

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

**ADDENDUM NO. 1
FOR
ASPHALT PAVEMENT PRESERVATION, RESURFACING, AND
RECONSTRUCTION AT VARIOUS LOCATIONS, ISLAND OF KAUAI
PROJECT NO. STP-0700(089)**

The following amendments shall be made to the Bid Documents:

A. SPECIAL PROVISIONS

1. Replace the **TABLE OF CONTENTS**, dated 8/29/22 with the attached **TABLE OF CONTENTS**, dated r11/23/22.
2. Replace **SECTION 102 – BIDDING REQUIREMENTS AND CONDITIONS**, pages 102-1a to 102-8a, dated 2/18/22 with attached **Section 102 – BIDDING REQUIREMENTS AND CONDITIONS**, pages 102-1a to 102-12a, dated r11/4/22.
3. Replace **SECTION 106 – MATERIAL RESTRICTIONS AND REQUIREMENTS**, page 106-1a, dated 3/28/22 with attached **Section 106 – MATERIAL RESTRICTIONS AND REQUIREMENTS**, page 106-1a, dated r11/10/22.
4. Replace **SECTION 629 – PAVEMENT MARKINGS**, pages 629-1a to 629-4a, dated 8/29/22 with attached **Section 629 – PAVEMENT MARKINGS**, pages 629-1a to 629-4a, dated r11/23/22.

B. SAMPLE FORMS

1. Replace the **SAMPLE FORMS** title page, dated 6/22/22 with attached **Sample Forms** title page, dated r11/23/22.
2. Add the attached **CERTIFICATION OF COMPLIANCE FOR EMPLOYMENT OF STATE RESIDENTS**, dated r11/23/22.

C. PRE-BID MEETING MINUTES

Attached, for your information:

1. Pre-Bid Meeting minutes, attendance list, and questions from the November 10, 2022 non-mandatory pre-bid meeting.

Please acknowledge receipt of this Addendum No. 1 by recording the date of its receipt in the space provided on page P-4 of the Proposal.



JADE T. BUTAY
Director of Transportation

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1 Make this section a part of the Standard Specifications:

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

4
5
6 **102.01 Prequalification of Bidders.** Prospective bidders shall be capable of
7 performing the work for which they are bidding.

8
9 In accordance with HRS Chapter 103D-310, the Department may require
10 any prospective bidder to submit answers to questions contained in the 'Standard
11 Qualification Questionnaire For Prospective Bidders On Public Works Contracts'
12 furnished by the Department, properly executed and notarized, setting forth a
13 complete statement of the experience of such prospective bidder and its
14 organization in performing similar work and a statement of the equipment
15 proposed to be used, together with adequate proof of the availability of such
16 equipment. Whenever it appears to the Department, from answers to the
17 questionnaire or otherwise, that the prospective bidder is not fully qualified and
18 able to perform the intended work, the Department will, after affording the
19 prospective bidder an opportunity to be heard and if still of the opinion that the
20 bidder is not fully qualified to perform the work, refuse to receive or consider any
21 bid offered by the prospective bidder. All information contained in the answers to
22 the questionnaire shall be kept confidential. Questionnaire so submitted shall be
23 returned to the bidders after serving their purpose.

24
25 No person, firm or corporation may bid where (1) the person, firm, or
26 corporation, or (2) a corporation owned substantially by the person, firm, or
27 corporation, or (3) a substantial stockholder or an officer of the corporation, or (4)
28 a partner or substantial investor in the firm is in arrears in payments owed to the
29 State or its political subdivisions or is in default as a surety or failure to do
30 faithfully and diligently previous contracts with the State.

31
32 **102.02 Contents of Proposal Forms.** The Department will furnish
33 prospective bidders with proposal forms posted in HlePRO stating:

- 34
35 (1) The location,
36
37 (2) Description of the proposed work,
38
39 (3) The approximate quantities,
40
41 (4) Items of work to be done or materials to be furnished,
42
43 (5) A schedule of items, and
44
45 (6) The time in which the work shall be completed.
46

47 Papers bound with or attached to the proposal form are part of the
48 proposal. The bidder shall not detach or alter the papers bound with or attached
49 to the proposal when the bidder submits its proposal through HlePRO.
50

51 Also, the bidder shall consider other documents including the plans and
52 specifications a part of the proposal form whether attached or not.
53

54 **102.03 (Unassigned).**
55

56 **102.04 Estimated Quantities.** The quantities shown in the contract are
57 approximate and are for the comparison of bids only. The actual quantity of work
58 may not correspond with the quantities shown in the contract. The Department
59 will make payment to the Contractor for unit price items in accordance with the
60 contract for only the following:
61

62 (1) Actual quantities of work done and accepted, not the estimated
63 quantities; or
64

65 (2) Actual quantities of materials furnished, not the estimated
66 quantities.
67

