

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION

**ADDENDUM NO. 2**

FOR

**HONOPILANI HIGHWAY SAFETY IMPROVMENTS  
KAPOLI STREET TO PAPALAU BEACH PARK**

**FEDERAL-AID PROJECT NO. HSIP-030-1(45)**

**DISTRICTS OF WAILUKU AND LAHAINA**

**ISLAND OF MAUI**

**2019**

The following amendments shall be made to the Bid Documents:

**A. SPECIAL PROVISION**

1. Replace Section 103 pages 103-1a thru 103-5a dated 05/05/14 with the attached Section 103 pages 103-1a thru 103-5a dated r09/28/18

**B. PROPOSAL SCHEDULE**

1. Replace Proposal Schedule pages P-8 thru P-10 dated 08/20/18 with the attached Proposal Schedule pages P-8 thru P-10 dated r10/04/18.
2. Replace Proposal Schedule page 11 dated 07/01/10 with the attached Proposal Schedule page 11 dated r09/28/18.

Please acknowledge receipt of this Addendum No. 2 by recording the date of its receipt in the space provided on page P-4 of the proposal.



\_\_\_\_\_  
JADE T. BUTAY  
Director of Transportation

1 Make this section a part of the Standard Specifications:

2  
3 **"SECTION 103 - AWARD AND EXECUTION OF CONTRACT**

4  
5 **103.01 Consideration of Proposals.** The Department will compare the  
6 proposals in terms of the summation of the products of the approximate  
7 quantities and the unit bid prices after the Contracts Officer opens and reads the  
8 proposals. The Department will make the results immediately available to the  
9 public. If a discrepancy occurs between the unit bid price and the bid price, the  
10 unit bid price shall govern.

11  
12 The "Buy America" provisions in the Surface Transportation Assistance Act  
13 of 1982 is applicable to Federal-aid projects. Bidders may submit a bid based  
14 upon the furnishing and use of domestic steel or foreign steel. Manufacturing  
15 processes for domestic steel shall occur in the United States.

16  
17 The Department will consider the bid based on furnishing domestic steel.

18  
19 The Department reserves the right to reject proposals, waive technicalities  
20 or advertise for new proposals, if the rejection, waiver, or new advertisement  
21 favors the Department.

22  
23 **103.02 Award of Contract.** The award of contract, if it be awarded, will be  
24 made within 60 calendar days after the opening of bids, to the lowest  
25 responsible bidder whose proposal complies with all the requirements. The  
26 successful bidder will be notified by letter mailed to the address shown in its  
27 proposal, that its proposal has been accepted, and that it has been awarded  
28 the contract.

29  
30 **(1) Requirement for Award.** To be eligible for award, the apparent low  
31 bidder will be contacted to submit copies of the documents listed below to  
32 demonstrate compliance with HRS Section 103D-310(c). The documents should  
33 be submitted to the Department as soon as possible. If a valid certificate/clearance  
34 is not submitted on a timely basis for award of a contract, a bidder otherwise  
35 responsive and responsible may not receive the award. See also Subsection  
36 108.03 – Preconstruction Data Submittal.

37  
38 **(A) Tax Clearance.** Pursuant to HRS Sections 103D-310(c), 103-53 and  
39 103D-328, the successful bidder shall be required to submit a certified copy  
40 of its tax clearance issued by the Hawaii State Department of Taxation  
41 (DOTAX) and the Internal Revenue Service (IRS) to demonstrate its  
42 compliance with HRS Chapter 237. A tax clearance is valid for six (6)  
43 months from the most recent approval stamp date on the tax clearance and

44 must be valid on the bid's first legal advertisement date or any date  
45 thereafter up to the bid opening date.

46  
47 FORM A6, TAX CLEARANCE CERTIFICATE, is available at  
48 the following website:

49  
50 <http://www.hawaii.gov/tax/>

51  
52 To receive DOTAX Forms by fax or mail, phone  
53 (808) 587-7572 or 1-800-222-7572.

54  
55 The application for the Tax Clearance Certificate is the responsibility  
56 of the bidder and must be submitted directly to the DOTAX or IRS. The  
57 approved certificate may then be submitted to the Department.

58  
59 **(B) DLIR Certificate of Compliance.** Pursuant to HRS Section 103D-  
60 310(c), the successful bidder shall be required to submit a copy (faxed  
61 copies are acceptable) of its approved certificate of compliance issued by  
62 the Hawaii State Department of Labor and Industrial Relations (DLIR) to  
63 demonstrate its compliance with unemployment insurance (HRS Chapter  
64 383), workers' compensation (HRS Chapter 386), temporary disability  
65 insurance (HRS Chapter 392), and prepaid health care (HRS Chapter 393).  
66 The certificate is valid for six (6) months from the most recent approval  
67 stamp date on the certificate and must be valid on the bid's first legal  
68 advertisement date or any date thereafter up to the bid opening date. For  
69 certificates which receive a "pending" approval stamp, a DLIR approval  
70 stamp is required prior to the issuance of the Notice to Proceed.

