qualified Hawaii Products, and is awarded the contract, then fails to use such products or meet the requirements of such preference, the bidder shall be subject to the statutory penalties, provided in Section 103D-1002, Hawaii Revised Statute, and such other remedies as may be available to the State.

**RECYCLED PRODUCT PREFERENCE.**

Recycled product preference shall not apply to this proposal.