68 The Department may increase, decrease, or omit each scheduled
69 quantities of work to be done and materials to be furnished. When the
70 Department increases or decreases the estimated quantity of a contract item by
71 more than 15% the Department will make payment for such items in accordance
72 with Subsection 104.06 - Methods of Price Adjustment.
73

74 **102.05 Examination of Contract and Site of Work.** The bidder shall
75 examine carefully the site of the proposed work and contract before submitting a
76 proposal.
77

78 By the act of submitting a bid for the proposed contract, the bidder
79 warrants that:
80

81 (1) The bidder and its Subcontractors have reviewed the contract
82 documents and found them free from ambiguities and sufficient for the
83 purpose intended;
84

85 (2) The bidder and its workers, employees and subcontractors have
86 the skills and experience in the type of work required by the contract
87 documents bid upon;
88

89 (3) Neither the bidder nor its employees, agents, suppliers or
90 subcontractors have relied upon verbal representations from the
91 Department, its employees or agents, including architects, engineers or
92 consultants, in assembling the bid figure; and

93 (4) The basis for the bid figure are solely on the construction contract
94 documents.

95
96 Also, the bidder warrants that the bidder has examined the site of the
97 work. From its investigations, the bidder acknowledges satisfaction on:
98

- 99 (1) The nature and location of the work;
100
101 (2) The character, quality, and quantity of materials;
102
103 (3) The difficulties to be encountered; and
104
105 (4) The kind and amount of equipment and other facilities needed;
106

107 Subsurface information or hydrographic survey data furnished are for the
108 bidders' convenience only. The data and information furnished are the product of
109 the Department's interpretation gathered in investigations made at the specific
110 locations. These conditions may not be typical of conditions at other locations
111 within the project area or that such conditions remain unchanged. Also,
112 conditions found at the time of the subsurface explorations may not be the same
113 conditions when work starts. The bidder shall be solely responsible for
114 assumptions, deductions, or conclusions the bidder may derive from the
115 subsurface information or data furnished.
116

117 If the Engineer determines that the natural conditions differ from that
118 originally anticipated or contemplated by the Contractor in the items of
119 excavation, the State may treat the difference in natural conditions, as falling
120 within the meaning of Subsection 104.02 – Changes.
121

122 **102.06 Preparation of Proposal.** The submittal of its proposal shall be on
123 forms furnished by the Department. The bidder shall specify in words or figures:
124

- 125 (1) A unit price for each pay item with a quantity given;
126
127 (2) The products of the respective unit prices and quantities
128
129 (3) The lump sum amount; and
130
131 (4) The total amount of the proposal obtained by adding the amounts
132 of the several items.
133

134 The words and figures shall be in ink or typed. If a discrepancy occurs
135 between the prices written in words and those written in figures, the prices written
136 in words shall govern.
137

138 When an item in the proposal contains an option to be made, the bidder
139 shall choose in accordance with the contract for that particular item.
140 Determination of an option will not permit the Contractor to choose again.

141
142 The bidder shall sign the proposal properly in ink. A duly authorized
143 representatives of the bidder or by an agent of the bidder legally qualified and
144 acceptable to the Department shall sign, including one or more partners of the
145 bidder and one or more representatives of each entity comprising a joint venture.

146
147 When an agent, other than the officer(s) of a corporation authorized to
148 sign contracts for the corporation or a partner of a partnership, signs the
149 proposals, a 'Power of Attorney' shall be on file with the Department or submitted
150 with the proposal. Otherwise, the Department will reject the proposal as irregular
151 and unauthorized.

152
153 The bidder shall submit acceptable evidence of the authority of the
154 partner, member(s) or officer(s) to sign for the partnership, joint venture, or
155 corporation respectively with the proposal. Otherwise, the Department will reject
156 the proposal as irregular and unauthorized.

157
158 **102.07 Irregular Proposals.** The Department may consider proposals
159 irregular and may reject the proposals for the following reasons:

- 160
161 (1) The proposal is a form not furnished by the Department, altered, or
162 detached;
- 163
164 (2) The proposal contains unauthorized additions, conditions, or
165 alternates. Also, the proposal contains irregularities that may tend to
166 make the proposal incomplete, indefinite, or ambiguous to its meaning;
- 167
168 (3) The bidder adds provisions reserving the right to accept or reject an
169 award. Also, the bidder adds provisions into a contract before an award;
- 170
171 (4) The proposal does not contain a unit price for each pay item listed
172 except authorized optional pay items; and
- 173
174 (5) Prices for some items are out of proportion to the prices for other
175 items.
- 176
177 (6) If in the opinion of the Director, the bidder and its listed
178 subcontractors do not have the Contractor's licenses or combination of
179 Contractor's licenses necessary to complete the work.
- 180

181 Where the prospective bidder is bidding on multiple projects
182 simultaneously and the proposal limits the maximum gross amount of awards
183 that the bidder can accept at one bid letting, the proposal is not irregular if the
184 limit on the gross amount of awards is clear, and the Department selects the
185 awards that can be given.

