

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

**ADDENDUM NO. 1
FOR
REQUEST FOR PROPOSALS
WAHIAWA PEDESTRIAN BRIDGE
WHITMORE VILLAGE TO WAHIAWA**

PROJECT NO. HWY-O-07-18

July 1, 2020

This Addendum shall make the following amendments to the Request for Proposals:

A. REQUEST FOR PROPOSALS

Delete the Request for Proposals notice dated 6/10/20 and replace with attached Request for Proposals notice dated r6/29/2020.

B. SECTION 1 - OVERVIEW OF PROCUREMENT PROCESS

Delete Pages 10 and 11 dated 6/15/20 and replace with attached Pages 10 and 11 dated r6/29/2020.

C. SECTION 3 - SCOPE OF WORK AND REQUIREMENTS

Delete Page 21 dated 6/15/20 and replace with attached Page 21 dated r6/29/2020.

D. SECTION 4 - PROPOSAL

Delete Pages 48, 50, 56 and 57 dated 6/15/20 and replace with attached Pages 48, 50, 56 and 57 dated r6/29/2020.

E. SECTION 5 - PROPOSAL EVALUATION

Delete Pages 59 and 60 dated 6/15/20 and replace with attached Pages 59 and 60 dated r6/29/2020.

F. APPENDICES

1. APPENDIX B: Offer Form, OF-2
Delete "PROPOSAL" cover page to page P-8 and replace with attached "PROPOSAL" cover page to page P-8 dated r6/29/20.
2. APPENDIX D: Contract Forms and AG General Conditions
Delete Page 1 of the Contract for Goods or Services Based Upon Competitive Sealed Proposals and replace with attached Page 1 dated r6/29/2020.
3. APPENDIX F: Special Provisions
 - a. Delete Pages 102-1a through 102-12a dated 6/10/2020 and replace with attached Pages 102-1a through 102-7a dated r6/29/2020.
 - b. Delete Page 103-1a dated 6/10/2020 and replace with attached Page 103-1a dated r6/29/2020.
4. APPENDIX G: Conflict of Interest (COI) Disclosure Form
Delete Page 2 of the COI form dated 02/19/08 and replace with attached Page 2 dated r6/29/2020.

G. ADDENDUM ACKNOWLEDGMENT

The attached "Addendum Acknowledgment" shall be filled in and turned in with Offeror's Step 1 – Qualification Proposal. This will not count against the Qualification Proposal 100-page limitation.

Please acknowledge receipt of this Addendum No. 1 by recording the date of its receipt in the space provided on the "Addendum Acknowledgement" page.



JADE T. BUTAY
Director of Transportation

REQUEST FOR PROPOSALS
FOR
WAHIAWA PEDESTRIAN BRIDGE
WHITMORE VILLAGE TO WAHIAWA
PROJECT NO. HWY-O-07-18
DISTRICT OF WAHIAWA
ISLAND OF OAHU

The State of Hawaii, Department of Transportation, Highway Division (HDOT), is requesting proposals for the WAHIAWA PEDESTRIAN BRIDGE, WHITMORE VILLAGE TO WAHIAWA, Project No. HWY-O-07-18. Sealed Proposals will be received at the Contracts Office, Department of Transportation, 869 Punchbowl Street, Room 105, Honolulu, Hawaii 96813 until 2:00 P.M., **August 19, 2020**. This is a **Design-Build** project.

Persons, firms or entities that are interested in being considered for providing the services described in this notice may download the RFP documents online at:
<http://hidot.hawaii.gov/administration/con/>.

To be eligible for award, proposers must possess a valid State of Hawaii General Engineering Contractor's "A" license, prior to the award of the contract.

ATTENTION: Due to the impacts of COVID 19, proposal submissions will be accepted by the Contracts Office for drop off in the lobby, DOT Aliiimoku Hale, between the hours of 1:00 p.m. to 2:00 p.m., HST, Monday through Friday, excluding holidays. Proposers shall allow enough time to mail or courier their proposal to meet the said due date and time. If the

proposer chooses to deliver their bid by United States Postal Service (USPS), please be advised the USPS does not deliver directly to the State of Hawaii, DOT, Contracts Office, but to a central mailroom before final delivery to the Contracts Office. This may cause a delay in receipt of proposal(s) by the Contracts Office and the proposal(s) may reach the Contracts Office after the said due date and time, resulting in automatic rejection and return of bid. The DOT shall not be responsible for proposals not received by the said due date and time due to mail or courier delivery delays. Electronic proposals shall not be accepted. Proposal envelopes shall be clearly marked “SEALED PROPOSAL” with complete mailing address to the DOT, Contracts Office.

Scope of Work:

Design, permitting and construction of a shared use pedestrian/bicycle path between Whitmore Village and Wahiawa Town. The Project consists of, but is not limited to:

- Constructing a new non-vehicular facility that includes a pedestrian/bicyclist bridge over Kiikii Stream
- Drainage analysis and construction of drainage utilities, if required
- Grading
- Construction of retaining walls
- Installation of chain link fencing, railings and gates (See HDOT Standard Plan D-03)

- Hydrology and hydraulics analysis, scour analysis and the resultant construction of necessary scour protection measures based on the analysis
- Installation of pedestrian/bicycle path lighting
- Pavement markings and signs
- Landscaping
- Providing temporary and permanent Best Management Practices (BMPs)
- Temporary work zone and permanent traffic control
- Public Information Meetings
- Processing and acquiring all permits required to ensure that the design and construction of the Project is in compliance with appropriate federal, State, and City and County of Honolulu Standards.

Award of Contract: This project will be awarded in a two-step process.



Attention is directed to ~~Section III~~ 4.6 – Qualification Proposal and ~~Section IV~~ 4.9 – Design and Price Proposal of the Technical Provisions.

Phase-I Submission of a Qualification Proposal. Ten (10) copies of the Qualification Proposals must be received at the DOT Contracts Office no later than **2:00 P.M., August 19, 2020**. It is the proposer's responsibility to ensure that the Contracts Office receives the Qualification Proposal on time.

The HDOT's Review Committee ("Review Committee") will determine the top three proposers based on qualifications contained in the Qualification Proposal. Proposers will be notified of their results by **September 4, 2020**.

Phase-II The top three proposers shall submit Ten (10) copies of proposals (design concept documents and price) to the Contracts Office no later than **2:00 p.m., November 25, 2020**. Additionally, the HDOT may conduct interviews with each proposer to provide the proposer an opportunity to present their design concept and to answer any questions the HDOT may have. All requests for information (RFI) shall be received in writing (email is preferred) by **4:00 PM, November 4, 2020**. Questions received after the deadline will not be addressed. Verbal requests for information will not receive a response.

