

**SOLICITATION DOCUMENT NO. RFB-HRT-698009**

**HONOLULU AUTHORITY  
FOR RAPID TRANSPORTATION**

**NOTICE TO OFFERORS**  
Request for Sealed Bids (RFB)

**Description:** Airport Section Utilities Construction

**COMPETITIVE SEALED BIDS** shall be received up to and publicly opened at

<b>TIME:</b>	<b>2:00pm</b>
<b>DATE:</b>	<b>THURSDAY, February 27, 2014</b>
<b>LOCATION:</b>	<b>1099 Alakea St., Suite 150, Honolulu, Hawaii 96817</b>

Questions relating to this solicitation may be sent to [transitmailbox@honolulu.gov](mailto:transitmailbox@honolulu.gov) or a hardcopy mailed to:

Honolulu Authority for Rapid Transportation  
Procurement Division – RFB-HRT-698009  
1099 Alakea Street, Suite 1700  
Honolulu, Hawaii 96813



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Daniel A. Grabauskas  
Executive Director and CEO

## INSTRUCTIONS TO OFFERORS

### HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

#### 1. TIME AND DATE SET FOR RECEIPT OF BIDS

The bids shall be submitted no later than the time and date set forth below to the location indicated:

<b><u>RECEIPT OF BIDS</u></b>	
<b>TIME:</b>	<b>2:00pm</b>
<b>DATE:</b>	<b>THURSDAY, February 27, 2014</b>
<b>LOCATION:</b>	<b>1099 Alakea St., Room 150, Honolulu, Hawaii 96817</b>

Any changes to the time, date, or location may be made by HART by a written addendum.

#### 2. PRE-BID CONFERENCE

A pre-bid conference will be held at the following time and date set forth below at the location indicated:

<b><u>PRE-BID CONFERENCE</u></b>	
<b>TIME:</b>	<b>10:00 a.m.</b>
<b>DATE:</b>	<b>THURSDAY, January 9, 2014</b>
<b>LOCATION:</b>	<b>1099 Alakea St., Room 150, Honolulu, Hawaii 96817</b>

Nothing stated at the pre-bid conference shall change the solicitation unless a change is made by written addendum. Any changes to the time, date, or location may be made by HART by a written addendum.

#### 3. SOLICITATION TIMETABLE

<b>Issuance of Request for Bids</b>	<b>December 17, 2013</b>
<b>Pre-Bid Conference</b>	<b>January 9, 2014</b>
<b>Deadline for Request for Clarification</b>	<b>January 28, 2014</b>
<b>Deadline for Request for Substitution</b>	<b>January 30, 2014</b>
<b>Last Day to Issue Addenda</b>	<b>February 10, 2014</b>
<b>Receipt of Bids</b>	<b>February 27, 2014</b>
<b>Anticipated Award Date</b>	<b>March 18, 2014</b>

Any changes to the dates in the Solicitation Timetable may be made by HART by a written addendum.

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4. Method of Award.

Award shall be made to the lowest responsive, responsible bidder.

5. Taxes Included in Bid Prices.

Unless otherwise specified in the solicitation document, all taxes shall be included in the unit and total bid price.

6. Bid Security.

Bids shall include a bid security in an amount equal to five per cent of the amount of the total bid offer, including options, if any.

7. Brand names, model, make or method.

Where the solicitation document specifies one or more manufacturer's brand names or makes of materials, devices, equipment or system, it is indicating a quality, style, appearance, or performance, or method of construction. The Offeror shall base its offer on one of the specified brands, makes, or method, or on an alternate brand, make, or method which has expressly been found to be equal or better by HART in the solicitation or by written addendum to the solicitation.

8. Estimated quantities.

Unless otherwise specified, all quantities appearing in the solicitation document for construction projects are approximate, and those indicated in the document are prepared for the comparison of offers only. Bidders shall include in its prices offered, the entire cost of the materials and equipment required for the full performance of the contract, and it is understood and agreed that there is included in each lump sum or unit priced item, the entire cost of any and all items incidental to the performance of the work covered by such lump sum or unit priced item.

