

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

BID OFFER FORM FOR

**EAST KAPOLEI II, FORMER PESTICIDE MIXING AND
LOADING PLANT SITE REMEDIATION**

HONOULIULI, EWA, OAHU, HAWAII

TAX MAP KEY: 9-1-17: PORTION OF 110

IFB No.: IFB-11-HHL-002

Mr. Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Mr. Nahale-a:

The undersigned has carefully examined, read, and understands the terms and conditions in the Specifications, Special Conditions attached hereto, DHHL Interim General Conditions, and General Conditions specified in the Invitation for Bids (IFB) No. IFB-11-HHL-002. The State of Hawaii's (State) Contract for Goods and Services Based on Competitive Sealed Bids AG-003 Rev. 6/22/2009, General Conditions, AG-008 Rev. 4/15/2009, are included by reference and made part hereof and available upon written request to the Procurement Officer. The undersigned hereby submits the following offer to perform the work for IFB No. IFB-11-HHL-002 as specified herein, all in accordance with the true intent and meaning thereof.

The undersigned understands and agrees that:

1. The State reserves the right to reject any and all offers and to waive any items that are defective when, in the State's opinion, such rejection or waiver will be in the best interest of the State. A solicitation may be rejected in whole or part when in the best interest of the State.
2. If awarded the contract, all services will be in accordance with Hawaii Revised Statutes (HRS) § 103-55.5.
3. In submitting this offer, the Offeror is not in violation of HRS Chapter 84, concerning prohibited State contracts.
4. By submitting this offer, the Offeror certifies that the offer was independently arrived at without collusion and the Offeror did not participate in any practices to restrict competition.
5. It is understood that the failure to receive any addendum shall not relieve the Offeror from any obligation under this IFB.

EAST KAPOLEI II, PML SITE REMEDIATION
IFB-11-HHL-002

PROPOSAL
Page 1

Date: _____

The undersigned represents that it is: **(Check ✓ one only)**

- ☐ A **Hawaii business** incorporated or organized under the laws of the State of Hawaii; **OR**
☐ A **Compliant Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii, is or shall be registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division (DCCA-BREG) to do business in the State of Hawaii.

State of incorporation: _____

Offeror is:

☐ Sole Proprietor ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Other: _____

Federal ID No.: _____

Hawaii General Excise Tax ID No.: _____

Telephone No.: _____

Fax No.: _____

E-Mail Address.: _____

Payment address (other than street address below)

(Street Address, City, State, Zip Code)

Business address

(Street Address, City, State, Zip Code)

Respectfully submitted:

Authorized (Original) Signature

Name and Title (Please Type or Print)

* _____
Exact Legal Name of Company (Offeror)

*If Offeror shown above is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

The following bid is hereby submitted for East Kapolei II, Former Pesticide Mixing and Loading Plant Site Remediation for the Department of Hawaiian Home Lands.

Item No.	Estimated Quantity	Description	Unit Price	Total
1.	L. S.	Mobilization #1 (for initial project startup); not to exceed 3% of the total sum bid, excluding bid prices for mobilization and demobilization.		
		Lump Sum		\$ _____
2.	L. S.	Erosion control measures, including installation, maintenance, and removal.		
		Lump Sum		\$ _____
3.	2.15	Acres, Clearing and Grubbing.		
		Per acre	\$ _____	\$ _____
4.	3,333	Cu. Yds., Excavation of off-site Level 1 (slightly-contaminated) material, including placement, compaction, and density testing of material at locations indicated on the Plans; and installation of orange construction barrier fence, in place complete.		
		Per Cu. Yd.	\$ _____	\$ _____
5.	F.A.	Payment for removal of debris from within concrete ditch, including placement, compaction, and density testing of material at locations indicated on the Plans, in place complete.		
		Force Account		\$ <u>30,000.00</u>
6.	L. S.	Demobilization #1 (for approximately one to two month duration while testing of soil samples are being conducted), including on-site washing and decontamination of vehicles and equipment; not to exceed 3% of the total sum bid, excluding bid prices for mobilization and demobilization, allowance and force account items.		
		Lump Sum		\$ _____

