

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**FARRINGTON HIGHWAY STATION GROUP
CONSTRUCTION CONTRACT**

REQUEST FOR SEALED BIDS

RFB-HRT-798316

December 19, 2014

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
1099 ALAKEA STREET, SUITE 1700
HONOLULU, HAWAII 96813
ATTN: PROCUREMENT DIVISION
transitmailbox@honolulu.gov

Honolulu Rail Transit Project

**NOTICE TO BIDDERS
REQUEST FOR SEALED BIDS
FOR
HONOLULU RAIL TRANSIT PROJECT
FARRINGTON HIGHWAY STATION GROUP CONSTRUCTION CONTRACT**

RFB-HRT-798316

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

This procurement is being conducted in accordance with Hawaii Revised Statutes (HRS) Section 103D-302 and Hawaii Administrative Rules (HAR) Chapter 3-122, subchapter 5.

Sealed bids will be accepted up to 2:00 p.m., Hawai'i Standard Time (HST), March 3, 2015, addressed or hand-delivered to the Offices of the Honolulu Authority for Rapid Transportation (HART), 1099 Alakea Street, **Suite 1700**, Honolulu, Hawai'i, 96813, Attn: Procurement Division.

Sealed bids will be publicly opened at 2:15 p.m., Hawaii Standard Time (HST), March 3, 2015, at 1099 Alakea Street, **Suite 150**, Honolulu, Hawaii, 96813.

Pursuant to Chapter 103D-303.5 of the Hawai'i Revised Statutes, a pre-bid conference will be held on January 12, 2015 at 1:30 p.m. at 1099 Alakea Street, **Room 150**, Honolulu, Hawaii 96813. All interested bidders, subcontractors, and union representatives are invited to attend.

Because the Honolulu Rail Transit Project (H RTP) is being funded with Federal assistance, the selected bidder is expected to comply with applicable Federal Transit Administration (FTA) requirements.



DANIEL A. GRABAUSKAS
Executive Director and CEO
Honolulu Authority for Rapid Transportation

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INSTRUCTIONS TO BIDDERS (ITB)

1.0 PROJECT OVERVIEW

This Request for Sealed Bids (“RFB”) is issued by the Honolulu Authority for Rapid Transportation (“HART”) to solicit bids for the Farrington Highway Station Group Construction Contract (“Project”) of the Honolulu Rail Transit Project (“H RTP”).

1.1 H RTP Description

The H RTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and Pacific Ocean to the south.

The H RTP is described in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel on steel rail technology. The H RTP includes twenty-one (21) stations, one (1) Maintenance and Storage Facility (“MSF”), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (“ROD”) was released in September 2013. The FEIS and additional information on the H RTP can be found at <http://honolulutransit.org>.

1.2 Project Description; Technical Specifications

The Summary of Project is described in the Special Provisions, and the specifications and details of this Project are found in the attached Technical Specifications and Drawings.

If the Technical Specifications and Drawings for this RFB are too large in file size to post online, the posted solicitation will state as such, and copies of the DVDs of the Technical Specifications and Drawings will be available for pickup at:

Honolulu Authority for Rapid Transportation (HART)
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

2.0 TERM OF THE CONTRACT

The term of this Contract will be 29 months from issuance of a written Notice to Proceed (“NTP”). The Substantial Completion Date for the Project shall be 29 months from issuance of a written NTP. The term of the Contract may be extended only upon written amendment to the Agreement executed by all Parties to the Agreement.

3.0 QUESTIONS AND INQUIRIES

3.1 Deadline for Inquiries

Inquiries shall be submitted no later than the date stated in the Solicitation Timetable for “Deadline for Receipt of Clarification,” unless the Chief Procurement Officer determines that it is in the best interest of HART to accept any inquiry submitted after the deadline.

3.2 Written Request for Clarification

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 prospective bidder shall submit a written request for clarification no later than the deadline stated in the Solicitation Timetable.