9. Joint contractor; subcontractor listing.

Offeror shall comply with HRS §103D-302, relating to the listing of joint contractors or subcontractors.

10. Request for clarification.

(a) If a prospective Bidder believes that any of the matters in, or related to, the solicitation are not sufficiently described or explained in the solicitation, or that any discrepancy exists between different parts of the solicitation, or that the full intent of the solicitation is not clear, then the Bidder shall submit a written request for clarification no later than the deadline stated in the solicitation document. HART is not obligated to respond to any request received after the deadline.

- (b) Submission of requests for clarifications.

Written request for clarifications shall be e-mailed to [transitmailbox@honolulu.gov](mailto:transitmailbox@honolulu.gov) or mailed hardcopy to:

Honolulu Authority for Rapid Transportation  
Procurement Division – RFB-HRT-698009  
1099 Alakea Street, Suite 1700  
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11. Request for substitution.

(a) Alternate brands, makes, or methods may be qualified through the submittal of a written request for substitution for review and approval. Offeror shall submit a written request for substitution no later than the deadline stated in the solicitation document. Requests received after the deadline will be denied.

(b) The written request must be clearly marked SUBSTITUTION REQUEST on the envelope. Six copies of the request must be submitted together with three sets of technical brochures which shall either be marked or be accompanied by three copies of a statement of variances. The statement of variances must list all features of the proposed substitution which differ from the contract documents, and must further certify that the substitute has no other variant features. The brochures must include sufficient evidence to enable HART to evaluate each feature listed as a variance. Should an unlisted variance be discovered after installation or delivery of the item, the Contractor shall immediately replace the item with the specified item at no cost to HART and without any extension to the contract completion time.

(c) The written substitution request shall be submitted in the following format:

<u>SECTION</u>	<u>ITEM</u>	<u>SPECIFIED</u>	<u>SUBSTITUTE</u>
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(d) Written request for substitution shall be submitted by person, or mailed hardcopy to:

Honolulu Authority for Rapid Transportation  
Procurement Division – RFB-HRT-698009  
1099 Alakea Street, Suite 1700  
Honolulu, Hawaii 96813

12. Solicitation Addenda

(a) Oral interpretations or clarifications or changes or approved substitutions will be without legal effect. Only interpretations or clarifications or changes or approved substitutions provided by formal written addendum to the solicitation shall be binding.

(b) Notification of addenda

Notifications of addenda will be issued to all prospective Offerors known to have obtained a solicitation document from HART.

13. Public Works Construction: Apprenticeship Agreement Preference

(a) Definitions for purposes of this section:

"Apprenticeable trade" – shall have the same meaning as "apprenticeable occupation" under HAR §12-30-5.

"Employ" – shall mean the employment of a person in an employer-employee relationship.

"Governmental body" – shall have the meaning as defined in HRS §103D-104.

"Party to an apprenticeship agreement" – shall mean a party to a registered apprenticeship program with the State of Hawaii Department of Labor and Industrial Relations (DLIR).

"Preference" – shall mean the 5% by which the qualified offer amount would be decreased for evaluation purposes.

"Public Work" - shall be as defined in HRS §104-2 and HAR §12-22-1.

"Registered apprenticeship program" -- shall mean a construction trade program approved by DLIR pursuant to HAR §12-30-1 and §12-30-4.

"Sponsor" – shall mean an operator of an apprenticeship program and in whose name the program is approved and registered with DLIR pursuant to HAR §12-30-1.

(b) Applicability

For offers for a public works construction contract or public works construction component of a contract having an estimated value of not less than \$250,000, HART shall, for evaluation purposes, decrease the offer amount of an Offeror by five percent (5%) if the Offeror is a party to an apprenticeship agreement registered with the State of Hawaii, Department of Labor and Industrial Relations for each apprenticeable trade the Offeror will employ to construct the public works, and in conformance with HRS §372.