7.	L. S.	Mobilization #2 (for continuation of work following soil testing); not to exceed 3% of the total sum bid, excluding bid prices for mobilization and demobilization.	Lump Sum	\$	
8.	F.A.	Payment for additional over-excavation to remove additional off-site contaminated soil, including placement, compaction, and density testing of material at locations indicated on the Plans, in place complete.	Force Account	\$	50,000.00
9.	190	Cu. Yds., Controlled Low-Strength Material (CLSM) for backfilling of existing concrete ditch to be abandoned, in place complete.	Per Cu. Yd.	\$	
10.	664	Cu. Yds., Low-Permeability Soil above Level 3 (highly-contaminated) soil, including placement, compaction, and density testing of material at locations indicated on the Plans; in place complete.	Per Cu. Yd	\$	
11.	8,964	Sq. Ft., High-Density Polyethylene geomembrane, including furnishing and installation, in place complete.	Per Sq. Ft.	\$	
12.	17,928	Sq. Ft., Geotextile, including furnishing and installation, in place complete.	Per Sq. Ft.	\$	

13.	6,649	Cu. Yds., Clean, Imported Granular Fill for placement above Level 2 (moderately-contaminated) and Level 3 (highly-contaminated) soils and reconstruction of existing coral access roads, including placement, compaction, and density testing of material at locations indicated on the Plans; and installation of marking tape, in place complete.	Per Cu. Yd.	\$ _____	\$ _____
14.	240	Cu. Yds., Aggregate Base Course, for reconstruction of existing coral access roads, including placement, compaction, and density testing of material, in place complete.	Per Cu. Yd.	\$ _____	\$ _____
15.	1,128	Cu. Yds., Topsoil, including placement, compaction, and density testing of material, in place complete.	Per Cu. Yd.	\$ _____	\$ _____
16.	19	Each, Pipe Bollards, including concrete footings, in place complete.	Each	\$ _____	\$ _____
17.	L. S.	Grassing, including hydro-seeding, watering, 3-month maintenance period, and replacement of unacceptable grassing, as directed by the Construction Manager	Lump Sum		\$ _____
18.	L. S.	Traffic control including signs, barricades, and incidentals, in place complete.	Lump Sum		\$ _____
19.	L. S.	Demobilization #2 (following project completion), including decontamination of vehicles and equipment; not to exceed 3% of the total sum bid, excluding bid prices for mobilization and demobilization, allowance and force account items.	Lump Sum		\$ _____

20. Allow. Coordination with DHHL, DOH,
and/or EPA for inspectional services
during and after construction.
Allowance \$ 5,000.00

TOTAL – EAST KAPOLEI II,
FORMER PESTICIDE MIXING
AND LOADING PLANT SITE
REMEDICATION

(Items 1 to 20, inclusive)

\$_____

TOTAL SUM BID = _____

_____ Dollars(\$_____).

The prices herein for the above items shall include all materials, labor, tools, equipment, machinery and all incidentals necessary, and exclusive of general excise tax to install or to construct these items in place complete and in accordance with the plans and specifications contained in this IFB.

PREFERENCE

It is further understood by the Bidder that if upon being granted Hawaii Products Preference, and being awarded the contract, if the Bidder fails to use such products or meet the requirements of such preference, the Bidder shall be subject to penalties, if applicable.

COMPLIANCE WITH ACT 175, HAWAII PRODUCTS PREFERENCE

Section 103D-1002, Hawaii Revised Statutes (HRS), as amended by Act 175 (Session Laws of Hawaii 2009), provides preference for Hawaii products. The previous Hawaii products list established pursuant to HRS §103D-1002 was suspended effective July 1, 2009, and a new list has been published by the State Procurement Office (SPO) at <http://www4.hawaii.gov/spoh/HiProducts/hiProducts.htm>. DHHL may be supplementing the list with additional approved products for this solicitation.

Pursuant to HRS §103D-1002(b) (2) and Procurement Circular No. 2009-13, bidders intending to use Hawaii products should distribute the attached SPO-38, *Certification for Hawaii Product Preference*, to each of the manufacturers and producers of such products which bidders intend to use if the manufacturers and producers if their products are not listed on the SPO Hawaii Products List or in the DHHL's list below. The manufacturers and producers must complete and submit SPO-38 to DHHL. The form must be received by DHHL no later than **4:30 p.m., February 9, 2011**. Submittal by facsimile (808 620-9299) is acceptable. If DHHL receives and approves SPO-38s relating to this solicitation DHHL will issue an addendum of certified and qualified Hawaii products by **February 15, 2011**.

Bidders may claim a Hawaii product preference for products that it manufactures or produces with its own workforce and equipment. The SPO-38, *Certification for Hawaii Product Preference*, must be submitted in accordance with the procedures described above in order for Bidder to claim a Hawaii product preference for such Hawaii products Bidder intends to use in this work.

A partial list of approved products is provided below.

Forms SPO-38, *Certification for Hawaii Product Preference* for the following Hawaii products have been received in compliance with the above.