The successful proposer selected in accordance with Section IV of the Technical Provisions will be awarded the Project.

The Hawaii Products Preference pursuant to Section 103D-1002, Hawaii Revised Statutes (HRS), is applicable to this project. Persons wishing to certify and qualify a product as a Hawaii Product shall submit a Certification for Hawaii Product Preference (SPO) Form 38) to the DOT Contracts office no later than 4:30 P.M., fourteen (14) calendar days prior to the Phase I - Qualification Proposal due date. Late submittals for this project will not be reviewed by the DOT. A separate SPO-Form 38 shall be completed and submitted for each product. Forms are available at <http://spo.hawaii.gov/wp-content/uploads/2013/12/spo-038.doc>.

Compliance with Act 192, SLH 2011 is a requirement for this project whereby a minimum of 80% of the proposer's work force on this project **must** consist of Hawaii residents.

A pre-proposal conference is scheduled for **July 17, 2020 at 10:00 AM**. All prospective proposers or their representatives (employees) are encouraged to attend, but attendance is not mandatory. **Due to the impacts of COVID 19, the**

pre-proposal conference will be conducted virtually. Please call via Skype to join the pre-proposal conference at 1-808-829-4853, 527467862#. Questions applicable to the Project Specifications should be emailed to Holly Yuen, Project Manager, at holly.yuen@hawaii.gov no later than two days prior to the scheduled date of the pre-proposal conference. Anything said at the conference is for clarification purposes and any changes to the bid documents will be made by addendum.


Any protest of this solicitation shall be submitted in writing to the Director of Transportation, in accordance with §103D-701, HRS and §3-126, HAR.

Campaign contributions by State and County Contractors. Contractors are hereby notified of the applicability of Section 11-355, HRS, which states that campaign contributions are prohibited from specified State or County government contractors during the term of the contract if the contractors are paid with funds appropriated by the legislative body. For more information, contact the Campaign Spending Commission at (808) 586-0285.

The Equal Employment Opportunity Regulations of the Secretary of Labor implementing Executive Order 11246, as amended shall be complied with on this project.

Driving While Impaired (DWI) Education. HDOT encourages all organizations contracted with the DOT to have an employee education program preventing DWI. DWI is defined as operating a motor vehicle while impaired by alcohol or other legal or illegal substances. HDOT promotes this type of program to accomplish our mission to provide a safe environment for motorists, bicyclists, and

pedestrians utilizing our State highways, and expects its contractors to do so as well.

The U.S. Department of Transportation Regulation entitled “Nondiscrimination in Federally-Assisted Programs of the U.S. Department of Transportation,” Title 49, Code of Federal Regulations (CFR), Part 21 is applicable to this project. Proposers are hereby notified that the Department of Transportation will affirmatively ensure that the contract entered into pursuant to this advertisement  will be awarded ~~to the most qualified proposer~~ without discrimination on the grounds of race, color, national origin or sex (as directed by 23 CFR Part 200).

For additional information, contact Holly Yuen, Project Manager, by phone at (808) 692-7548, by fax at (808) 692-7555 or email at holly.yuen@hawaii.gov.

The State reserves the right to reject any or all proposals and to waive any defects in said proposals for the best interest of the public.



JADE T. BUTAY
Director of Transportation

Posted: June 15, 2020

Step 1 – Submission of Qualification Proposal – Submit the Qualification Package by the date and time specified in Section 1.5, Table 1. It is the Proposer’s responsibility to ensure that the HDOT receives the Qualification Proposal on time.

Step 2 – Submission of Design Concept Documents and Price Proposal – The top three Proposers shall submit the Design Concept Documents and Price Proposal to the HDOT. Submit the required documents by the date and time specified in Section 1.5, Table 1.



Award, if any, shall be made to the ~~responsive and~~ responsible Proposer who meets or exceeds the minimum number of evaluation criteria points. Also, the Proposal will be the Proposal HDOT deems most beneficial in accordance with the evaluation criteria specified and in case of a tie, in the opinion of the reviewers.

Upon award, the HDOT will issue a contract to the Proposer.

1.18. PERFORMANCE BOND AND PAYMENT BOND

At the time of execution of the contract, the successful Proposer shall file a good and sufficient performance bond and a payment bond on the forms furnished by the HDOT (see *Appendix C*) conditioned for the full and faithful performance of the contract according to the terms and intent thereof and for the prompt payment to all others for all labor and material furnished by them to the Contractor and used in the prosecution of the work provided for in the contract. Each bond shall be valued at 50% of the total Program value. The Contractor 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).
 - The Proposer may use these instruments to a maximum of \$100,000.
 - 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 the claims for labor done or material furnished in the work so as to give them a right of action as contemplated by Section 103D-324, HRS.

1.19. RESPONSIBILITY OF PROPOSERS; HAWAII COMPLIANCE EXPRESS

The Proposer is advised that if awarded a contract under this RFP, the Proposer shall, upon award of contract, furnish proof of compliance with the requirements of HRS §103D-310 and HAR §3-122-112 including:

- ☐ Chapter 237, General Excise Tax Law;
- ☐ Chapter 383, Hawaii Employment Security Law;
- ☐ Chapter 386, Workers' Compensation Law;
- ☐ Chapter 392, Temporary Disability Insurance;
- ☐ Chapter 393, Prepaid Health Care Act; and
- ☐ One of the following:

1. Be registered and incorporated or organized under the laws of the State of Hawaii (hereinafter referred to as a "Hawaii business") or
2. Be registered to do business in the State of Hawaii (hereinafter referred to as a "compliant non-Hawaii business").

The Proposer may demonstrate proof of compliance with the above-referenced requirements by submitting a *Certificate of Vendor Compliance* issued by the Hawaii Compliance Express (HCE) online system to the HDOT, Procurement and Contracts Branch upon award of a contract. The HCE service allows vendors to register online through a simple wizard interface at <http://vendors.ehawaii.gov>. The *Certificate of Vendor Compliance* provides current compliance status as of the issuance date, satisfies requirements of Chapter 103D-310(c), HRS, and is therefore acceptable for contracting purposes. Proposers that elect to use HCE services are required to pay an estimated annual fee of \$12.00 to the Hawaii Information Consortium, LLC (HIC).

Due to the time required to obtain the required HCE *Certificate of Vendor Compliance*, it is highly recommended that the interested Proposer begin the registration process as soon as possible.