Any correspondence related to this solicitation shall refer to the appropriate RFB number, page number, and section number. However, the requestor must not place the RFB number on the outside of an envelope containing questions, because such an envelope may be identified as a sealed bid and may not be opened until after the official bid due date. Oral interpretations or clarifications will be without legal effect. Only questions answered by a formal written addendum will be binding.

3.3 Rules of Contact and Communications

Contact between bidders and HART shall only be in writing to Attn: Procurement Division, Honolulu Authority for Rapid Transportation, to the postal address provided above on the coversheet of this RFB, or to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov.

Bidders may not contact other HART employees, representatives, board members or stakeholders concerning this RFP while the solicitation process is in progress. The selection process begins on the date of the Issuance of Request for Sealed Bids and will be completed with the Award of the Contract.

Any contact determined to be improper, at the sole discretion of HART, may result in disqualification.

4.0 SOLICITATION PROCESS AND REQUIREMENTS

4.1 Pre-Bid Conference

A pre-bid conference for persons interested in submitting sealed bids will be held at the time, date, and location stated in the Notice to Bidders of this solicitation. Although attendance is not mandatory, all interested bidders are encouraged to attend. Those bidders wishing to attend the pre-bid conference should communicate their intentions, via e-mail, to transitmailbox@honolulu.gov. In addition to the sender's email address, the email should include the number of attendees. Attendees may also email advance questions to HART, which may be addressed during the pre-bid conference. No oral representations shall be binding. Only written responses to written questions issued via addenda shall be binding.

4.2 Solicitation Timetable

The following timetable has been established for the Project solicitation:

<u>Activity</u>	<u>Date</u>
Issuance of Request for Sealed Bids	December 19, 2014
Pre-Bid Conference	January 12, 2015, 1:30 pm
Deadline for Clarification Requests	January 30, 2015
Pre-Bid Conference #2 (at HART's discretion)	February 9, 2015
Deadline for Substitution Requests	February 12, 2015
Issue Final Addendum	February 17, 2015
BIDS DUE DATE-RECEIPT	March 3, 2015, 2:00 pm
PUBLIC OPENING OF BIDS	March 3, 2015, 2:15 pm
Anticipated Award Date	March 13, 2015
Anticipated Full Contract Execution	March 25, 2015
Anticipated NTP	April 1, 2015

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

4.3 Addenda

HART will issue responses to all inquiries, and any other corrections or amendments it deems necessary, in written addenda issued prior to the Issue Final Addendum Date. Additional background material or modifications to RFB requirements, where necessary, will be communicated to all bidders by written addenda issued by HART. Addenda will be incorporated as part of the RFB. 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.

4.4 Public Bid Opening

(a) The opening of bid proposals shall be by a representative of HART, at the date and time stated in the solicitation, in the presence of all bidders who attend. The opened offers shall be available for public inspection at the time of offer opening except to the extent that the bidders designate trade secrets or other proprietary data to be confidential. The bidders shall ensure that material so designated as confidential shall be clearly identifiable and readily separable from the offer in order to facilitate public inspection of the non-confidential portion of the bid proposal. 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) Low Tie Bids

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

(c) 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.

4.5 Late Submissions, Modifications, and Withdrawal of Bids

Bidders are responsible for submitting bids, and any modifications or withdrawals, by the Bids Due Date provided in the Solicitation Timetable. Any bid or modification received by HART after the exact time specified for receipt of bids (Bids Due Date) is “late” and will not be considered for award and shall be returned to the bidder unopened at the time of late submission or as soon as practicable. Any request for withdrawal of bids received by HART after the exact time specified for receipt of bids (Bids Due Date) is “late” and will not be accepted.

4.6 Award

This solicitation will be conducted in accordance with the Hawaii Public Procurement Code and Federal requirements and will be awarded to the lowest responsive, responsible bidder.

