

Honolulu Authority for Rapid Transportation

**AGREEMENT FOR CONSTRUCTION SERVICES
CONTRACT No. CT-HRT-1500236**

This Contract for construction services dated JUN 22 2015 [to be completed by HART] (the "Contract") is entered into by and between the HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose principal place of business and mailing address is Ali'i Place, 17th Floor, 1099 Alakea Street, Honolulu, Hawaii 96813 and Hawaiian Dredging Construction Company, Inc. (the "Contractor"), a corporation, whose principal place of business and mailing address is 201 Merchant Street, 10th Floor, Honolulu, Hawaii 96813.

WITNESSETH:

WHEREAS, HART issued RFB-HRT-798316 on December 19, 2014 for Farrington Highway Station Group Construction for the Honolulu Rail Transit Project ("HRTTP"); and

WHEREAS, the Contractor was selected pursuant to Hawaii Revised Statutes ("HRS") Section 103D-302, as amended, and related Hawaii Administrative Rules ("HAR"), relating to competitive sealed bids;

NOW, THEREFORE, HART and the Contractor, in consideration of the foregoing and of the mutual promises hereinafter set forth, and intending to be legally bound, hereby mutually agree as follows:

1. The Contractor shall provide all services, including labor, materials, and equipment, to complete the Work required and as set forth in the Contract Documents. The following documents comprise the Contract Documents, which are listed in the order of precedence, and are also referred to as the "Contract" or "Agreement":

- Agreement Form/Coverleaf Agreement; Contract Amendments; Change Orders, with the latest issued taking precedence over any preceding conflicting term;
- Addenda with the most recent Addenda governing over previously-issued addenda and solicitation documents; (attachments, drawings, and specifications in DVD only)
- Special Provisions;
- HART's General Conditions of Construction Contracts (v 12/2014) ("GCCC" or "GC");
- Technical Specifications (in DVD only);
- Drawings and Plans (in DVD only);
- Engineering Data and Reports (in DVD only); and

HART-12 (11/11)

Certificate

The attached contract for Farrington Highway Station Group Construction Contract

(\$78,999,000.00)

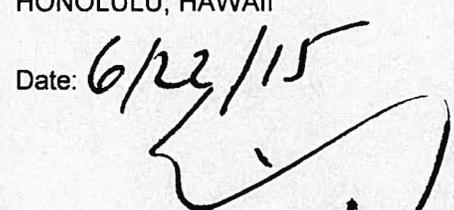
is hereby approved as to availability and designation of funds, and certification is hereby made that there is a valid appropriation from which expenditures to be made under said contract may be made and that sufficient unencumbered funds will be available in the Treasury of the City and County of Honolulu to the credit of such appropriation to pay the amounts of such expenditures when the same become due and payable.

CONTRACT NO. CT-HRT-1500236
FUND Transit Fund (690 & 695)

HONOLULU, HAWAII

Date: 6/22/15

ACCOUNT NO.
690/7790 - 15 = \$ 35,000,000.00 (4102)
695/7790 - 15 = \$ 43,999,000.00 (4102)
TOTAL = \$ 78,999,000.00



Daniel A. Grabauskas

Executive Director and CEO

Honolulu Authority for Rapid Transportation

AS
6/19/15

- The Contractor's bid proposal and required submissions.

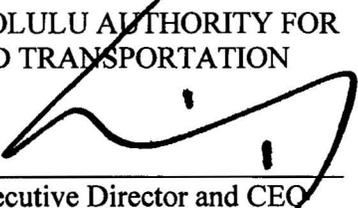
2. Work under the Contract shall not proceed until HART has issued a written Notice to Proceed ("NTP"). Any work undertaken by the Contractor prior to issuance of the NTP will be the sole responsibility of and will be undertaken at the sole risk of the Contractor, without any obligation on the part of HART.