1.20. FAILURE TO EXECUTE CONTRACT; TIMELY SUBMISSION OF CERTIFICATES

At time of contract award, the above *Certificate of Vendor Compliance* and any other documentation and certification shall be submitted to the HDOT, Contracts Office as soon as possible or by the deadline established by the HDOT. If a valid certificate or non-compliant documentation is not submitted on a timely basis for award of a contract, award made to a Proposer otherwise ~~responsive and~~ responsible may be annulled.



Failure to execute a contract as required within ten (10) calendar days or such further time as the HDOT may allow after the Awardee has received the contract for execution shall be just cause for the annulment of the award. The HDOT may award the contract to the next responsible Proposer or may call for other Offers, whichever is deemed to be in the best interest of the HDOT.

1.21. NOTIFICATION OF AWARD; NON-SELECTED PROPOSER.

Upon award to the successful Proposer, the HDOT shall post publicly, a notice of award. The HDOT will also provide written notification of the award to any unsuccessful Proposer(s). The HDOT is not responsible for delays or non-receipt of such notification.

1.22. DEBRIEFING

The purpose of the optional debriefing is to inform unsuccessful Proposers of the basis for contract award. A Proposer(s) not selected for contract award shall submit a written request for a debriefing within three (3) working days after the posting of the contract

3.5.5. Temporary Work Required for Incremental Work

Proposer shall 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 roadways. This work shall include but is not limited to, pavement striping and markers, traffic signs, lighting, traffic signals, utilities, 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.

The Proposer shall be responsible to maintain any completed increment opened for public use in accordance with Hawaii Standard Specifications for Road and Bridge Construction 2005 Subsection 105.13 Maintenance. HDOT will consider this maintenance work as included in the contract prices for the various contract items and will not pay for maintenance work separately.

3.5.6. Design and Construction Provisions

For evaluation purposes, HDOT will assume compliance to these provisions unless specifically stated otherwise in the Proposer's proposal. Variances from these provisions are subject to HDOT expressed 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 will be scored with respect to all the stated requirements and their benefits and/or detriment to the project.~~



3.5.7. Additional Requirements

It is the responsibility of the Proposer to verify the right-of-way ("ROW"). All improvements shall be contained within the proposed ROW. The selected Proposer shall assist HDOT in acquiring the necessary ROW, which includes temporary right-of-entries or construction parcels for Proposer work areas and obtaining permanent easements. The Proposer shall prepare all maps and figures needed for acquisition of the properties. HDOT will negotiate with these landowners and finalize documents. This work is incidental to the various contract items.

Documentation for Design Exceptions shall be prepared by the Proposer and submitted to HDOT for review and acceptance. Design exception acceptance submittal deadlines shall be in accordance with the 'Alternative Technical Concepts' Provisions.

The Proposer shall be responsible for all miscellaneous work necessary to complete the Project. This shall include work even if the work is not described in the contract documents (e.g., specifications, attachments, proposal schedule). The HDOT, at its sole discretion, may compensate the Proposer for qualified HDOT directed changes.

If design exception triggers any federal undertakings, the Proposer shall be responsible to comply with all federal requirements and obtain all federal clearances.

3.5.8. Codes and Design Standards to be Used in Design

All permanent and temporary features of the Project shall be designed and constructed according to the specified codes and guidelines, as amended. Other Codes, Design standards, or Rules and Regulations not listed may also apply to the Project, and it

4.5. PROPOSAL SUBMISSION AND FORMAT

This section prescribes the standard format for a proposal submitted in response to this RFP.



Proposer shall submit a Proposal using the exact forms or reproductions of such forms as provided and as otherwise instructed by this RFP. ~~Failure to comply may result in a determination that the proposal is non-responsive.~~

The standard format will facilitate the HDOT's review, comparison, evaluation of proposals, and verification as to whether the minimum requirements are met by each Proposer and the Proposer's Proposal. The format is not intended to limit the content of a proposal in any way. The Proposer may include any additional data or information that is deemed pertinent to this RFP.

Unless otherwise noted, proposal shall be submitted as follows:

4.5.1. Copies

Proposer shall submit ten (10) hard copies of the Qualification Proposal for Step 1 and ten (10) hard copies of the Price Proposal for Step 2. Evaluations will be based on the contents of the written proposal.

4.5.2. Packaging

Proposer shall submit the signed proposal in a sealed envelope, package or container, together with the required offer security, if any. The envelope, package or container shall be clearly identified with the RFP number and the name and address of the Proposer.

4.6. STEP 1 - SUBMISSION OF QUALIFICATION PROPOSAL

Each Proposer interested in being considered for this project is required to submit a Qualifications Proposal, limited to 100 pages, no later than the date and time specified in Section 1.5, Table 1. It is the Proposer's responsibility to ensure that the HDOT receives the Qualification Proposal on time.

4.6.1. QUALIFICATIONS PROPOSAL ITEMS

The Qualification Proposal shall contain the following:

- a. Proposer, key subcontractors, and key consultants' experience and qualifications relevant to the Project and to the Design Build process. Key personnel shall 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. All Proposers shall either be licensed in the State of Hawaii at the time of the Qualification Proposal Submittal and include a statement citing the appropriate Contractor's and Subcontractor's license(s), or demonstrate the ability to obtain the appropriate Contractor's and Subcontractor's license(s) in the State of Hawaii prior to award and obtain said license(s) prior to award.

Submit a pdf copy of the Qualification Proposal, including the COi disclosure forms, on CD-ROM or DVD.

4.7. QUALIFICATIONS PROPOSAL 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 of the Proposer's staff	30	
2	Past performance on roadway projects of similar scope for public agencies or private industry.	30	
3	Capacity to accomplish the work	20	
4	Proposer's understanding of the project scope of work and approach to accomplishing the work	10	
5	Demonstration of financial capability	10	
	QUALIFICATIONS PROPOSAL SCORE:	100 Max.	

Total Qualification Points Possible = 100 Points

The total number of pages including the introductory letters, evaluation criteria items, exhibits, and references shall not exceed 100 pages. Tabs will not be counted as a page. A penalty of five points will be deducted from the total score for each page exceeding the 100 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). All pages shall be sequentially numbered.