(c) Procedures

(1) Prior to solicitation opening.

Offeror seeking to claim the apprenticeship preference shall submit a completed signed original Certification of Bidder's Participation, Certification Form 1 verifying participation in an apprenticeship program registered with DLIR. Previous certifications shall not

apply unless otherwise specified in this solicitation. DLIR Certification of Bidder's Participation, Certification Form 1, can be found on the DLIR Workforce Development Division website (<http://hawaii.gov/labor/wdd>).

(2) Offer Evaluation.

If the Offeror properly submits Certification Form 1 described above, upon verification, HART will apply the preference and decrease the Offeror's total offer amount by five percent (5%) for evaluation purposes. The contract amount awarded, however, shall be the amount of the price offered, exclusive of the preference.

14. Offer Requirements

(a) Offers shall be prepared in ink or typewritten. Errors may be erased or crossed out, and corrections typewritten or printed in ink but must be initialed in ink by the person or persons signing the offer. Offers shall be signed in ink by the person legally authorized to do so on behalf of the entity submitting the bid.

(b) Unless otherwise specified in the solicitation, Offers shall be sealed in envelopes. The solicitation number, Offeror's name and address, and closing date of the solicitation should be printed on the outside of the envelope. The offer envelope must be time-stamped and deposited at the designated location in the solicitation. Envelopes which are not time-stamped or which are time-stamped after the specified solicitation closing time and date shall be rejected.

15. Bid Prep Costs Not Allowed

All costs to prepare and submit an offer shall be at the Offeror's expense. HART will not reimburse any bid costs incurred by any Offeror, any prospective Offeror, or any other person.

16. Proprietary or Confidential Information

Offeror shall clearly label any proprietary information as confidential and the information shall be readily separable from the offer to facilitate public inspection of the solicitation documents.

17. Public bid opening of RFB solicitations

(a) The opening of offers shall be by a representative of HART, at the date and time stated in the solicitation, in the presence of all Offerors who attend. The opened offers shall be available for public inspection at the time of offer opening except to the extent that the Offeror designates trade secrets or other proprietary data to be confidential. Offerors shall ensure that material so designated as confidential shall be readily separable from the offer in order to facilitate public inspection of the non-confidential portion of the offer. Prices and makes and model or catalogue numbers of

items offered, deliveries, and terms of payment shall be publicly available at the time of offer opening regardless of any designation to the contrary.

(b) Additive or deductive alternates

In the event additive or deductive alternates are included in the solicitation, the lowest offer will be determined after adding to or deducting from the total basic price, the alternate or alternates considered for award. Alternates, if any are awarded, shall be awarded in the order listed in the offer. Award of alternates shall be dependent upon the availability of funds.

(c) **Low Tie Bids**

In the case low tie bids from responsible and responsive Offerors that are identical in price and which meet all the requirements and criteria set forth in the solicitation are received, award shall be made by drawing lots.

(d) Unless otherwise stated in the solicitation, after solicitation opening or receipt of offers, an offer may be withdrawn only if HART fails to award the contract:

18. **Unauthorized communications**

Except as otherwise authorized in the solicitation, Offerors and their respective representatives shall not make any contact or communications with HART officer, employee or agent directly serving the procurement activity.

19. **LICENSED OFFERORS**

Prospective bidders must hold a current A or B General Engineering or Building Contractor's license from the State of Hawaii. No bid will be accepted from any unlicensed Offerors.

20. **Verification of Responsibility of Offeror**

Prior to the award of the contract, the successful Offeror shall be registered as "compliant" on the State of Hawaii Compliance Express System (<http://vendors.ehawaii.gov>) or submit the required tax clearances from the State Department of Taxation and Internal Revenue Service, the Certificate of Compliance with the State Department of Labor and Industrial Relations, and the Certificate of Good Standing with the Department of Commerce and Consumer Affairs Business Registration Division. Failure to provide proof of compliance, within the time permitted by HART will result in the rejection of the offer.