3. This is a firm fixed-price contract, and HART agrees to pay the Contractor for the satisfactory completion of the Work in accordance with the terms of the Contract in the amount not to exceed SEVENTY-EIGHT MILLION NINE HUNDRED NINETY-NINE THOUSAND and 00/100 DOLLARS (\$78,999,000.00). The lump sum payments for Work performed under the Contract are all inclusive of, but not limited to, labor, overhead, general and administrative expenses, other direct costs, subcontractor costs, fixed fees, and all applicable taxes, State general excise and use tax (GET) and county one-half percent (0.5%) GET surcharge. The Contractor shall not pass through any future increases in tax to HART.

4. Unless otherwise agreed in writing when formal notice is to be given to or service served on the parties, it shall be to the respective addresses stated above.

IN WITNESS WHEREOF, HART and the Contractor have executed this Contract by their duly authorized officers or agents on the day and year first above written.

HONOLULU AUTHORITY FOR
RAPID TRANSPORTATION

By: 
Its Executive Director and CEO

JUN 22 2015

APPROVED AS TO FORM AND
LEGALITY:


Deputy Corporation Counsel

Hawaiian Dredging Construction
Company, Inc.

By: 
Its **J. Majkut**
President

STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

On this 17th day of June, 2015, before me personally appeared J. MAJKUT, to me personally known, who being by me duly sworn, did say that he is the President of HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC. and that the seal affixed to the instrument is the corporate seal of the corporation, and that the instrument was signed and sealed in behalf of the corporation by authority of its board of directors, and J. MAJKUT acknowledged the instrument to be the free act and deed of the corporation.



Louise M. Lau

Louise M. Lau
Notary Public, State of Hawaii, First Judicial Circuit
My Commission Expires: July 5, 2017

Doc. Date: Undated at time of notarization #Pages: 3

Notary Name: Louise M. Lau First Circuit

Doc. Description Agreement for Construction Services

Contract No. CT-HRT-1500236



Louise M. Lau
Notary Signature

June 17, 2015
Date

NOTARY CERTIFICATION

HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.

CORPORATE CERTIFICATE

I, Genna M. Yamauchi, hereby certify that:

1. I am the duly elected, qualified and appointed Assistant Secretary of HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC., a Hawaii corporation, (the "Company") and as such have access to its corporate records and am familiar with the matters herein certified.

2. The Company is a corporation duly organized and validly existing under the laws of the jurisdiction of its incorporation.

3. The following is a true excerpt from Article V of the By-Laws of the Company, duly adopted and in effect on the date of this Certificate:

EXECUTION OF INSTRUMENTS

Section 1. Proper Officers. Except as otherwise provided by these By-Laws or by law, all checks, drafts, notes, bonds, acceptances, deeds, leases, contracts, and all other instruments shall be signed, executed and delivered by such officers, agents or employees of the corporation, or any one of them, as authorized by the Board of Directors.

4. The persons named below are and at all times since the date indicated beneath their names have been duly qualified and authorized to act on behalf of the Company in the capacity set opposite their names.

<u>Name</u>	<u>Position</u>
William J. Wilson April 11, 2014	Chairman of the Board
Joseph P. Majkut April 11, 2014	President
Ryan K. Nobriga March 30, 2012	Vice President, Finance
Gary M. Yokoyama October 1, 2010	Vice President and Secretary

Leonard J. Dempsey
September 30, 2011

Vice President

Eric H. Hashizume
September 1, 2004

Vice President

Cedric T. Ota
March 1, 2006

Vice President

Paul D. Silen
November 4, 2002

Vice President

Mitsuyoshi Tamura
March 27, 2009

Treasurer

Genna M. Yamauchi
December 17, 2004

Assistant Secretary

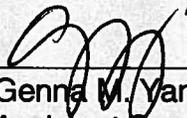
Thomas B. Valentine
January 1, 2012

Division Manager - Power and Industrial Division

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the Company as of the 17th day of June, 2015.

HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.

By



Genna M. Yamauchi
Assistant Secretary

(Seal)