186
187 **102.08 Proposal Guaranty.** The Department will not consider a proposal of
188 \$25,000 or more unless accompanied by:

189
190 (1) A deposit of legal tender; or

191
192 (2) A valid surety bid bond, underwritten by a company licensed to
193 issue bonds in the State of Hawaii, in the form and composed,
194 substantially, with the same language as provided herewith and signed by
195 both parties; or

196
197 (3) A certificate of deposit, share certificate, cashier's check,
198 treasurer's check, teller's check, or official check drawn by, or a certified
199 check accepted by and payable on demand to the State by a bank,
200 savings institution, or credit union insured by the Federal Deposit
201 Insurance Corporation (FDIC) or the National Credit Union Administration
202 (NCUA).

203
204 (a) The bidder may use these instruments only to a maximum of
205 \$100,000.

206
207 (b) If the required security or bond amount totals over \$100,000
208 more than one instrument not exceeding \$100,000 each and issued
209 by different financial institutions shall be acceptable.

210
211 (c) The instrument shall be made payable at sight to the
212 Department.

213
214 (d) Proposal Guaranty listed in (1) and (3) shall be in its original
215 form, and shall be received at the Contracts Office, Department of
216 Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813
217 before the bid deadline.

218
219 In accordance with HRS Chapter 103D-323, the above shall be in a sum
220 not less than 5% of the amount bid.

221
222 **102.09 Delivery of Proposal.** The bidder shall submit the proposal in
223 HlePRO. Bids received after said due date and time shall not be considered.
224 Original bid documents do not have to be submitted. Award will be made based
225 on proposals submitted in HlePRO.

227 **102.10 Withdrawal or Revision of Proposals.** A bidder may withdraw or
228 revise a proposal after the bidder submits the proposal in HlePRO. Withdrawal
229 or revision of proposal must be completed before the time set for the receiving of
230 bids.

231
232 **102.11 Public Opening of Proposals.** Not applicable.

233
234 **102.12 Disqualification of Bidders.** The Department may disqualify a bidder
235 and reject its proposal for the following reasons:

236
237 (1) Submittal of more than one proposal whether under the same or
238 different name.

239
240 (2) Evidence of collusion among bidders. The Department will not
241 recognize participants in collusion as bidders for any future work of the
242 Department until such participants are reinstated as qualified bidders.

243
244 (3) Lack of proposal guaranty.

245
246 (4) Submittal of an unsigned or improperly signed proposal.

247
248 (5) Submittal of a proposal without a listing of subcontractors or
249 containing only a partial or incomplete listing of subcontractors.

250
251 (6) Submittal of an irregular proposal in accordance with Subsection
252 102.07 - Irregular Proposals.

253
254 (7) Evidence of assistance from a person who has been an employee
255 of the agency within the preceding two years and who participated while in
256 State office or employment in the matter with which the contract is directly
257 concerned, pursuant to HRS Chapter 84-15.

258
259 (8) Suspended or debarred in accordance with HRS Chapter 104-25.

260
261 (9) Failure to complete the prequalification questionnaire, if applicable.

262
263 (10) Failure to attend the mandatory pre-bid meeting, if applicable.

264
265 **102.13 Material Guaranty.** The successful bidder may be required to furnish
266 a statement of the composition, origin, manufacture of materials, and samples.

267
268 **102.14 Substitution of Materials and Equipment Before Bid Opening.** See
269 Subsection 106.13 for Substitution Of Materials and Equipment After Bid
270 Opening.

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(A) General. When brand names of materials or equipment are specified in the contract documents, they are to indicate a quality, style, appearance, or performance and not to limit competition. The bidder shall base its bid on one of the specified brand names unless alternate brands are qualified as equal or better in an addendum. Qualification of such proposed alternate brands shall be submitted via email to the Contact person listed in HlePRO for the solicitation and also post a question in HlePRO under the question/answer tab referencing the email with the request. The request must be posted in HlePRO no later than 14 calendar days before the bid opening date, not including the bid opening date.

An addendum will be issued to inform all prospective bidders of any accepted substitution in accordance with Subsection 102.17 – Addenda.

(B) Statement of Variances. The statement of variances must list all features of the proposed substitution that differ from the contract documents and must further certify that the substitution has no other variant features. The brochure and information submitted shall be clearly marked showing make, model, size, options, and any other features requested by the Engineer and must include sufficient evidence to evaluate each feature listed as a variance. A request will be denied if submitted without sufficient evidence. If after installing the substituted product, an unlisted variance is discovered, the Contractor shall immediately replace the product with a specified product at no increase in contract price and contract time.

(C) Substitution Denial. Any substitution request not complying with the above requirements will be denied.