Product Category	Product Subcategory <i>as applicable</i>	Manufacturer
Aggregates – Basaltic Termite Barrier		Ameron International Corporation
Aggregates and Sand – Basalt, Rock, Cinder, Limestone and Coral		Ameron International Corporation
		CTS Earthmoving, Inc.
		Delta Construction Corporation (11/3/09) (1/20/10)

	Edwin Deluz Trucking & Gravel LLC
	Goodfellow Bros., Inc.
	Grace Pacific (Oahu2)
	Hawaiian Cement
	Jas. W. Glover, Ltd. (Hawaii)(Kauai)
	Kauai Aggregates
	Sanford's Service Center, Inc.
	Tileco, Inc.
	West Hawaii Concrete
	Yamada and Sons, Inc.
Aggregates – Recycled Asphalt and Concrete	Glover Honsador
	Grace Pacific (Oahu2)
	Jas. W. Glover, Ltd. (Hawaii)(Kauai)
Asphalt and Paving Materials	
	Black Maui Rose LLC
	Black Plumeria LLC
	Grace Pacific Corporation (Hawaii) (Oahu) (Kauai)
	Jas. W. Glover, Ltd. (Hawaii)(Kauai)
	Maui Paving LLC
	Walker-Moody Pavement Products & Equipment
	Yamada and Sons, Inc. dba YS Rock and Con-Agg of Hawaii
Coatings – Cementitious Waterproofing	
Cement and Concrete Products	Ameron International Corporation
	BOMAT, Ltd.
	Glover Honsador
	Hawaiian Cement
	Jas. W. Glover, Ltd. (Hawaii)(Kauai)
	Kohala Coast Concrete & Precast LLC
	O. Thronas, Inc.
	Tileco, Inc.
	West Hawaii Concrete
Precast Concrete Products	Aloha Precast, Inc.
	Ameron International Corporation
	GPRM Prestress, LLC
	Hawaii Concrete Products, Inc.
	Kohala Coast Concrete & Precast LLC
	Ramtek Fabrication Co., Inc.

		Walker Industries, Ltd.
Environmental Sewage-Treatment Innovative System (ESIS) Individual wastewater system which utilizes anaerobic/aerobic processing to treat wastewater to R-2 quality at discharge		Environmental Waste Management Systems, Inc.
	Septic Tanks	Ameron International Corporation
		Walker Industries, Ltd.
Hot Dip Galvanizing		Universal Associates, Inc.
Insulation - Expanded Polystyrene Products, Laminated or Unlaminated		
Grouts and Adhesives - ceramic tile		
Metal Roofing & Flashing - Preformed		
Pipes-Aluminum and Galvanized		
	Pipes-Miscellaneous	Ameron International Corporation
Aluminum Docks, Floating, etc. - Miscellaneous		Bluewater Marine and Dock Specialties
Playground surfaces, etc.		Innovative Playgrounds and Recreation, Inc.
Signs - Traffic, regulatory & construction		
		GP Roadway Solutions, Inc.
		Safety Systems Hawaii, Inc.
Soil Amendments, Mulch, Compost		Kauai Nursery & Landscaping, Inc.
		Sanford's Service Center, Inc.
Compost Filter		EnviroTech BioSolutions Hawaii, Inc.
Windows and Doors - Rigid Vinyl Framed		
Wood-Furniture, casework and millwork (natural wood finish)		

SCHEDULE OF ACCEPTABLE HAWAII PRODUCTS AND DESIGNATION OF HAWAII PRODUCTS TO BE USED		
ACCEPTABLE HAWAII PRODUCTS		HAWAII PRODUCTS TO BE USED
Description	Manufacturer	Cost FOB Jobsite, Unloaded Including Applicable General Excise and Use Taxes
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____

(Add additional sheets if necessary)

The Bidder agrees that preference for Hawaii products 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.

APPRENTICESHIP AGREEMENTS

Section 103-55.6, Hawaii Revised Statutes (HRS), was added by Act 17 (Special Legislative Session 1, 2009), and provides the 5% bid adjustment for bidders that are parties to apprenticeship agreements. To be eligible for the preference, the bidder shall:

1. State the trades the bidder will employ to perform the work.
2. For each trade to be employed to perform the work, the bidder shall submit a completed signed original *Certification Form 1* verifying the participation in an apprenticeship program registered with the State Department of Labor and Industrial Relations (DLIR).
3. The *Certification Form 1* shall be authorized by an apprenticeship sponsor of the DLIR list of registered apprenticeship programs. The authorization shall be an original signature by an authorized official of the apprenticeship sponsor.
4. The completed *Certification Form 1* for each trade must be submitted by the bidder with the proposal. Previous certifications shall not apply.