71  
72 FORM LIR#27, APPLICATION FOR CERTIFICATE OF COMPLIANCE  
73 WITH SECTION 3-122-112, HAR, is available at the following website:

74  
75 [www.hawaii.gov/labor](http://www.hawaii.gov/labor)

76 More information is available by calling the DLIR Unemployment Insurance  
77 Division at (808) 586-8926.

78  
79 Inquiries regarding the status of a LIR#27 Form may be made by  
80 calling the DLIR Disability Compensation Division at (808) 586-9200.

81  
82 The application for the Certificate of Compliance is the responsibility  
83 of the bidder and must be submitted directly to the DLIR. The approved  
84 certificate may then be submitted to the Department.

85  
86 **(C) DCCA Certificate of Good Standing.** Pursuant to HRS Section  
87 103D-310(c), the successful bidder shall be required to submit a copy

(faxed copies are acceptable) of its approved Certificate of Good Standing issued by the Hawaii State Department of Commerce and Consumer Affairs (DCCA), Business Registration Division (BREG) to demonstrate that it is either:

(1) Incorporated or organized under the laws of the State; or

(2) Registered to do business in the State as a separate branch or division that is capable of fully performing under the contract.

The Certificate of Good Standing is valid for six (6) months from the approval date on the certificate and must be valid on the bid's first legal advertisement date or any date thereafter up to the bid opening date. A Hawaii business that is a sole proprietorship, however, is not required to register with the BREG, and therefore not required to submit a Certificate of Good Standing. Bidders are advised that there are costs associated with registering and obtaining a Certificate of Good Standing from the DCCA.

To purchase a CERTIFICATE OF GOOD STANDING, go to On-Line Services at the following website:

[www.hawaii.gov/dcca/](http://www.hawaii.gov/dcca/)

The application for the Certificate of Good Standing is the responsibility of the bidder and must be submitted directly to the DCCA. The approved certificate may then be submitted to the Department.

**(D) Hawaii Compliance Express (HCE).** In lieu of the certificates referenced above, the bidder may make available proof of compliance through the Hawaii Compliance Express or any other designated certification process. Bidders may apply and register at the "Hawaii Compliance Express" website:

**103.03 Cancellation of Award.** The Department reserves the right to cancel the award of contracts before the execution of said contract by the parties. There will be no liability to the awardee and to other bidders.

**103.04 Return of Proposal Guaranty.** The Department will return the proposal guaranties, except those of the three lowest bidders, after the Department checks the proposals. The Department will return the proposal guaranties of the remaining two lowest bidders not awarded the contract within five working days following the execution of the contract. The Department will return the successful bidder's proposal guaranty after the successful bidder furnishes a bond and executes the contract.

**103.05 Requirement of Contract Bond.** At the time of execution of the contract, the successful bidder shall file a good and sufficient performance bond and a payment bond on the forms furnished by the Department conditioned for the full and faithful performance of the contract in accordance with the terms and intent thereof and for the prompt payment to all others for all labor and material furnished by them to the bidder and used in the prosecution of the work provided for in the contract. The bonds shall be of an amount equal to 100 percent of the amount of the contract price and include 5 percent of the contract amount estimated to be required for extra work. The bidder shall limit the acceptable performance and payment bonds to the following:

(a) Legal tender;

(b) Surety bond underwritten by a company licensed to issue bonds in the State of Hawaii; or

(c) A certificate of deposit; share certificate; cashier's check; treasurer's check, teller's check drawn by or a certified check accepted by and payable on demand to the State by a bank savings institution or credit union insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA).

1. The bidder may use these instruments only to a maximum of \$100,000.

2. If the required security or bond amount totals over \$100,000 more than one instrument not exceeding \$100,000 each and issued by different financial institutions shall be acceptable.

Such bonds shall also by the terms inure to the benefit of any and all persons entitled to file claims for labor done or material furnished in the work so as to give them a right of action as contemplated by HRS Section 103D-324.

**103.06 Execution of the Contract.** The contract bond and HRS Chapter 104 - Compliance Certificate, similar to a copy of the same annexed hereto, shall be executed by the successful bidder and returned within ten days after the award of the contract or within such further time as the Director may allow after the bidder has received the contract for execution.

The contract shall not bind the Department unless said parties execute the contract and the Director of Finance endorses the bidder's certificate in accordance with HRS Section 103-39.

177 **103.07 Failure to Execute Contract.** Failure to execute the contract and file  
178 acceptable bonds shall be cause for the cancellation of the award in accordance  
179 with Subsection 103.06 - Execution of the Contract. Also, the Contractor forfeits  
180 the proposal guaranty which becomes the property of the Department. This is not  
181 a penalty, but liquidated damages sustained by the State. The Department may  
182 then make award to the next lowest responsible bidder or the Department may  
183 readvertise and construct the work under contract."