All information required for HOOT to properly evaluate the Proposer for each criteria item contained in the five categories identified shall be submitted in the Qualifications Submittal for HOOT to assign a credible score. Failure to provide complete information in the Qualifications Proposal may automatically result in a reduced score for a given Criteria Item where complete information is not provided. If no information is provided for a given criteria item, this will automatically result in a score of zero points for the criteria item. In addition, HOOT, at its sole discretion, may deem the Qualifications Submittal as **unqualified nonresponsive** if the information submitted is incomplete and HOOT is unable to assign a credible Qualifications Proposal score due to the incomplete submittal.



The maximum Qualifications Proposal score is 100 points. Any score of 60 points or less will be considered as non-qualified for the project.

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

The Work Plan shall describe the Proposer's methodology to deliver the scope of work and meet Program requirements. It shall be presented in sufficient detail to permit objective evaluation of the Proposal. The following information shall be included:

- i. An itemized, written statement of compliance affirming all technical provisions that the Proposer will comply with.
- ii. An itemized, written statement of all technical provisions that the Proposer will deviate from along with a mitigation description explaining how and why the deviation will add value to the project.
- iii. Any variations from the Scope of Work in this RFP, including Alternative Technical Concepts ("ATC"), shall be identified by the Proposer. ~~Any variations, either perceived or noted by the Proposer or the HDOT shall not cause a proposal to be considered nonresponsive.~~ The HDOT will assess the variations during the evaluation process and score the proposal accordingly.
- iv. 20 or 40 scale schematic drawings showing final shared use path alignment and profile. Other drawings at appropriate scales shall include: conceptual structural plan and elevations, foundation schematic drawings, drainage plans, and other details at a scale and level of detail necessary to effectively present the design concept to the HDOT.
- v. Project Schedule - A critical path method schedule showing the sequence of design, right of way acquisition, permitting, and construction work leading to the completion of the project. The schedule at a minimum shall include the following milestones:
 - a. 50% Design Submittal,
 - b. 100% Design Submittal,
 - c. End of Job Submittal,
 - d. HDOT, C&CH and utility design reviews,
 - e. Permitting activities,
 - f. Right-of-Way Acquisition,
 - g. Public meetings,
 - h. Scheduled public events,
 - i. Start of construction,
 - j. Relocation of utilities,
 - k. Construction phasing plan,
 - l. Retaining walls,
 - m. Bridge,
 - n. Shared-Use Path,
 - o. Lighting,



- p. Landscaping,
 - q. Completion of all work items, and
 - r. 9-month plant establishment period.
- vi. Quality Control Plan containing all material or elements known at the Design Concept stage.

4.9.6. **Section 5: Pricing and Proposal Forms (OF-2)**



~~To be considered responsive,~~ The Proposer's Proposal shall respond to, and include, all items specified in this RFP and any subsequent addendum. Any proposal offering any other set of terms and conditions that conflict with the terms and conditions provided in this RFP or in any subsequent addendum may be rejected without further consideration.

Found in *Appendix B*, pricing shall be submitted on Offer Form OF-2. The price shall be the all-inclusive cost, including Hawaii GET, to the State. No other costs will be honored. Any unit prices shall be inclusive.

By submitting a proposal in response to this solicitation, Proposer certifies as follows:

- a. The costs in this RFP have been arrived at independently, without consultation, communication, or agreement with any other Proposer, as to any matter relating to such costs for the purpose of restricting competition.
- b. Unless otherwise required by law, the unit costs which have been quoted in this RFP have not been knowingly disclosed by the Proposer prior to award, directly or indirectly, to any other Proposer or competitor prior to the award of the contract.
- c. No other attempt has been made or will be made by the Proposer to indicate any other person or firm to submit or not to submit for the purpose of restricting competition.
- d. To the best of his/her knowledge and belief, the cost or pricing data submitted is accurate, complete, and current as of the date the proposal is submitted and will be honored for up to a maximum of 180 days, or until the contract is executed, whichever is sooner.

APPENDIX A: RESUMES

Resumes for all Key Personnel and staff listed in the Proposer's Project organization chart (referenced in *Section 4.9.2, Key Personnel and Team Organization*) shall be provided in this Appendix. One-page resumes are preferred.

APPENDIX B: FINANCIAL CONDITION

Provide a general description of the financial condition of the Proposer and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger, etc.) that may impede the Proposer's or Subcontractors' ability to complete the Project.

Table 2: Evaluation Criteria

Criterion	Maximum Points
Aesthetics of Design and Context Sensitivity <ul style="list-style-type: none"> • Environmental Considerations • Aesthetics and Landscaping • Bridge Appearance 	15
Technical Approach <ul style="list-style-type: none"> • Work Plan • Shared Use Path Design • Bridge Design 	35
Construction Cost*	50
TOTAL	100

*Construction Cost price evaluation

The Price Score weight will be determined as follows:

$$\text{Construction Cost Weighted Score} = \frac{50 \text{ pts} \times \text{Low Bid Amount}}{\text{Bid Amount of any given Proposer}}$$

Example:

	Proposed Bid Price	Construction Cost Weighted Score
Proposer A	\$14,000,000	46.43
Proposer B	\$13,000,000	50
Proposer C	\$13,500,000	48.15

5.3. PHASE 1: PRELIMINARY EVALUATION



A preliminary evaluation shall determine whether each proposal ~~is considered responsive, thus justifying~~ justifies further evaluation. In its preliminary evaluation, the HDOT will examine the completeness of each proposal, and its compliance with the instructions, terms and conditions in this RFP. Subsequent review and evaluation will be based on the criteria stated in the following sections. Any proposals that are incomplete or that do not comply with the instructions or terms and conditions shall be rejected by the HDOT and excluded from further consideration.

Responsive proposals must meet all submittal requirements and the minimum eligibility requirements described in the RFP.

5.4. PHASE 2: PRIORITY-LIST OF PROPOSERS

Before conducting discussions, a priority list shall be generated by the Evaluation Committee. In order to generate a priority list, proposals shall be initially classified as acceptable, potentially acceptable or unacceptable.



All **responsive** Proposers who submit acceptable proposals or potentially acceptable proposals are eligible for the prioritized listing.

If numerous acceptable and potentially acceptable proposals are submitted, the Evaluation Committee may limit the priority list to at least three (3) responsible Proposers who submitted the highest-ranked proposals.

