

Honolulu Authority for Rapid Transportation
AGREEMENT FOR CONSTRUCTION SERVICES
CONTRACT NO. CT-HRT-1500297

This Contract for construction services dated MAY 21 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 Royal Contracting Co., Ltd., (the "Contractor"), a corporation whose principal place of business and mailing address is 677 Ahua Street, Honolulu, Hawaii 96819.

WITNESSETH:

WHEREAS, HART issued RFP-HRT-840202 on March 17, 2015 for On-Call Construction Contractor Contract II work for the Honolulu Rail Transit Project ("HRTP"); and

WHEREAS, the Contractor was selected pursuant to Hawaii Revised Statutes ("HRS") Section 103D-303, as amended, and related Hawaii Administrative Rules ("HAR"), relating to competitive sealed proposals;

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 in accordance with the Contract Documents and the Task Orders issued under this Contract. 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, and Task 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, including specifications;
- Special Provisions;
- HART's General Conditions of Construction Contracts (v. 12/2014) ("GCCC" or "GC");
- The Contractor's proposal and required submissions.

HART-12 (11/11)

Certificate

The attached contract for On-Call Construction Contractor Contract II

(\$7,500,000.00) **

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- 1500297
FUND Transit Fund (690)

HONOLULU, HAWAII

Date: 5/27/15

ACCOUNT NO.
690/7790 - 15 = \$ 1,000,000.00 (4064) *

TOTAL = \$ 1,000,000.00

RB
5/19/15

Executive Director and CEO
Honolulu Authority for Rapid Transportation

* Initial encumbrance of \$1,000,000.

** \$6,500,000 Subject to the availability of future funds.

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.

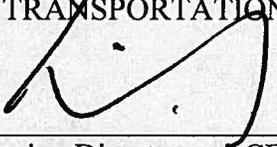
3. The term of this Contract will be five (5) years from issuance of the written NTP.

4. This is a task order, time and materials contract unless designated otherwise in a task order, 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 SEVEN MILLION FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$7,500,000.00). The 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.

5. Unless otherwise agreed in writing when formal notice is to be given to a party, or service of process must be made upon a party, such notice or service shall be to the respective addresses stated above.

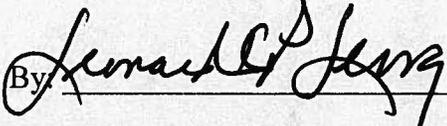
IN WITNESS WHEREOF, HART and the Contractor have executed this Contract by their duly authorized officers or agents on the day and year first above written.

HONOLULU AUTHORITY FOR
RAPID TRANSPORTATION

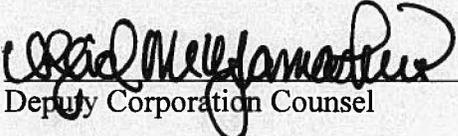
By: 
Its Executive Director and CEO

MAY 21 2015

Royal Contracting Co., Ltd.

By: 
Its Vice President

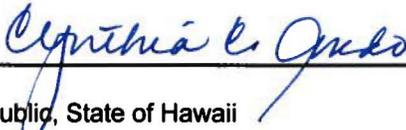
APPROVED AS TO FORM AND
LEGALITY:


Deputy Corporation Counsel

STATE OF HAWAII]
] SS.
CITY AND COUNTY OF HONOLULU]

On this 6th day of May, 2015 before me appeared
Leonard K. P. Leong to me known, to be the person(s) described in and, who, being by me duly
sworn, did say that he is the Vice President of ROYAL CONTRACTING CO., LTD. the
CONTRACTOR named in the foregoing instrument, and that he is authorized to sign said instrument on
behalf of the CONTRACTOR, and acknowledges that he executed said instrument as the free act and deed
of the CONTRACTOR.


(Notary Seal)



Notary Public, State of Hawaii

My commission expires: November 15, 2017

NOTARY CERTIFICATE (Hawaii Administrative Rules 5-11-B)	
Doc Date: <u>May 6, 2015</u>	# Pages: <u>2</u>
Notary Name: <u>Cynthia C. Endo</u>	<u>First</u> Circuit
Doc. Description: <u>Contract for</u> <u>On Call Construction Contract II</u>	
 Notary Signature	<u>6-May-15</u> Date
Notary Certification	

RESOLUTION

I, Leonard K. P. Leong, Vice President/Secretary of **ROYAL CONTRACTING CO., LTD.** 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, 677 Ahua Street, Honolulu, Hawaii on the 30th day of October, 1981, 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;



"RESOLVED that the individual at the time holding the position of President, Vice President, Secretary, or Treasurer 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 services to be performed by the Corporation 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 or Municipal Government of said State or any department or subdivision of any of them to execute mortgage and Promissory note.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said **ROYAL CONTRACTING CO., LTD.** Corporation, this 6th day of May 2015

Leonard K. P. Leong
Leonard K. P. Leong, Vice President/Secretary

PRESIDENT/CHAIRMAN OF THE BOARD
David C. Hulihee
677 Ahua Street
Honolulu, Hawaii
Phone: 839-9006

VICE PRESIDENT/SECRETARY
Leonard K. P. Leong
2747 Kalawao Street
Honolulu, Hawaii 96822
Phone: 988-5336

TREASURER
Joyce F. Furukawa
1760 South Beretania Street #8C
Honolulu, Hawaii 96826
Phone: 941-2242