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**END OF SECTION 103**

## PROPOSAL SCHEDULE

ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
203.1000	Roadway Excavation	400	CY	\$ _____	\$ _____
209.0100	Installation, Maintenance, Monitoring and Removal of B.M.P.	LS	LS	LS	\$ _____
209.0110	Additional Water Pollution, Dust, and Erosion Control	FA	FA	FA	\$ 25,000.00
301.0800	HMA Base Course	215	TN	\$ _____	\$ _____
305.1200	Aggregate Subbase Course	295	CY	\$ _____	\$ _____
401.0400	HMA Pavement, Mix No. IV	190	TN	\$ _____	\$ _____
603.9000	Clean Existing Culvert	FA	FA	FA	\$ 10,000.00
604.1000	Inlet Structure	1	EA	\$ _____	\$ _____
604.1100	Inlet Structure Repair	FA	FA	FA	\$ 30,000.00
604.1200	Type "1" Grated Drop Inlet, 4.00 Feet to 4.99 Feet	1	EA	\$ _____	\$ _____
606.1000	31" W-Beam Guardrail	525	LF	\$ _____	\$ _____
606.2000	Terminal Section, Modified Type "G" Flare	1	EA	\$ _____	\$ _____
606.2100	Terminal Section, Modified Type "A-1" Flare	1	EA	\$ _____	\$ _____
612.1000	Grouted Rubble Paving	585	CY	\$ _____	\$ _____
615.0100	16-Inch Milled Rumble Strip, Centerline	22,713	LF	\$ _____	\$ _____

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## PROPOSAL SCHEDULE

ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
615.0400	12-Inch Milled Rumble Strip, Shoulder	43,408	LF	\$ _____	\$ _____
623.3002	Traffic Signal Assembly, (1 Way, 12-Inch, 1-3 Section Vertical, Programmable Visibility Head with Mast-Arm Mounting)	1	EA	\$ _____	\$ _____
623.3060	Traffic Signal Assembly (1-Way, 12-Inch, 1-3 Section Vertical with Mast-Arm Mounting) with LED Signal Lights	3	EA	\$ _____	\$ _____
623.3900	Approach Only Microwave Vehicle Detector	1	EA	\$ _____	\$ _____
623.4001	Traffic Signal Back Plate (Louvered, Black with Border)	4	EA	\$ _____	\$ _____
623.7052	Loop Detector Sensing Unit (6Ft. X 6 Ft.) Two Loops	3	EA	\$ _____	\$ _____
623.7054	Loop Detector Sensing Unit (6Ft. X 6 Ft.) Four Loops	1	EA	\$ _____	\$ _____
623.7056	Loop Detector Sensing Unit (6Ft. X 6 Ft.) Six Loops	1	EA	\$ _____	\$ _____
629.1011	Double 4-Inch Pavement Striping (Thermoplastic Hot Spray)	19,697	LF	\$ _____	\$ _____
629.1013	4-Inch Pavement Striping (Thermoplastic Hot Spray)	863	LF	\$ _____	\$ _____
629.2030	Type "D" Pavement Markers	1,073	EA	\$ _____	\$ _____
629.2070	Type "H" Pavement Markers	25	EA	\$ _____	\$ _____
629.2080	Type "J" Pavement Markers	973	EA	\$ _____	\$ _____
631.5100	Warning Sign (10 Square Feet or Less)	116	EA	\$ _____	\$ _____

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## PROPOSAL SCHEDULE

ITEM NO.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
631.5101	Warning Sign (10 Square Feet or Less) with Post(s)	163	EA	\$ _____	\$ _____
645.1000	Traffic Control	LS	LS	LS	\$ _____
645.2000	Additional Police Officers, Additional Traffic Control Devices and Advertisement	FA	FA	FA	\$ 48,000.00
648.1000	Field-Posted Drawing	LS	LS	LS	\$ _____
699.1000	Mobilization (Not to Exceed 6% of the Sum of All Items Excluding the Bid Price of This Item.)	LS	LS	LS	\$ _____
SUM OF ALL ITEMS					\$ _____
<p>NOTE: Bidders must complete all unit prices and amounts. Failure to do so may be ground for rejection of bid.</p>					

1 **PROPOSAL SCHEDULE**

2  
3 The bidder is directed to Subsection 105.16 - Subcontracts.

4  
5 The bidder's attention is directed to Sections 696 - Field Office and  
6 Project Site Laboratory and 699 - Mobilization for the limitation of the amount  
7 bidders are allowed to bid.

8  
9 If the bid price for any proposal item having a maximum allowable bid  
10 indicated therefore in any of the contract documents is in excess of such a  
11 maximum amount, the bid price for such proposal item shall be adjusted to  
12 reflect the limitation thereon. The comparison of bids to determine the  
13 successful bidder and the amount of contract to be awarded shall be determined  
14 after such adjustments are made, and such adjustments shall be binding upon  
15 the bidder.

16  
17 The bidder is directed to Section 717 - Cullet and Cullet-Made Materials  
18 regarding recycling of waste glass.