4.7 Verification of Responsibility of Bidder

The successful bidder shall, within three (3) business days upon award of the Contract, furnish proof of compliance with the requirements of Hawaii Revised Statutes (“HRS”) Section 103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers’ compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and

- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereafter referred to as a “Hawaii business”; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a “compliant non-Hawaii business.”

Vendors may choose to use the Hawaii Compliance Express (HCE), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the issuance date. The “Certificate of Vendor Compliance,” indicating that the bidder’s status is compliant with the requirements of HRS Section 103D-310(c), will be accepted for both contracting purposes and final payment. Vendors that elect to use the new HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC (“HIC”). Bidders choosing not to participate in the HCE program will be required to provide the paper certificates as specified above.

4.8 Execution of Contract

(a) Upon notification of award, the successful bidder 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 (10) days from notice of award shall be cause for cancellation of the bidder’s award and forfeiture of the bidder’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 bidder 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.

4.9 Cancellation of Solicitation

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.

4.10 Disadvantaged Business Enterprise (DBE) Contract Goal

HART has established an overall DBE goal of 13.00% for the duration of this agreement and a separate contract goal has not been established for this procurement.

Reports to HART. The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Attachment A, Section 1.6(p)-(r) of HART's General Conditions of Construction Contracts (v. 12/2014) (referred to as "General Conditions"). Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

4.11 Conflict of Interest

A contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS Section 103D-405(d) and HAR Section 3-122-13(e).

5.0 PREPARATION OF BID PROPOSALS

5.1 False Statements in Bids

Bidders must provide full, accurate, and complete information as required by this solicitation and its attachments. The penalty for making false statements in bids is prescribed in 18 U.S.C. Section 1001. (See Section 1.2 of Attachment A to the General Conditions.)

5.2 English Language

Bid proposals and required submissions in response to this solicitation shall be in the English language or translated in its entirety to English.

5.3 United States Currency

Bid proposals and required submissions in response to this solicitation shall be in terms of U.S. dollars.

5.4 Licensing

All Persons participating in this procurement and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Hawai'i and perform the Work required under the Contract, including proposing in accordance with HRS Section 444-9 and HAR Section 16-77-4, and carrying out contracts consistent with the laws of the State of Hawai'i. Bidders must be properly licensed and capable of performing the Work as described in the RFB, including but not limited to having an "A" general engineering contractor license or a "B" general building contractor license from the State of Hawaii at the time of submission of the Bid Proposals. As indicated in ITB Section 5.5 above, bidders are strongly encouraged to check the State of Hawaii PVL website to confirm that the bidder and all listed joint contractors and subcontractors are properly licensed.

5.5 Brand Names, Model, Make or Method

Where the RFB 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. Bidders shall base their offers 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. It is not the intent of HART to exclude other materials, equipment, or processes or to limit competition in proposing when a proprietary name is used in the specifications. Therefore, unless the proprietary name referred to in the specifications is followed by words indicating that no substitution is permitted, materials, equipment, or processes of other manufacturers, fabricators, suppliers, or distributors will be considered by the Chief Procurement Officer for substitution. The naming of such items is intended to establish the type, function, aesthetic appearance (or value) and standard of quality and performance required by this Contract, unless indicated otherwise.

5.6 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. Bidders shall submit a written request for substitution no later than the deadline stated in the Solicitation Timetable. Requests received after the deadline will be denied.

(b) The written request must be clearly marked SUBSTITUTION REQUEST on the envelope. Six (6) copies of the request must be submitted together with three (3) sets of technical

brochures which shall either be marked or be accompanied by three (3) 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
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813
SUBSTITUTION REQUEST

- (e) Electronic request for substitution may be submitted to:

transitmailbox@honolulu.gov

5.7 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.

5.8 Taxes Included in Bid Prices

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

5.9 Proprietary or Confidential Information

Bidders 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.