5.5. PHASE 3: DISCUSSIONS WITH PRIORITY-LISTED PROPOSERS

Discussions may be conducted with Priority-Listed Proposers, if deemed advantageous by the HDOT. Discussions will be limited to only "priority-listed" Proposers and are held 1) to promote understanding of the HDOT requirements and the priority-listed Proposer's proposals and 2) to facilitate arriving at a contract that will provide the best value to the HDOT, taking into consideration the evaluation factors set forth in the RFP. Discussions may include Proposer presentation of its Proposal, interviews with Proposer's key personnel, demonstrations, site visits, or teleconferences. Any discussions shall be conducted in an organized and consistent manner established by the HDOT, and in accordance with the following:

- A. Priority-listed Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals.
- B. Any substantial oral clarification of a proposal shall be reduced to writing by the priority-listed Proposer.
- C. If during discussions there is a need for any substantial clarification or change in the RFP, the RFP shall be amended by an addendum to incorporate the clarification or change. Addenda to the RFP shall be distributed only to the priority-listed Proposers.
- D. Priority-listed Proposers may be permitted to amend proposals already submitted, limited to the discussions conducted.
- E. If in the opinion of the Evaluation Committee a contemplated amendment will significantly change the nature of the procurement, the RFP shall be canceled and a new RFP will be issued.
- F. The contents of any proposal shall not be disclosed so as to be available to competing Proposers during the discussion process.

5.6. PHASE 4: BEST AND FINAL OFFERS

At the option of the HDOT and following discussions between the Evaluation Committee and the Priority-listed Proposers, each Priority-listed Proposer may be asked to provide their best and final offer. In that event, the procedure as listed below will be used.

- A. The Evaluation Committee will establish a date and time for submission of best and final offers.
- B. Proposers may be afforded the opportunity to revise their proposals, including price, during the best and final offer phase.

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HONOLULU, HAWAII

PROPOSAL

**Addendum No. 1
r6/29/2020**

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

PROJECT: Wahiawa Pedestrian Bridge
 Whitmore Village to Wahiawa

PROJECT NO.: HWY-O-07-18

COMPLETION TIME: 1095 Calendar days from the Start Work Date from
 the Department.

DESIGN PROJECT MANAGER:

NAME: Ms. Holly Yuen
ADDRESS: 601 Kamokila Boulevard
PHONE NO.: (808) 692-7548
EMAIL: Holly.Yuen@hawaii.gov
FAX NO.: (808) 692-7555

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 103D-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: Hawaii Standard Specifications for Road and Bridge Construction, 2005, the Notice 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 _____

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. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____

<u>Name of Joint Contractor</u>	<u>Nature and Scope of Work</u>
1. _____	_____
2. _____	_____
3. _____	_____

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

PROPOSAL SCHEDULE					
ITEM NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
201.1000	Clearing and Grubbing	L.S.	L.S.	L.S.	\$ _____
202.1000	Removal of Structures	L.S.	L.S.	L.S.	\$ _____
203.0110	Roadway Excavation	L.S.	L.S.	L.S.	\$ _____
203.0230	Imported Borrow	L.S.	L.S.	L.S.	\$ _____
209.0100	Installation, Maintenance, Monitoring, and Removal of BMP	L.S.	L.S.	L.S.	\$ _____
209.0200	Additional Water Pollution, Dust, and Erosion Control	F.A.	F.A.	F.A.	\$ <u>50,000.00</u>
304.1010	Aggregate Base	L.S.	L.S.	L.S.	\$ _____
501.0200	Structural Steel Bridge – Superstructure (See Note A)	L.S.	L.S.	L.S.	\$ _____
503.0520	Concrete Bridge – Superstructure (See Note A)	L.S.	L.S.	L.S.	\$ _____
503.0521	Concrete Bridge - Substructure	L.S.	L.S.	L.S.	\$ _____
503.0530	Bridge Abutment 1 and Endwalls	L.S.	L.S.	L.S.	\$ _____
503.0531	Bridge Abutment 2 and Endwalls	L.S.	L.S.	L.S.	\$ _____
503.0610	Retaining Walls	L.S.	L.S.	L.S.	\$ _____
507.1000	Railing	L.S.	L.S.	L.S.	\$ _____

PROPOSAL SCHEDULE					
ITEM NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
603.1010	Bed Course Material for Culvert	L.S.	L.S.	L.S.	\$ _____
603.2010	Drainage Culverts	L.S.	L.S.	L.S.	\$ _____
604.2020	Drainage Structures	L.S.	L.S.	L.S.	\$ _____
607.1000	10-Feet, Chain Link Fence	L.S.	L.S.	L.S.	\$ _____
612.1010	Grouted Rubble Paving	L.S.	L.S.	L.S.	\$ _____
619.1020	Landscaping	L.S.	L.S.	L.S.	\$ _____
622.1020	Shared Use Path and Bridge Lighting System	L.S.	L.S.	L.S.	\$ _____
629.2020	Pavement Markings	L.S.	L.S.	L.S.	\$ _____
631.5310	Regulatory and Warning Signs	L.S.	L.S.	L.S.	\$ _____
634.1010	Portland Cement Concrete Sidewalk	L.S.	L.S.	L.S.	\$ _____
641.1000	Hydro-mulch Seeding	L.S.	L.S.	L.S.	\$ _____
642.1020	Plant Maintenance	9	MONTH	\$ _____	\$ _____
643.0100	Maintenance of Existing Landscape Areas	F.A.	F.A.	F.A.	\$ <u>50,000.00</u>
645.1000	Traffic Control	L.S.	L.S.	L.S.	\$ _____

PROPOSAL SCHEDULE					
ITEM NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
645.2000	Additional Police Officers, Additional Traffic Control Devices, And Advertisement	F.A.	F.A.	F.A.	\$ <u>25,000.00</u>
648.0100	Field-Posted Drawings	L.S.	L.S.	L.S.	\$ _____
696.1000	Maintenance of Trailers	F.A.	F.A.	F.A.	\$ <u>25,000.00</u>
699.0100	Mobilization (Not to exceed 6 percent of the sum of all items excluding the bid price of this item)	L.S.	L.S.	L.S.	\$ _____
801.0100	50% Accepted Design Submittal	L.S.	L.S.	L.S.	\$ _____
801.0200	100% Accepted Design Submittal	L.S.	L.S.	L.S.	\$ _____
Sum of All Items					\$ _____
NOTE: Bidders must complete all unit prices and amounts. Failure to do so may be grounds for rejection of bid.					

NOTE A: The Engineer will pay for pay item 503.0520 Concrete Bridge – Superstructure **or** 501.0200 Structural Steel Bridge – Superstructure. The other pay item not used shall be noted by the Proposer as 'NA' in the "\$ amount" column in the proposal schedule.

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 Project
6 Site Laboratory and 699 - Mobilization for the limitation of the amount bidders are
7 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 reflect
12 the limitation thereon. The comparison of bids to determine the successful
13 bidder and the amount of contract to be awarded shall be determined after such
14 adjustments are made, and such adjustments shall be binding upon the bidder.