Upon receiving *Certification Form 1*, DHHL will verify with DLIR that the apprenticeship program is on the list of apprenticeship programs registered with DLIR. If the program(s) are not confirmed by DLIR, the bidder will not qualify for the preference.

<u>LIST OF CONSTRUCTION TRADES TO BE EMPLOYED</u>	
TRADE	APPRENTICESHIP PROGRAM SPONSOR

(Add additional sheets if necessary)

METHOD OF AWARD

Bidder is required to bid on the entire project. The low bidder shall be determined by the procedures outlined in items 1) through 4) below:

- 1) Prior to opening of bids, the State will determine the amount of funds available for the project. This amount will be designated the "control amount". The control amount shall be announced at, and prior to the opening of bids.
- 2) The Base Bid and Alternate, if any, of each Bidder will be adjusted to reflect the applicable preferences in accordance with Chapter 103D, HRS. The Alternate, if any, will then be added to the Base Bid and compared with the control amount.
- 3) The low bidder shall be the Bidder having the lowest aggregate amount, within the control amount (after application of the various preferences), for the Base Bid plus the Alternate, if any.
- 4) If adding the Alternate, if any, would make the aggregate amount exceed the control amount for all Bidders, the low bidder shall be the Bidder having the lowest Base Bid after application of the various preferences.

It is further understood and agreed that:

- 1) The Chairman reserves the right to reject any and/or all bids and waive any defects when, in his opinion, such rejection or waiver will be in the best interest of the State.
- 2) After determining the low bidder, an award may be made either on the amount of the Base Bid alone, or including the Alternate (exclusive of preferences), if:
 - a. It is in the best interest of the State;
 - b. Funds are available at time of the award; and
 - c. The combination of the Base Bid plus Alternate does not change the apparent low bidder.
- 3) In the event the Base Bid for all Bidders exceed the control amount, the Chairman reserves the right to negotiate with the lowest responsible and responsive bidder to award a contract within available funds.
- 4) In the event the award is made for the Base Bid alone, the Chairman reserves the right to amend the contract at a later date to include the Alternate should funds subsequently become available.

OTHER CONDITIONS

- 1) The liquidated damages per working day for failure to complete the work on time have been determined and are noted in the Special Conditions.
- 2) By submitting this bid, the undersigned is declaring that his firm has not been assisted or represented on this matter by an individual who has, in a State capacity, been involved in the subject matter of this contract in the past one (1) year.
- 3) By submitting this bid, the undersigned is declaring that Bidder's own organization will perform at least 20% of the total contract work.
- 4) Upon the acceptance of the bid by the Chairman, the undersigned must enter into and execute a contract for the same and furnish a Performance and Payment Bond, as required by law. These bonds shall conform to the provisions of Sections 103D-324 and 325, Hawaii Revised Statutes, and any law applicable thereto.
- 5) The quantities given herewith are approximate only and are subject to increase or decrease.
- 6) The estimated quantities shown for items for which a UNIT PRICE is asked in this bid are only for the purpose of comparing on a uniform basis bids offered for the work under this contract. No claim shall be filed for anticipated profit or loss because of any difference between the quantities of the various classes of work done or the materials and equipment actually installed and the said estimated quantities. Payment on UNIT PRICE items will be made only for the actual number of units incorporated into the finished project at the contract UNIT PRICE.
- 7) If the product of the UNIT PRICE BID and the number of units does not equal the total amount stated by the undersigned in the Bid for any item, it will be assumed that the error was made in computing the total amount. For the purpose of determining the lowest Bidder, the stated UNIT PRICE alone will be considered as representing the Bidder's intention and the total amount bid on such items shall be considered to be the amount arrived at by multiplying the UNIT PRICE by the number of units.
- 8) Certification for Safety and Health Programs for Bids in Excess of \$100,000. In accordance with Sections 103D-327 and 396-18, Hawaii Revised Statutes, by submitting this bid, the undersigned certifies that his firm will have a written Safety and Health Plan for this project that will be available and implemented by the Notice to Proceed date of this project. Details of the requirements of this plan may be obtained from the Department of Labor and Industrial Relations, Occupational, Safety and Health Division.
- 9) Anti-Collusion Certification. By submitting this bid, the undersigned is declaring that the price submitted is independently arrived at without collusion.

- 10) Any contract arising out of this offer is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.
- 11) Compliance with Act 68, SLH 2010, Employment of State Residents on Construction Procurement Contracts. – See Special Conditions 37 (SC-37) – Attachment – S5 AG-015 for provisions.