5.10 Bid Preparation Costs Not Allowed

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

6.0 **BID/PRICING PROPOSAL AND REQUIRED SUBMISSIONS**

6.1 Required Submission with Bid Proposal

The following attachments and exhibits, some of which have been extracted from the General Conditions, shall be properly completed and submitted with the Bid Proposal, except as provided otherwise. If it is later discovered that additional submissions were required to be submitted with the Bid Proposal, the Bid Proposal shall not be deemed nonresponsive, except if they are expressly required by the Hawaii Public Procurement Code or federal law:

- Bid/Pricing Proposal
- Form 01: Joint Contractor, Subcontractor, Specialty Licenses Form
- Form 02: Certificate of Compliance with HRS Section 396-18, Safety and Health Programs (Exhibit L of the General Conditions)
- Form 03: Certificate Regarding Ineligible Contractors, Attachment 1.7(a) to the General Conditions (see Attachment A of the General Conditions)
- Form 04: Certificate Regarding Ineligible Subcontractors, Attachment 1.7(b) to the General Conditions (see Attachment A of the General Conditions)
- Form 05: Buy America (Attachment 1.8(a), Attachment 1.8(a.1), Attachment 1.8(a.2)) (see Attachment A of the General Conditions)
- Form 06: Certification Regarding Lobbying (see Attachment A of the General Conditions)
- Form 07: Surety Bid Bond

- DLIR Form 1- "Certification of Bidder's Participation in Approved Apprenticeship Program Under Act 17" for the Apprenticeship Program – Bidders to obtain from the Department of Labor and Industrial Relations, complete and submit, if applicable.

- Bidder Registration Form (*see* ITB Section 6.6 of the Instructions to Bidders)/

6.2 Bid Proposal Submission Requirements

(a) Bid Proposals 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, bids shall be sealed in envelopes. The solicitation number, the bidder's name and address, and closing date of the solicitation should be printed on the outside of the envelope. The bid 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.

(c) Submittal by facsimiles or email is not acceptable.

6.3 Joint Contractor; Subcontractor Listing; Specialty Licenses

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

Furthermore, HART has examined the scope of work and determined that the specialty licenses, listed in the Special Provisions, are required for this Contract. Bidders shall provide the names of the entities that hold the specialty licenses and will be providing such services under the resulting Contract. If a bidder believes that other or additional specialty licenses are required or any of the listed specialty licenses is not required, it must provide its comments to HART by the Deadline for Clarification Requests stated in the Solicitation Timetable above. The required specialty licenses are a specifications requirement and, as such, any dispute as to the required specialty licenses shall be made in a timely manner.

The attached Form 01 entitled, "Joint Contractors, Subcontractors, Specialty Licenses," shall be completed and submitted with the bid proposal. Bidders must list all joint contractors and subcontractors as required by HRS § 103D-302 and all firms holding the required specialty licenses.

Errors or mistakes, including, but not limited to, the misspelling of joint contractor or subcontractor names, or providing erroneous business names, shall be deemed "minor mistakes" and the bid proposal shall not be deemed nonresponsive on that basis alone. Minor mistakes may be waived by HART or, upon HART's request, corrected prior to award of the Contract.

Bidders are strongly encouraged to check the State of Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing (PVL) website regarding proper licensing of all joint contractors and subcontractors listed in their bids. The website is located at the following address: <http://cca.hawaii.gov/pvl>.

6.4 Bid Security

The Bid Proposal shall include a bid security in an amount equal to five per cent (5%) of the amount of the total bid offer, including options, if any. Form 07, Surety Bid Bond, is attached if the bidder intends to use a bid bond for its bid security.

6.5 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 bidder by five percent (5%) if the bidder is a party to an apprenticeship agreement registered with the State of Hawaii, Department of Labor and Industrial Relations for each apprenticeable trade the bidder will employ to construct the public works, and in conformance with HRS Chapter 372.

(c) Procedures

(1) Prior to solicitation opening.

Bidders 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, may be found on the DLIR Workforce Development Division website (<http://hawaii.gov/labor/wdd>).

(2) Offer Evaluation.

If the bidder properly submits Certification Form 1 described above, upon verification, HART will apply the preference and decrease the bidder'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.