15
16 The bidder is directed to Section 717 – Cullet and Cullet-Made Materials
17 regarding recycling of waste glass.



STATE OF HAWAII
CONTRACT FOR GOODS OR SERVICES
BASED UPON
COMPETITIVE SEALED PROPOSALS

This Contract, executed on the respective dates indicated below, is effective as of _____, between _____
(Insert name of state department, agency, board or commission)
 State of Hawaii ("STATE"), by its _____
(Insert title of person signing for State)
 (hereafter also referred to as the HEAD OF THE PURCHASING AGENCY or designee ("HOPA")), whose address is _____ and _____
 ("CONTRACTOR"), a _____
(Insert corporation, partnership, joint venture, sole proprietorship, or other legal form of the Contractor)
 under the laws of the State of _____, whose business address and federal and state taxpayer identification numbers are as follows: _____

RECITALS

- A. The STATE desires to retain and engage the CONTRACTOR to provide the goods or services, or both, described in this Contract and its attachments, and the CONTRACTOR is agreeable to providing said goods or services or both.
- B. The STATE has issued a request for competitive sealed proposals, and has received and reviewed proposals submitted in response to the request.
- C. The solicitation for proposals and the selection of the CONTRACTOR were made in accordance with section 103D-303, Hawaii Revised Statutes ("HRS"), Hawaii Administrative Rules, Title 3, Department of Accounting and General Services, Subtitle 11 ("HAR"), Chapter 122, Subchapter 6, and applicable procedures established by the appropriate Chief Procurement Officer ("CPO").
- D. The CONTRACTOR has been identified as the responsible ~~and responsive~~ offeror whose proposal is the most advantageous for the STATE, taking into consideration price and the evaluation factors set forth in the request.
- E. Pursuant to _____, the STATE
(Legal authority to enter into this Contract)
 is authorized to enter into this Contract.
- F. Money is available to fund this Contract pursuant to:

(1) _____
(Identify state sources)
 or (2) _____
(Identify federal sources)
 or both, in the following amounts: State \$ _____
 Federal \$ _____

NOW, THEREFORE, in consideration of the promises contained in this Contract, the STATE and the CONTRACTOR agree as follows:

1. Scope of Services. The CONTRACTOR shall, in a proper and satisfactory manner as determined by the STATE, provide all the goods or services, or both, set forth in the request for competitive sealed proposals number _____ ("RFP") and the CONTRACTOR'S accepted proposal ("Proposal"), both of which, even if not physically attached to this Contract, are made a part of this Contract.
2. Compensation. The CONTRACTOR shall be compensated for goods supplied



1 Make this section a part of the Standard Specifications.

2
3 **"SECTION 102 - BIDDING REQUIREMENTS AND CONDITIONS**

4
5 **102.01 Prequalification of Proposers.** Prospective proposers shall be
6 capable of performing the work for which they are bidding. **Prospective**
7 **proposers are to submit a Qualification Proposal in accordance with Paragraph**
8 **III - Qualification of Proposal of the Technical Provisions.**

9
10 No person, firm or corporation may bid where (1) the person, firm, or
11 corporation, or (2) a corporation owned substantially by the person, firm, or
12 corporation, or (3) a substantial stockholder or an officer of the corporation, or
13 (4) a partner or substantial investor in the firm is in arrears in payments owed to
14 the State or its political subdivisions or is in default as a surety or failure to do
15 faithfully and diligently previous contracts with the State.

16
17 **102.02 Contents of Proposal Forms.** **The Contractor shall complete the**
18 **attached Proposal Schedule for design and construction items of work. The**
19 **Department will furnish prospective proposers with the proposal forms to enter all**
20 **non-force account items, mobilization pay item, Sum of all items, Furnish Foreign**
21 **Steel, and Account for Comparison of Bids. The Contractor's attention is directed to**
22 **Sections IV of the Technical Provisions for additional submittal instructions.**

23
24 **102.03 Issuance of Proposal Forms.** The Department reserves the
25 right to refuse to issue proposal forms to prospective bidders, which refusal may
26 be based on the following:

- 27
28 (1) Lack of competency or adequate machinery, plant, and other
29 equipment (which determination may be based on the financial statement
30 and experience questionnaires required under Subsection 102.01 –
31 Prequalification of Bidders);
32
33 (2) Uncompleted work that might hinder or prevent the prompt
34 completion of additional work if awarded;
35
36 (3) Failure to pay or settle bills due for labor and material on former
37 contracts in force at the time of issuance of the project proposal forms;
38
39 (4) Failure to comply with qualification regulations of the Department;
40
41 (5) Default under previous contracts; or
42
43 (6) Lack of responsibility and cooperation from past work.

44
45 **102.04 Estimated Quantities.** **All non-force account line items shown in**
46 **the Proposal will be estimated by the proposer and paid on a lump sum basis."**

47 **102.05 Examination of Contract and Site of Work.** The bidder shall
48 examine carefully the site of the proposed work and contract before submitting a
49 proposal.

50

51 By the act of submitting a bid for the proposed contract, the bidder
52 warrants that:

53

54 (1) The bidder and its Subcontractors have reviewed the contract
55 documents and found them free from ambiguities and sufficient for the the
56 purpose intended;

57

58 (2) The bidder and its workers, employees and subcontractors have
59 the skills and experience in the type of work required by the contract
60 documents bid upon;

61

62 (3) Neither the bidder nor its employees, agents, suppliers or
63 Subcontractors have relied upon verbal representations from the
64 Department, its employees or agents, including architects, engineers or
65 consultants, in assembling the bid figure; and

66

67 (4) The bases for the bid figure are solely on the construction contract
68 documents.

69

70 Also, the bidder warrants that the bidder has examined the site of the
71 work. From its investigations, the bidder acknowledges satisfaction on:

72

73 (1) The nature and location of the work;

74

75 (2) The character, quality, and quantity of materials;

76

77 (3) The difficulties to be encountered; and

78

79 (4) **The proposal accounts will be solely based on the construction**
80 **contract documents; and drawings, assumptions, and other**
81 **services furnished by the Contractor's design engineers.**

82

83 Subsurface information or hydrographic survey data furnished are for the
84 bidders' convenience only. The data and information furnished are the product
85 of the Department's interpretation gathered in investigations made at the specific
86 locations. These conditions may not be typical of conditions at other locations
87 within the project area or that such conditions remain unchanged. Also,
88 conditions found at the time of the subsurface explorations may not be the same
89 conditions when work starts. The bidder shall be solely responsible for
90 assumptions, deductions, or conclusions the bidder may derive from the
91 subsurface information or data furnished.