102.15 Bid Adjustment.

(A) Preferences for Apprenticeship Programs. In accordance with ACT 17, SLH 2009 – Apprenticeship Program and the Bipartisan Infrastructure Law Section 25019(a), a 5% bid adjustment for bidders that are parties to apprenticeship agreements pursuant to Hawaii Revised Statutes (HRS) Section 103-55.6 may be applied to the bidder's price for evaluation purposes. These procedures apply to public works projects with an estimated cost of \$250,000 or more and entered into under the provisions of HRS Chapter 103.

The following provisions apply to this Apprenticeship Program.

(1) Definitions.

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(a) “Apprenticeable trade”, HRS Section 103-55.6 (c), shall have the same meaning as ‘apprenticeable occupation’ pursuant to Hawaii Administrative Rules (HAR) Section 30-1-5.

(b) “Department” means the department of labor and industrial relations.

(c) “Director” means the director of labor and industrial relations.

(d) “Employ” means the employment of a person in an employer-employee relations.

(e) “Governmental body” means as defined in HRS Section 103D-104.

(f) “Party to an apprenticeship agreement” means party to a registered apprenticeship program with the department of labor and industrial relations.

(g) “Preference” means the 5% by which the qualified bidder’s offer amount would be decreased for evaluation purposes.

(h) “Public work” shall be as defined in HRS Section 104-2 and HAR Section 12-22-1.

(i) “Registered apprenticeship program” means a construction trade program approved by the department pursuant to HAR Section 12-30-1 and Section 12-30-4.

(j) “Sponsor” means an operator of an apprenticeship program and in whose name the program is approved and registered with the department of labor and industrial relations pursuant to HAR Section 12-30-1.

(k) Offeror – Entity/bidder submitting a proposal to undertake a project.

(l) Procurement Officer – Director of Transportation or his authorized representative.

(2) Qualification Procedures.

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(a) Any bidder seeking the preference must be a party to an apprenticeship agreement registered with the department at the time the offer is made for each apprenticeable trade the bidder will employ to construct the public works projects for which the offer is being made.

1. The apprenticeship agreement shall be registered and conform to the requirements of HRS Chapter 372.

2. Subcontractors do not have to be a party to an apprenticeship agreement for the bidder to obtain the preference.

3. The bidder is not required to have apprentices in its employ at the time of submittal of an offer to qualify for the preference.

(b) The department shall:

1. Develop and maintain a list of construction trades in registered apprenticeship programs which conform to HRS Chapter 372; and

2. Electronically post the list; including any amendments, on the department website (<http://labor.hawaii.gov>).

(c) Bidder is responsible to comply with all submission requirements for registration of its apprenticeship program before requesting a preference.

(d) Bidder shall provide a certification by the sponsor of the respective registered apprenticeship programs covering the relevant trade(s) for the public works project.

(e) *Certification Form 1* issued by the department shall include:

1. Contractor information;

2. Solicitation reference;

3. Trade(s);

4. Date and name of apprenticeship program;

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5. Signature of authorized training coordinator or training trust fund administrator certifying that the contractor is a participant in the program, and that the program is registered with the department;

6. Contract information for sponsor's authorized representative signing the form;

7. Number of apprentices enrolled in the program, number who successfully completed the apprenticeship program in the past 12 months, including whether the contractor is signatory to a collective bargaining agreement for that trade, or if not, provide for attachment of a copy of the agreement between the contractor and the program.

(3) Solicitation Procedures.

(a) If the NTB indicates that this project is covered by this preference, and the offer is less than \$250,000 this preference will still be applicable in determining the lowest bidder.

(b) A claim for this preference must include the following:

1. Allow bidder seeking to claim the preference to 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 participation in an apprenticeship program registered with the department.

3. The *Certification Form 1* shall be authorized by an apprenticeship sponsor of the department's list of registered apprenticeship programs. The authorization shall be an original signature by an authorized official of the apprenticeship sponsor; and

4. The completed *Certification Form 1* for each trade must be submitted by the bidder with the offer. Previous certifications shall not apply unless allowed by the solicitation.

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

(4) Evaluation and Contract Award.

(a) If the bidder certifies participation in an apprenticeship program for each trade which will be employed by the bidder for the project, the procurement officer shall apply the preference and decrease the bidder's total bid amount by five per cent (5%) for evaluation purposes.

(b) Should the bidder qualify for other statutory preferences (for example, Hawaii products), all applicable preferences shall be applied to the bidder's price.

(c) The contract amount shall be the original offer amount, exclusive of any preference; the preference is only for evaluation purposes.

(d) Any claims challenging a bidder's representation that the bidder is a participant in an apprenticeship program(s) as claimed, shall be submitted to the procurement officer. The procurement officer will refer the challenge to the department of labor and industrial relations who shall investigate any such claims and shall make a determination.

(5) Contract Administration.

(a) For the duration of a contract awarded utilizing the apprenticeship preference, the contractor shall certify each month that work is being conducted on the project, that it continues to be a participant in the relevant apprenticeship program for each trade it employs.