6.6 Bidder Registration Form

A "Bidder Registration Form" is attached. Provide the Bidder Registration Form, properly completed for all known contractors and subcontractors, when submitting the Bid Proposal. While the completion and submission of this form is not an issue of responsiveness, the Bidder Registration Form should be completed and submitted with the Bid Proposal for all known contractors and subcontractors. Bidders may be required to provide additional information after bid opening pursuant to 49 CFR Section 26.11(c)(3).

6.7 Bid Samples and Descriptive Literature

Bid samples or descriptive literature should not be submitted unless expressly requested. Unsolicited bid samples or descriptive literature will not be examined or tested.

7.0 OTHER REQUIRED SUBMISSIONS/ATTACHMENTS

The following submissions are not due on the Bids Due Date, but are due as provided in the Instructions to Bidders:

- Performance and Payment Bonds
- Insurance Premium Worksheet
- Escrow Agreement
- Letters of Assent to the Rapid Transit Stabilization Agreements (2)

7.1 Performance and Payment Bonds

See Section 4.1 of the General Conditions regarding Performance and Payment Bonds.

(a) Performance and payment bonds shall be, each, in an amount equal to one hundred percent (100%) of the amount of the Contract price. Acceptable performance and payment bonds shall be limited to:

- (1) Surety bond in the form attached to the solicitation documents underwritten by a company licensed to issue bonds in this State;
- (2) Legal tender; or
- (3) A certificate of deposit; credit union share certificate; or cashier's, treasurer's, teller's, or official check drawn by, or a certified check accepted by a bank, a savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, and payable at sight or unconditionally assigned to HART. These instruments may be utilized only

to a maximum of \$100,000. If the required security amount totals over \$100,000, more than one instrument not exceeding \$100,000 each and issued by different financial institutions shall be accepted.

(b) The awarded bidder shall execute the surety performance and payment bond forms and submit them with the bidder's submission of the executed Contract.

(c) The surety companies shall be those listed in the latest issue of the U. S. Treasury Circular 570. In addition, the surety or sureties must be rated "A-" or higher by A.M. Best Rating Guide.

(d) The following bond forms are attached for your use. While alternative forms may be allowed, they must be substantially similar to the forms provided below:

- Exhibit B (of the General Conditions) --Performance Bond (surety)
- Exhibit C (of the General Conditions) – Labor and Materials Payment Bond (surety)
- Exhibit D (of the General Conditions) – Performance Bond (alternate form)
- Exhibit E (of the General Conditions) – Labor and Materials Payment Bond (alternate form)

7.2 Insurance Premium Worksheet/Escrowed Proposal Documents

See Section 4.2(j)(1)(B) regarding Insurance Premium Worksheet requirements. See Section 7.4 of the General Conditions regarding Escrowed Proposal Documents. The attached Exhibit F shall be included in the Escrowed Proposal Documents. Exhibit M, Escrow Agreement, shall be submitted to HART no later than three (3) business days after the Bids Due Date.

7.3 Letters of Assent of Rapid Transit Stabilization Agreements

See Section 2.15(m) of the General Conditions regarding Labor Stabilization Agreements. On November 17, 2009, HART entered into two Rapid Transit Stabilization Agreements. Executed Letters of Assent provided below shall be submitted with the awarded bidder's submission of the executed Contract:

- Letter of Assent of the Rapid Transit Stabilization Agreement dated November 17, 2009 (see Attachment B of the General Conditions)
- Letter of Assent for the Transit Stabilization Agreement Hawaii Building and Construction Trades of Council Affiliates (see Attachment C of the General Conditions)

7.4 Sample Agreement

A sample Agreement Form is attached for the bidders' review. This sample Agreement Form is only a sample, and HART reserves the right to add or delete any provisions, so long as such terms are not inconsistent with the awarded bid.

BID/PRICING PROPOSAL SHEETS, FORMS and EXHIBITS ATTACHED