92

93 If the Engineer determines that the natural conditions differ from that
94 originally anticipated or contemplated by the Contractor in the items of
95 excavation, the State may treat the difference in natural conditions, as falling



96 within the meaning of Subsection 104.02 - Changes.

97

98 **102.06 Preparation of Proposal.** forms furnished by the Department.

99 The submittal of its proposal shall be on The bidder shall specify in words or figures:

100

101 (1) A unit price for each pay item with a quantity given;

102

103 (2) The products of the respective unit prices and quantities

104

105 (3) The lump sum amount; and

106

107 (4) The total amount of the proposal obtained by adding the amounts
108 of the several items.

109

110 The words and figures shall be in ink or typed. If a discrepancy occurs
111 between the prices written in words and those written in figures, the
112 prices written in words shall govern.

113

114 The Basis for the proposal figures are solely on the construction contract
115 documents; and plans, assumptions and other services furnished by the
116 Contractor's design engineer.

117

118 When an item in the proposal contains an option to be made, the bidder
119 shall choose in accordance with the contract for that particular item.

120 Determination of an option will not permit the Contractor to choose again.

121

122 The bidder shall sign the proposal properly in ink. A duly authorized
123 representatives of the bidder or by an agent of the bidder legally qualified and
124 acceptable to the Department shall sign, including one or more partners of the
125 bidder and one or more representatives of each entity comprising a joint venture.

126

127 When an agent, other than the officer(s) of a corporation authorized to
128 sign contracts for the corporation or a partner of a partnership, signs the
129 proposals, a 'Power of Attorney' shall be on file with the Department or
130 submitted with the proposal. Otherwise, the Department will reject the
131 proposal as irregular and unauthorized.

132

133 The bidder shall submit acceptable evidence of the authority of the
134 partner, member(s) or officer(s) to sign for the partnership, joint venture, or
135 corporation respectively with the proposal. Otherwise, the Department will
136 reject the proposal as irregular and unauthorized.

137

138 **102.07 Irregular Proposals.** The Department may consider proposals
139 irregular and may reject the proposals for the following reasons:

140

141 (1) The proposal is a form not furnished by the Department, altered,
142 or detached;

143

- 144 (2) The proposal contains unauthorized additions, conditions, or
145 alternates. Also, the proposal contains irregularities that may tend to
146 make the proposal incomplete, indefinite, or ambiguous to its meaning;
147
- 148 (3) The bidder adds provisions reserving the right to accept or reject an
149 award. Also, the Bidder adds provisions into a contract before an award;
150
- 151 (4) The proposal does not contain a unit price for each pay item listed
152 except authorized optional pay items; and
153
- 154 (5) Prices for some items are out of proportion to the prices for other
155 items.
156
- 157 (6) If in the opinion of the Director, the proposer and its listed
158 subcontractors do not have the Contractor's licenses or combination of
159 Contractor's licenses necessary to complete the work.
160

161 Where the prospective bidder is bidding on multiple projects simultaneously
162 and the proposal limits the maximum gross amount of awards that the bidder can
163 accept at one bid letting, the proposal is not irregular if the limit on the gross
164 amount of awards is clear and the Department selects the awards that can be
165 given.
166

167 **102.08 Proposal Guaranty.** The Department will not consider a
168 proposal of \$25,000 or more unless accompanied by:
169

- 170 (1) A deposit of legal tender; or
171
- 172 (2) A valid surety bid bond, underwritten by a company licensed to
173 issue bonds in the State of Hawaii, in the form and composed,
174 substantially, with the same language as provided herewith and signed by
175 both parties; or
176
- 177 (3) A certificate of deposit, share certificate, cashier's check,
178 treasurer's check, teller's check, or official check drawn by, or a certified
179 check accepted by and payable on demand to the State by a bank,
180 savings institution, or credit union insured by the Federal Deposit
181 Insurance Corporation (FDIC) or the National Credit Union Administration
182 (NCUA).
183
- 184 (a) The proposer may use these instruments only to a maximum
185 of \$100,000.
186
- 187 (b) If the required security or bond amount totals over \$100,000
188 more than one instrument not exceeding \$100,000 each and issued by
189 different financial institutions shall be acceptable.
190
- 191 (c) The instrument shall be made payable at sight to the

192 Department.

193

194 In accordance with HRS Chapter 103D-323, the above shall be in a sum not
195 less than 5% of the amount bid.

196



197 **102.09 Delivery of Proposal.** The proposer shall submit the proposal in
198 a sealed envelope, bearing on the outside the identity of the project and the its
199 name and address. The Department will reject and return a proposal
200 unopened if received after the time set for the opening of bids.

201



202 **102.10 Revision of Proposals.** A proposer may revise a proposal after
203 the proposer deposits the proposal with the Department, provided the
204 Department receives such revision request in writing before the time set for the
205 opening of bids.

206

207 **102.11 Public Opening of Proposals.** Public Opening of Proposals shall
208 not apply to this project.

209

210 **102.12 Disqualification of Proposers.** The Department may disqualify a
211 proposer and reject its proposal for the following reasons:

212

213 (1) Submittal of more than one proposal whether under the same or
214 different name.

215

216 (2) Evidence of collusion among proposers. The Department will not
217 recognize participants in collusion as proposers for any future work of the
218 Department until such participants are reinstated as qualified proposers.

219

220 (3) Lack of proposal guaranty.

221

222 (4) Submittal of an unsigned or improperly signed proposal.

223



223 ~~(5) Submittal of a proposal without a listing of subcontractors or~~
224 ~~containing only a partial or incomplete listing of subcontractors.~~

225

226 (5) Submittal of an irregular proposal according to Subsection 102.07 –
227 Irregular Proposals.

228

229 (6) Evidence of assistance from a person who has been an employee of
230 the agency within the preceding two years and who participated while in State
231 office or employment in the matter with which the contract is directly
232 concerned, pursuant to Section 84-15, HRS.

233

234 (7) Suspended or debarred in accordance with HRS 104-25.

235

236 (8) Failure to complete the prequalification questionnaire.

237

238 Failure to attend the mandatory pre-proposal meeting.

239

240 **102.13 Material Guaranty.** The successful proposer may be required to
241 furnish a statement of the composition, origin, manufacture of materials, and
242 samples.