(b) Monthly certification shall be made on *Monthly Certification Form 2* prepared and made available by the department, be a signed original by the respective apprenticeship program sponsors' authorized official, and submitted by the contractor with its monthly payment requests.

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(c) Should the contractor fail or refuse to submit its monthly certification forms, or at any time during the construction of the project, cease to be a part to a registered apprenticeship agreement for each apprenticeable trades the contractor employs, or will employ, the contractor will be subject to the following sanctions:

1. Withholding of the requested payment until the required form(s) are submitted;
2. Temporary or permanent cessation of work on the project , without recourse to breach of contract claims by the contractor; provided the agency shall be entitled to restitution for nonperformance or liquidated damages claims; or
3. Proceed to debar or suspend pursuant to HRS Section 103D-702.

(d) If events such as “acts of God,” acts of a public enemy, acts of the State or any other governmental body in its sovereign or contractual capacity, fires, floods, epidemics, freight embargoes, unusually severe weather, or strikes or other labor disputes prevent the contractor from submitting the certification forms, the contractor shall not be penalized as provided herein, provided the contractor completely and expeditiously complies with the certification process when the event is over.

102.16 Certification for Safety and Health Program for Bids in excess of \$100,000. In accordance with HRS Chapter 396-18, the bidder or offeror, by signing and submitting this proposal, certifies that a written safety and health plan for this project will be available and implemented by the notice to proceed date for this project. Details of the requirements of this plan may be obtained from the State Department of Labor and Industrial Relations, Occupational Safety and Health Division (HIOSH).

102.17 Addenda. Addenda issued shall become part of the contract documents. Addenda to the bid documents will be provided to all prospective bidders via HIePRO. Each addendum shall be an addition to the contract documents. The terms and requirements of the bid documents (i.e., drawings, specifications and other bid and contract documents) cannot be changed prior to the bid opening except by a duly issued addendum.”

END OF SECTION 102

1 **SECTION 106 – MATERIAL RESTRICTIONS AND REQUIREMENTS**

2
3 Make the following amendment to said Section:

4
5 **(I)** Amend **106.05(B) – Deviation** by revising the third sentence from line 106
6 to 108 to read as follows:

7
8 “Any deviations will be subject to Subsection 102.14 – Substitution of Materials
9 and Equipment Before Bid Opening.

10
11 **(II)** Amend **Section 106 – Material Restrictions and Requirements** by
12 adding the following after line 334

13
14 **106.14 Construction Materials.**

15
16 **(A)** Buy America requirements apply to the following construction
17 materials unless otherwise specified:

18
19 **(1)** Non-ferrous metals.

20
21 **(2)** Plastic and polymer-based products such as:

22
23 (a) Polyvinylchloride.

24
25 (b) Composite building materials.

26
27 (c) Polymers used in fiber optic cables.

28
29 **(3)** Glass.

30
31 **(4)** Lumber.

32
33 **(5)** Drywall.

34
35 Where one or more of these construction materials have been
36 combined by a manufacturer with other materials through a manufacturing
37 process, Buy America requirements do not apply unless otherwise
38 specified. Furnish construction materials to be incorporated into the work
39 with certificates of compliance with each project delivery. Manufacturer’s
40 certificate of compliance must identify where the construction material was
41 manufactured and attest specifically to Buy America compliance. All
42 manufacturing processes for these materials must occur in the United
43 States.
44
45
46
47

END OF SECTION 106

SECTION 629 - PAVEMENT MARKINGS

Make the following amendments to said Section:

(I) Amend **Subsection 629.03(B) – Temporary Pavement Markings** by revising the third paragraph from line 62 to 63 to read:

“Maintain and replace temporary pavement markings, flexible delineators, and barricades. ”

(II) Amend **Table 629.03 – 1 – Temporary Pavement Markings** to read as follows:

“TABLE 629.03-1 TEMPORARY PAVEMENT MARKINGS	
TYPE	PAVEMENT MARKINGS
Passing Permitted - Both Sides	Single 4-inch yellow stripe 5 feet in length spaced 20 feet on center with Type D markers spaced 40 feet on center and located on center of 5-foot length of stripe.
Passing Prohibited - Both Sides	Double solid 4-inch yellow stripes with Type D markers placed 20 feet on center on one of 4-inch yellow stripes selected by the Engineer.
Passing Permitted - One Side Only	Single continuous 4-inch yellow stripe with Type D markers placed on stripe 20 feet on center on no-passing side and single 4-inch yellow stripes 5 feet in length spaced 20 feet on center on passing side.
Lane Lines - Lane Changing Permitted	Single 4-inch yellow or white stripe 5 feet in length spaced 20 feet on center with Type C or Type D markers spaced 40 feet on center.
Lane Lines - Lane Changing Prohibited	Double solid 4-inch white stripes with Type C markers placed 20 feet on center on one of the 4-inch white stripes selected by the Engineer.
Crosswalk	Two 12-inch white transverse lines spaced 8 feet on center or as ordered by the Engineer.
Stop Line	Single 12-inch white transverse line.
Note: Paint may be used for temporary markings in areas where final paving is not complete.”	