21. **Execution of contract**

(a) Upon notification of award, the successful Offeror shall obtain the contract from HART for execution. The contract document shall be returned within ten (10) days from the date of notification of the award, or within such time as HART may allow.

Failure to enter into the contract and to furnish satisfactory security, when required, within ten days from notice of award shall be cause for cancellation of the

Offeror's award and forfeiture of the Offeror's offer security, if any, as liquidated damages and not as a penalty.

(b) The contract documents are to be completed and executed by the Offeror in the following manner:

(i) Notarization

Each and every signature appearing on the contract form must be notarized by a notary public attesting to the persons signing and their titles.

Each and every signature appearing on the bond forms, if applicable, must be notarized by a notary public attesting to the persons signing and

their titles.

(ii) Performance and payment bonds

Performance and payment bonds shall be delivered at the same time the contract is executed. Submitted performance and payment bonds shall be in conformance with HAR §3-122-221, §3-122-222 and §3-122-227.

(iii) Evidence of insurance coverages

If insurance coverages are required by the solicitation, evidence of insurance coverages shall be delivered at the same time the contract is executed.

22. Right to cancellation.

This solicitation may be cancelled at any time pursuant to the chief procurement officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR Section 3-122-96.

**THE FOLLOWING OFFER PAGES SHALL BE DETACHED FROM THE SOLICITATION DOCUMENT AND SUBMITTED AS THE OFFEROR'S BID.**

**Bid/Pricing Proposal**

ITEM NO.	BASE BID ITEM	QUANTITY	UNIT PRICE	UNIT	PRICE
1)	All requirements and work required under the Contract, except the Bid Items listed separately below.			Lump Sum (L.S.)	\$ _____
2)	Excavate, transport, and dispose of contaminated soil material in accordance with State and Federal regulations as stipulated in the Contract Documents. This pricing is an Allowance and will be paid by the cubic yard. The unit rate cost is all-inclusive and includes but not limited to the cost of disposal at a certified land fill. The quantity provided is not an anticipated or estimated quantity, but is provided for bid calculation purposes only. The unit price, however, is binding.	1,000 cubic yard (c.y.)	_____ \$/cy	Allowance	\$ _____
5)	Allowance for Compensable Project Delay. The daily rate will be the total amount of Contractor entitlement for each day of compensable delay. The number of days of compensable delay shown as a "multiplier" is not intended as an estimate of the number of days of compensable delay anticipated by HART, but is provided for bid calculation purposes only. The daily rate, however, is binding. HART will pay the daily rate of compensation only for the actual number of days of compensable delay, as defined in the General Conditions; the actual number of days of compensable delay may be greater or lesser than the	30 days	_____ \$/day	Allowance	\$ _____



The undersigned represents: **(Check one only)**

- A **Hawaii business** incorporated or organized under the laws of the State of Hawaii;

**OR**

- A **Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii.

State of Incorporation or Organization: \_\_\_\_\_

\_\_\_\_\_

Offeror is:  Sole Proprietor;  Partnership;  Corporation;  Joint Venture;

Other: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Name of Offeror (Legal Name)

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print or Type Name and Title of Above

Business address: \_\_\_\_\_  
(Street address)

City, State, Zip Code: \_\_\_\_\_

Mailing address: \_\_\_\_\_  
(If other than street address above)

City State, Zip Code: \_\_\_\_\_

Payment address: \_\_\_\_\_  
(If other than street address above)

City State, Zip Code: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

Business Cellular Telephone Number: \_\_\_\_\_

Business Fax No.: \_\_\_\_\_

Business E-Mail Address: \_\_\_\_\_

Person to Contact if Awarded: \_\_\_\_\_

Last 4 numbers of Federal Identification No.: XX-XXX \_\_\_\_\_

**END OF BID/PRICING OFFER PROPOSAL**