243



244 **102.14 Substitution Of Materials and Equipment After Selection of**
245 **Contractor.** Substitution of material or equipment will not be allowed after the
246 selection of Contractor date except under the following circumstances:

247

248 (1) A specified or pre-qualified item is delayed by a lengthy strike in the
249 factory or other unforeseeable contingency beyond the control of the
250 Contractor which would cause an abnormal delay in the project
251 completion.

252

253 (2) A specified or pre-qualified item is found to be unusable or
254 discontinued due to change or other circumstances.

255

256 (3) If the Contractor is willing to provide a more recently developed or
257 manufactured item of material or equipment of the same manufacturer
258 which the Director determines to be equal or better than the one specified or
259 pre-qualified.

260

261 A substitution request, regardless of reason, shall be fully explained in
262 writing, by the Contractor and shall include his justification for said request, the
263 quantities and unit prices involved, quotations and such other documents as are
264 deemed necessary to support the request. Substitutions allowed pursuant to this
265 provision, with the exception of the circumstance described under 102.16(8)3, do
266 not qualify as value engineering. Any savings in cost will accrue to the State
267 except where value engineering applies, and the Contractor will pay for any
268 additional cost for the substituted items.

269

270 The burden of proof as to the comparative quality and suitability of
271 alternate equipment, articles or materials shall be upon the Contractor. The
272 Contractor shall furnish, at no cost to the State, all information required by the
273 Director. The above shall not be construed to mean that substitution for or
274 permitting the use of brand name will be allowed.

275

276 The Director reserves the right to deny any request deemed irregular or not in
277 the best interest of the State and shall be the sole judge of the comparative quality
278 and suitability of alternates. The Director's decision is final."

279



280 **102.15 Preferences.** Hawaii Products and Recycled Products shall not
281 apply to this project.

282

283 **102.16 Certification for Safety and Health Program for Bids in excess of**
284 **\$100,000.** In accordance with HRS Chapter 396-18, the bidder or offeror, by
285 signing and submitting this proposal, certifies that a written safety and health plan
286 for this project will be available and implemented by the notice to proceed date for

287 this project. Details of the requirements of this plan may be obtained from the
288 State Department of Labor and Industrial Relations, Occupational Safety and
289 Health Division (HIOSH).

290

291 **102.17 Addenda.** Addenda issued shall become part of the contract
292 documents. Addenda to the bid documents will be provided to all prospective
293 bidders at the respective offices furnished for such purposes. Each addendum
294 shall be an addition to the contract documents. The terms and requirements of
295 the bid documents (i.e. drawings, specifications and other bid and contract
296 documents) cannot be changed prior to the bid opening except by a duly issued
297 addendum."

298

299

300

301

302

303

304

305

END OF SECTION 102

1 Make this section apart of the Standard Specifications:
2

3 **"SECTION 103 – AWARD AND EXECUTION OF CONTRACT**
4

5 **103.01 Consideration of Proposals.** The Department reserves the right to
6 reject proposals, waive technicalities or advertise for new proposals, if the
7 rejection, waiver, or new advertisement favors the Department.
8

9 **103.02 Award of Contract.** The successful bidder will be notified by letter mailed
10 to the address shown in its proposal, that its proposal has been accepted, and
11 that it has been awarded the contract.
12

13 (1) **Requirement for Award.** To be eligible for award, the
14 ~~apparent low bidder~~ Proposer providing the best value to the State
15 taking into consideration price and evaluation criteria in the request for
16 proposal will be contacted to submit copies of the documents listed
17 below to demonstrate compliance with HRS Section 1030- 310(c). The
18 documents should be submitted to the Department as soon as possible.
19 If a valid certificate/clearance is not submitted on a timely basis for
20 award of a contract, a bidder otherwise responsive and responsible may
21 not receive the award. See also Subsection 108.03 - Preconstruction
22 Data Submittal.
23

24 **(A) Tax Clearance.** Pursuant to HRS Sections 1030-310(c), 103-53 and
25 1030-328, the successful bidder shall be required to submit a certified copy of its
26 tax clearance issued by the Hawaii State Department of Taxation (DOTAX) and
27 the Internal Revenue Service (IRS) to demonstrate its compliance with HRS
28 Chapter 237. A tax clearance is valid for six (6) months from the most recent
29 approval stamp date on the tax clearance and must be valid on the bid's first
30 legal advertisement date or any date thereafter up to the bid opening date.
31

32 FORM A6, TAX CLEARANCE CERTIFICATE, is available at
33 the following website:
34

35 <http://www.hawaii.gov/tax/>
36

37 To receive DOTAX Forms by fax or mail, phone
38 (808) 587-7572 or 1-800-222-7572.
39

40 The application for the Tax Clearance Certificate is the responsibility
41 of the bidder and must be submitted directly to the DOTAX or IRS. The
42 approved certificate may then be submitted to the Department.
43

44 **(B) DUR Certificate of Compliance.** Pursuant to HRS Section 1030-310(c),
45 the successful bidder shall be required to submit a copy (faxed copies are
46 acceptable) of its approved certificate of compliance issued by the Hawaii State
47 Department of Labor and Industrial Relations(DUR) to demonstrate its
48 compliance with unemployment insurance (HRS Chapter 383), workers'
49 compensation (HRS Chapter 386), temporary disability insurance (HRS
50 Chapter 392), and prepaid health care (HRS Chapter 393). The certificate is
51 valid for six (6) months from the most

Some examples of conflict of interest as seen by the Department are:

Conflict

Category Description

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 the Department or the Department's agent in preparing various Requests for Proposal (RFP) documents, and where that same firm is also partnering on the Contractor's Design-Build team for the project.

Applicable RFP documents include but are 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 the Department 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 the Department on a project where his Design-Build partner is the contractor.

HDOT Key Project Personnel List:

Karen Chun, Design Branch, Engineering Program Manager
Mike Medeiros, Oahu District, Acting Engineering Program Manager
Bryan Kimura, Traffic Branch, Engineering Program Manager
Art Sickels, Oahu District, Rural Construction Engineer
Holly Yuen, Technical Design Services Section, Project Manager

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 ineligible**.



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

**ADDENDUM ACKNOWLEDGEMENT
FOR
REQUEST FOR PROPOSALS
WAHIAWA PEDESTRIAN BRIDGE
WHITMORE VILLAGE TO WAHIAWA**

PROJECT NO. HWY-O-07-18

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

Addendum No. 1 _____

Addendum No. 3 _____

Addendum No. 2 _____

Addendum No. 4 _____