(III) Amend **Subsection 629.03(D) – Removal of Existing Pavement Markings** from lines 288 to 290 to read:

19 “(4) **Other.** Remove preformed pavement marking tape by methods
20 recommended by manufacturers. Eradication of existing markings by
21 painting over them will not be allowed.
22

23 Removal of existing pavement markings during cold planning operations
24 shall not be paid for separately and will be considered incidental to
25 415.0110 – Cold Planing of Existing Pavement. “
26

27 **(IV)** Amend **629.04 – Measurement** by revising lines 292 to 294 to read as
28 follows:
29

30 **“629.04 Measurement.**

31
32 (A) The Engineer will measure thermoplastic and preformed pavement
33 marking tape per linear foot in accordance with the contract
34 documents. The longitudinal pavement markings will be measured per
35 linear foot as a single stripe for the width specified in the contract and
36 in the proposal.
37

38 The Engineer will measure the transverse markings by the linear
39 foot, per lane, or per each according to the contract.
40

41 The Engineer will not measure temporary pavement markings
42 including flexible delineator posts with reflector markers or Type I
43 Barricades and temporary signs installed for the longitudinal guidance
44 of public traffic over reconstructed areas, cold planed surfaces, newly
45 paved surfaces or other unmarked or scarified areas for payment.
46

47 The Contractor shall consider the work required for the removal of
48 pavement markings incidental to the various contract items, except as
49 provided in the proposal or elsewhere in the contract. If the contract
50 stipulates that the Engineer will make payment for the removal of
51 pavement markings, the Engineer will measure the removal of
52 pavement markings.
53

54 (B) The Engineer will measure the pavement markers per each for the
55 types shown in the proposal.
56

57 (C) The Engineer will measure the painted stripes that are twelve (12)
58 inches wide or less as a single stripe. The Engineer will measure the
59 painted stripes over twelve (12) inches wide as two (2) stripes. The
60 Engineer will measure the double stripes that are twelve (12) inches or
61 less in total width including the transverse space between the stripes
62 as a single stripe.
63

64 The Engineer will measure the longitudinal pavement markings by
65 the linear foot or per gallon according to the contract. Longitudinal
66 gaps for skip striping will not be included in the measurement.
67

68 The Engineer will measure the transverse markings by the linear
69 foot, per lane, per each or per gallon according to the contract.
70

71 The Engineer will measure the curb markings by the linear foot or
72 per gallon according to the contract.”
73

74 (V) Amend **629.05 – Payment** by revising lines 296 to 330 to read as follows:
75

76 **“629.05 Payment.**
77

78 (A) The Engineer will pay for thermoplastic and preformed pavement
79 marking tape at the contract price per linear foot or on a lump sum
80 basis according to the contract, complete in place, including primers.
81

82 The Engineer will pay for double four (4) inch striping with a four (4)
83 inch space between stripes at the contract price per linear foot or on a
84 lump sum basis according to the contract.
85

86 The Engineer will pay for crosswalk markings at the contract price
87 per lane of traffic marked, per each or on a lump sum basis according
88 to the contract.
89

90 The Engineer will pay for pavement arrows (single and multiple
91 heads), symbols, and words at the contract price per each according to
92 the contract.
93

94 The contract unit price paid shall be full compensation for furnishing
95 labors, materials, tools, equipment and incidentals and for doing the
96 work involved in furnishing and installing pavement markings complete
97 in place according to the contract.
98

99 The Engineer will not pay for the temporary pavement markings
100 including flexible delineator posts with reflector markers or Type I
101 Barricades and temporary signs installed for the longitudinal guidance
102 of public traffic over reconstructed areas, cold planed surfaces, newly
103 paved surfaces or other unmarked or scarified areas for payment if not
104 shown in the proposal separately. The Engineer will consider them
105 incidental to the various contract items.
106

107 If the contract specifies payment for removal of pavement markings
108 under unit price pay items, the Engineer will pay for the accepted
109 quantities at the contract unit prices bid. The prices shall be full
110 compensation for removing such items according to the contract.

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(B) The Engineer will pay for the various types of pavement markers at the contract price per each or on a lump sum basis according to the contract, complete in place, including adhesives.

(C) The Engineer will pay for painted pavement striping at the contract price per linear foot or on a lump sum basis according to the contract.

The Engineer will pay for quantities of crosswalk marking at the contract price per lane of traffic marked, per each or on a lump sum basis according to the contract.

The Engineer will pay for pavement arrows (single or multiple arrow heads), symbols, and words at the contract price per each according to the contract.