Receipt of the following addenda issued by the Department is acknowledged by the date(s) of receipt indicated below:

	Date		Date
Addendum No. 1	_____	Addendum No. 5	_____
Addendum No. 2	_____	Addendum No. 6	_____
Addendum No. 3	_____	Addendum No. 7	_____
Addendum No. 4	_____	Addendum No. 8	_____

It is understood that failure to receive any such addendum shall not relieve the Contractor from any obligation under this IFB as submitted.

ALL JOINT CONTRACTORS OR SUBCONTRACTORS TO BE ENGAGED ON THIS PROJECT

The Bidder certifies that the following is a complete listing of all joint Contractors or Subcontractors covered under Chapter 444, Hawaii Revised Statutes, who will be engaged by the Bidder on this project to perform the nature and scope of work indicated pursuant to Section 103D-302, Hawaii Revised Statutes, and understands that failure to comply with this requirement shall be just cause for rejection of the bid.

The Bidder further understands that only those joint Contractors or Subcontractors listed shall be allowed to perform work on this project and that all other work necessary shall be performed by the Bidder with his own employees. If no joint Contractor or Subcontractor is listed, it shall be construed that all of the work shall be performed by the Bidder with his own employees.

The Bidders must be sure that they possess and that the Subcontractors listed in the bid possess all the necessary licenses needed to perform the work for this project. The bidder shall be solely responsible for assuring that all the specialty licenses required to perform the work are covered in his bid.

The Bidder shall include the license number of the joint Contractors or Subcontractors listed below. Failure to provide the correct names and license numbers as registered with the Contractor's Licensing Board may cause rejection of the bid submitted.

Bid Security in the amount of: _____
_____ DOLLARS (\$ _____)

as required by law, is enclosed herewith in the form of:

- ☐ Surety Bond (*1)
- ☐ Legal Tender (*2)
- ☐ Cashier's Check (*3)
- ☐ Certificate of Deposit (*3)
- ☐ Certified Check (*3)
- ☐ Official Check (*3)
- ☐ Share Certificate (*3)
- ☐ Teller's Check (*3)
- ☐ Treasurer's Check (*3)

Respectfully submitted,

Name of Company, Joint Venture or Partnership

License No.

By _____
Signature (*4)

Title: _____

Date: _____

Address: _____

Telephone No.: _____

(IF A CORPORATION, AFFIX CORPORATE SEAL TO SIGNATURE, BE SURE TO FILL IN ATTACHED LIST OF SUBCONTRACTORS. THIS BID FORM MAY NOT BE ALTERED AND BIDDERS MAY NOT QUALIFY OR CONDITION THEIR BIDS IN ANY WAY.)

PLEASE FILL OUT THE ATTACHED CERTIFICATE OF RESOLUTION GIVING EVIDENCE OF THE AUTHORITY OF THIS OFFICER TO SUBMIT BIDS ON BEHALF OF THE COMPANY.

NOTES:

- *1. Surety bond underwritten by a company licensed to issue bonds in this State;
- *2. Legal tender; or
- *3. A certificate of deposit; share certificate; or cashier's, treasurer's, teller's, or official check accepted by, and payable on demand to the State by a bank, a savings institution, or credit union insured by the Federal Deposit Insurance Corporation of the National Credit Union Administration.
 - A. These instruments may be utilized only to a maximum of \$100,000.
 - B. 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 accepted.
- *4. Please attach to this page evidence of the authority of this officer to submit bids on behalf of the Company, and also the names and residence addresses of all officers of the Company.
- *5. Fill in all blank spaces with information asked for or bid may be invalidated. BID MUST BE INTACT; MISSING PAGES MAY INVALIDATE YOUR BID.

CERTIFICATE OF RESOLUTION

I, _____, Secretary of _____, a Hawaii Corporation, do hereby certify that the following is a full, true and correct copy of a resolution duly adopted by the Board of Directors of said Corporation, at its meeting duly called and held at the office of the Corporation _____, Hawaii, on _____ day of _____, 20_____, at which a quorum was present and acting throughout; and that said resolution has not been modified, amended or rescinded and continues in full force and effect.

“RESOLVED that any individual at the time holding the position of President or Vice President, be, and each of them hereby is, authorized to execute on behalf of the Corporation any bid, proposal or contract for the sale or rental of the products of the Corporation or for the services to be performed by the Corporation and to execute any bond required by any such bid, proposal or contract with the United States Government or the State of Hawaii or the City and County of Honolulu, or any County of Municipal Government of said State, or any department or subdivision of any of them.”

IN WITNESS THEREOF, I have hereunto set my hand and affixed the corporate seal of said _____ this ____ day of _____, 20____.

Secretary

END OF BID