

INSTRUCTIONS TO BIDDERS

1. BIDDERS QUALIFICATION AND INTENTION TO BID.

a. **ARCHAEOLOGICAL MONITOR.** Each bidder shall submit, with its written Intent to Bid, an archaeological monitor approved by the Hawaii State Historic Preservation Division (SHPD). A form, HAWAII STATE HISTORIC PRESERVATION DIVISION APPROVAL of Archaeological Monitor, is included with the bid document for this purpose. Obtaining SHPD's approval of an Archaeological monitor shall be the bidder's responsibility and bidders failure to obtain the approval or failure to submit an approved archaeological monitor form with its written Intent to Bid is grounds for rejection of its bid.

Each bidder shall enter the approved Archaeological Monitor's name on the Subcontractor Proposal Page of its bid proposal.

The bidder selected by the Hawaii State Department of Transportation (DOT), if a construction contract is awarded, shall direct the approved archaeological monitor to coordinate and adhere to the approved archaeological monitoring plan to during the course of excavation activities. The State has submitted and acquired an approval from the SHPD for an archaeological monitoring plan that shall be implemented and adhered to during construction.

b. According to Section 103D-310, Hawaii Revised Statutes, the bidder shall submit a written Notice of Intention to Bid by 4:30 P.M., 10 calendar days before the designated bid opening date (not including the bid opening date) to the Contracts Office at 869 Punchbowl Street, Honolulu, Hawaii 96813. If the tenth day is on a Saturday, Sunday or State holiday, the Notice of Intention to Bid is due on the last working day before the due date. Faxed notice is acceptable provided the Contracts Office receives the faxed notice within the time stated above. The fax number is (808) 587-2132. It is the bidder's responsibility to ensure that the Contracts Office receives the faxed notice of intent within the time stated above and in a legible condition.

In accordance with said Section 103D-310, the Director may require any prospective bidder to fill out a questionnaire regarding the bidder's qualifications.

No person, firm, or corporation may bid where (1) the person, firm, or corporation, or (2) a corporation owned substantially by the person, firm, or corporation, or (3) a substantial stockholder or an officer of the corporation, or (4) a partner or substantial investor in the firm is in arrears in payments owed to the State of Hawaii or its political subdivisions or is in default as a surety or failure to do faithfully and diligently previous contracts with the State.

2. **ADDENDA.** Any addenda issued prior to the opening of proposals shall be binding upon the bidder and shall be made a part of the contract.

3. **BID DOCUMENTS.** Borrowed bid documents shall be returned in good condition within 30 calendar days after the bid opening date.

4. BID AND TAX CLEARANCE REQUIREMENTS.

a. The bidder's attention is directed to Section 102 - Bidding Requirements and Conditions.

b. All bidders should submit original tax clearance certificates or certified copies from the Department of Taxation and the Internal Revenue Service with their bid proposals when the bid is \$25,000 or more. Bidders are required to provide a tax clearance prior to entering into a public contract of \$25,000 or more, pursuant to ACT 352, SLH 1997. Only an original tax clearance certificate or certified copy issued by the State Department of Taxation and the Internal Revenue Service will be accepted. Bidder's attention is directed to Section 102.20 - Tax Clearance of the Special Provisions.

c. For information on Tax Clearances, contact the Department of Taxation at (808)587-4242, 587-1455 or 587-1598 or the Internal Revenue Service at (808)541-1160 or visit the Department of Taxation's Website at <http://www.hawaii.gov/tax/tax.html>. To receive forms by mail or FAX, call (808)587-7572 or 1-800-222-7572.

5. AWARD OF CONTRACT. The bidder's attention is directed to Section 103 - Award and Execution of Contract.

6. EMPLOYMENT OF CONTRACTORS SUSPENDED BY THE STATE. The bidder shall not submit a proposal on behalf of any Contractor suspended by the State. The successful bidder shall not subcontract any portion of the contract to any Contractor who has been suspended by the State; nor shall the successful bidder hire any person on the management level of a Contractor suspended by the State in order to circumvent the provisions of this paragraph. The State may void the award of or refuse to award a contract for violation of this paragraph.

7. LISTING OF JOINT CONTRACTORS AND/OR SUBCONTRACTORS. The bidder's attention is directed to the Proposal where the names of all joint Contractors and/or subcontractors to be engaged in the work and the nature of work involved must be indicated by completing the form provided in the proposal. Failure to comply may result in the rejection of the bid. If no joint Contractor or subcontractor is to be engaged, the form must be completed by writing "none" on the form. If left blank, the Department will interpret the blank as no joint Contractors and/or subcontractors will be used.

8. PREFERENCES. The bidder's attention is directed to Subsection 102.18 - Preferences and the Proposal regarding preferences and the applicable preferences for this project. If the bidder intends to claim preference for any product on the Hawaii Products List and such is not listed in the Proposal section, the bidder should immediately notify the Contracts Office, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813.

9. DECLARATION OF STATE EMPLOYMENT. Bidder's attention is directed to proposal page P-2. There is no separate declaration form.

10. DECLARATION OF NON-COLLUSION. Bidder must execute and submit the attached "Declaration of Non-Collusion" together with its bid. Failure to execute and submit said declaration will be sufficient grounds for rejection of bid.

11. ORDERING OF CERTAIN MATERIALS. The bidder's attention is directed to Section 106.13 - Ordering of Certain Materials.