The Engineer will pay for the accepted quantities of curb markings at the contract price per linear foot or on a lump sum basis.

The Engineer will pay for the following pay items when included in the proposal schedule:

Pay Item	Pay Unit
_____ - Inch Pavement Striping (_____)	Linear Foot
Pavement Word (Thermoplastic Extrusion)	Each
Pavement Arrow (Thermoplastic Extrusion)	Each
Pavement Symbol (Thermoplastic Extrusion)	Each
Yield Line (Thermoplastic Extrusion)	Lane
Crosswalk Marking (Thermoplastic Extrusion)	Lane
Type ____ Pavement Marker	Each
Removing and Disposing of _____	Linear Foot
Removing and Disposing of _____	Each
Removing and Disposing of _____	Lane
Thermoplastic Rumble Bars	Linear Foot

END OF SECTION 629

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HONOLULU, HAWAII

SAMPLE FORMS

Contract

Performance Bond (Surety)

Performance Bond

Labor and Material Payment Bond (Surety)

Labor and Material Payment Bond

Disclosure of Lobbying Activities (Standard Form - LLL and LLL-A)

Statement of Compliance (Form WH-348)

Chapter 104, HRS Compliance Certificate

Certification of Compliance for Employment of State Residents

PROVISIONS TO BE INCLUDED IN CONSTRUCTION PROCUREMENT SOLICITATIONS

1. Definitions for terms used in HRS Chapter 103B as amended by Act 192, SLH 2011:

- a. "Contract" means contracts for construction under 103D, HRS.
- b. "Contractor" has the same meaning as in Section 103D-104, HRS, provided that "contractor" includes a subcontractor where applicable.
- c. "Construction" has the same meaning as in Section 103D-104, HRS.
- d. "General Contractor" means any person having a construction contract with a governmental body.
- e. "Procurement Officer" has the same meaning as in Section 103D-104, HRS.
- f. "Resident" means a person who is physically present in the State of Hawaii at the time the person claims to have established the person's domicile in the State of Hawaii and shows the person's intent is to make Hawaii the person's primary residence.
- g. "Shortage trade" means a construction trade in which there is a shortage of Hawai'i residents qualified to work in the trade as determined by the Department of Labor and Industrial Relations.

2. HRS Chapter 103B as amended by Act 192, SLH 2011—Employment of State Residents Requirements:

- a. A Contractor awarded a contract shall ensure that Hawaii residents comprise not less than 80% of the workforce employed to perform the contract work on the project. The 80% requirement shall be determined by dividing the total number of hours worked on the contract by Hawaii residents, by the total number of hours worked on the contract by all employees of the Contractor in the performance of the contract. The hours worked by any Subcontractor of the Contractor shall count towards the calculation for this section. The hours worked by employees within shortage trades, as determined by the Department of Labor and Industrial Relations (DLIR), shall not be included in the calculation for this section.

- b. Prior to award of a contract, an Offeror/Bidder may withdraw an offer/bid without penalty if the Offeror/Bidder finds that it is unable to comply with HRS Chapter 103B as amended by Act 192, SLH 2011.
- c. Prior to starting any construction work, the Contractor shall submit the subcontract dollar amount for each of its Subcontractors.
- d. The requirements of this section shall apply to any subcontract of \$50,000 or more in connection with the Contractor; that is, such Subcontractors must also ensure that Hawaii residents comprise not less than 80% of the Subcontractor's workforce used to perform the subcontract.
- e. The Contractor and any Subcontractor whose subcontract is \$50,000 or more shall comply with the requirements of HRS Chapter 103B as amended by Act 192, SLH 2011.
 - 1) Certification of compliance shall be made in writing under oath by an officer of the General Contractor and applicable Subcontractors and submitted with the final payment request.
 - 2) The certification of compliance shall be made under oath by an officer of the company by completing a "Certification of Compliance for Employment of State Residents" form and executing the Certificate before a licensed notary public.
 - 3) In addition to the certification of compliance as indicated above, the Contractor and Subcontractors shall maintain records such as certified payrolls for laborers and mechanics who performed work at the site and time sheets for all other employees who performed work on the project. These records shall include the names, addresses and number of hours worked on the project by all employees of the Contractor and Subcontractor who performed work on the project to validate compliance with HRS Chapter 103B as amended by Act 192, SLH 2011. The Contractor and Subcontractors shall retain these records and provide access to the State for a minimum period of four (4) years after the final payment, except that if any litigation, claim, negotiation, investigation, audit or other action involving the records has been started before the expiration of the four-year period, the Contractor and Subcontractors shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the four-year period, whichever occurs later. Furthermore, it shall be the Contractor's responsibility to enforce compliance with this provision by any Subcontractor.

- f. A General Contractor or applicable Subcontractor who fails to comply with this section shall be subject to any of the following sanctions:
- 1) With respect to the General Contractor, withholding of payment on the contract until the Contractor or its Subcontractor complies with HRS Chapter 103B as amended by Act 192, SLH 2011.
 - 2) Proceedings for debarment or suspension of the Contractor or Subcontractor under Hawaii. Revised Statutes §103D-702.
3. Conflict with Federal Law: This section shall not apply if the application of this section is in conflict with any federal law, or if the application of this section will disqualify the State from receiving Federal funds or aid.

**CERTIFICATION OF COMPLIANCE
FOR
EMPLOYMENT OF STATE RESIDENTS
HRS CHAPTER 103B, AS AMENDED BY ACT 192, SLH 2011**

Project Title: _____

Agency Project No: _____

Contract No.: _____

As required by Hawaii Revised Statutes Chapter 103B, as amended by Act 192, Session Laws of Hawaii 2011—Employment of State Residents on Construction Procurement Contracts, I hereby certify under oath, that I am an officer of _____ and
(Name of Contractor or Subcontractor Company)
for the Project Contract indicated above, _____ was in
(Name of Contractor or Subcontractor Company)
compliance with HRS Chapter 103B, as amended by Act 192, SLH 2011, by employing a workforce of which not less than eighty percent are Hawaii residents, as calculated according to the formula in the solicitation, to perform this Contract.

I am an officer of the Contractor for this contract.

I am an officer of a Subcontractor for this contract.

CORPORATE SEAL

(Name of Company)

(Signature)

(Print Name)

(Print Title)

Subscribed and sworn to me before this
____ day of _____, 2011.

Doc. Date: _____ # of Pages _____ 1ST Circuit

Notary Name: _____

Doc. Description: _____

Notary Public, 1st Circuit, State of Hawai'i
My commission expires: _____

Notary Signature Date

NOTARY CERTIFICATION

Addendum No. 1

EXHIBIT 2

r11/23/22

MINUTES OF THE PRE-BID MEETING

PROJECT: Asphalt Pavement Preservation, Resurfacing, and Reconstruction at Various Locations, Island of Kauai

PROJECT NO.: STP-0700(089)

LOCATION: Microsoft Teams Video Conference

DATE & TIME: November 10, 2022 at 9:30 A.M.

IN ATTENDANCE:

Eric Fujikawa	HDOT – HWY-K
Bernie Vargas	HDOT – HWY-K
Daniel Williams	HDOT – OCR
Sam Peng Ho	Jas W. Glover, Ltd.
Cole Millare	Grace Pacific LLC
Jason Ames	Grace Pacific LLC

The meeting started at 9:30 A.M. Eric Fujikawa began the meeting with an introduction and gave a brief overview of the project.

Anything said at this meeting is for clarification purposes only, the bid documents shall govern over anything said today and discrepancies shall be clarified by addendum.

All questions that resulted from this meeting were directed to be submitted through HiePRO and will be formally answered through the addendum.

The DBE goals of the project are as follows: Area 1, 1.5%; Area 2, 2.8%; Area 3, 3.3%; Area 4, 1.0%. Dan Williams provided an overview of DBE forms and requirements when submitting a bid. Links were provided to the bidder registration form (<https://hidot.hawaii.gov/administration/files/2019/03/Bidder-Registration-Fillable-Form.pdf>) and the DBE system website (<https://hdot.dbesystem.com/>).

The following questions were raised at the meeting:

Question #1: Do NAICS codes have anything to do with how a DBE is seen?

Response: NAICS number is a 4–6 digit number that gives a description of what type of work a company can do. You can have multiple NAICS codes to cover work that is done. If the specific NAICS code is not applicable to the work being done, the contractor won't be able to count that work towards the DBE goal.

Question #2: What if a DBE is only supplying material for work that can be done under their NAICS code?

Response: If they will only be supplying the material, the appropriate NAICS code will need to be obtained.

Question #3: Does the 627.0100 vehicular counting sensor include loop detector replacement?

Response: Yes, the pay item is intended to replace loop detectors damaged when paving.

Question #4: Are all message boards paid under 645 traffic control?

Response: Yes

Question #5: Are lights paid for under traffic control for night work?

Response: Lights to perform night work will not be paid under traffic control. It shall be considered incidental to the project.

Question #6: Are traffic control signs requiring the signs subcontractor to be listed?

Response: Signs to be installed shall have the appropriate licensed contractor performing the work and shall be listed as a subcontractor, if needed.

Question #7: If striping is intended for only paving, what is striping removal for?

Response: An example need for striping removal would be when a slurry seal work order is done, striping will be removed to perform the slurry seal.

Question #8: Would cold planing get paid for removing of striping as well?

Response: No, striping removal will not be paid for in addition to cold planing operations for paving work.

The pre-bid meeting was adjourned at 10:03 A.M.

The minutes of the meeting will be distributed in Addendum No. 1 of the Contract Plans. Contractors will be notified via HIePRO when the addendum will be available.