

ADDENDUM NO. 1  
TO  
PLANS AND SPECIFICATIONS  
FOR  
HO'OLULU PARK  
NEW TENNIS COURTS  
WAIĀKEA, SOUTH HILO, HAWAI'I  
COUNTY AND STATE OF HAWAI'I  
JOB NO. PR-4383

**NOTICE TO BIDDERS**

The items listed below are made a part of the current contract and shall govern the work, taking precedence over the previously issued specifications and drawings governing the particular item of work mentioned.

**SPECIFICATIONS**

**DELETE** the Special Notice to Bidders in its entirety and **REPLACE** with the revised Special Notice to Bidders dated 6/23/16, attached. (3 pages total)



Warren H. W. Lee, P.E., Director  
Department of Public Works  
County of Hawai'i

Date Issued: June 27, 2016

Please detach and execute the receipt below. Return immediately via facsimile (808) 961-8630 or mail to the Administration Office, Department of Public Works, County of Hawai'i at Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720-4224.

Receipt of Addendum No. 1 via website for HO'OLULU PARK NEW TENNIS COURTS, Job No. PR-4383, Waiākea, South Hilo, Hawai'i, is hereby acknowledged.

Signed \_\_\_\_\_ Title \_\_\_\_\_

Firm \_\_\_\_\_ Date \_\_\_\_\_

## SPECIAL NOTICE TO BIDDERS

**Reminder Note:** “A” general engineering contractors and “B” general building contractors are reminded that due to the Hawaii Supreme Court’s January 28, 2002 decision in Okada Trucking Co., Ltd. v. Board of Water Supply, et al., 97 Haw. 450 (2002), they are prohibited from undertaking any work, solely or as part of a larger project, which would require the general contractor to act as a specialty contractor in any area where the general contractor has no license. Although the “A” and “B” contractor may still bid on and act as the “prime” contractor on a “A” or “B” project (See, HRS § 444-7 for the definitions of an “A” and “B” project.), respectively, the “A” and “B” contractor may only perform work in the areas in which they have the appropriate contractor’s license (An “A” or “B” contractor obtains “C” specialty contractor’s licenses either on its own, or automatically under HAR § 16-77-32.). The remaining work must be performed by appropriately licensed entities.

**As stated in the Notice to Bidders, Bidders must possess a valid State of Hawai‘i, General Engineering Contractor’s “A” license.**

**Each of the following specialty contractor classifications listed in the table below have been determined by the County of Hawai‘i as qualified to perform all of the work on this project based on the project’s scope and the County’s understanding of the State’s licensing requirements and specialty contractor classifications’ scopes of work. By way of the minimum licensing requirement stated for this project, no additional specialty contractor classifications are required to perform the work; however, the Bidder may list additional licensed subcontractors at its discretion.**

<b>Specialty Contractor Classification &amp; Scope of Work</b> [per HAR, Title 16, Chapter 77, Exhibit A, as supplemented by the State Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Contractor Licensing Board]		<b>Project Scope of Work Applicability</b>	
		<b>Base Bid</b>	<b>Alternate Bid Item #s</b>
C-3b	Play Court Surfacing Contractor	✓	n/a
C-13	Electrical Contractor	✓	n/a
C-27	Landscape Contractor	✓	n/a
C-32 <sup>Δ</sup>	Ornamental, guardrail and fencing contractor	✓	n/a
<sup>Δ</sup> Classification automatically held by a general engineering contractor “A” per HAR §16-77-32(a) & (d)			
<sup>ο</sup> Reference HAR §16-77-32(b) for portions of scope authorized to a general engineering contractor “A”			
<sup>³</sup> Classification automatically held by a general building contractor “B” per HAR §16-77-32(c) & (d)			
<b>SPECIAL INSTRUCTIONS TO BIDDERS REGARDING SPECIALTY CONTRACTOR CLASSIFICATIONS AND REGARDING JOINT CONTRACTORS &amp; SUBCONTRACTORS:</b>			
1)	Bidder shall be intimately familiar with the scopes of work each specialty contractor classification is licensed to perform under Hawai‘i Administrative Rules §16-77, the scope of work established for this project, and how the specialty contractor classifications’ licenses apply in the proper execution and fulfillment of the project’s scope of work.		
2)	In the circumstance where a specialty contractor classification license listed in the above table may be deemed unnecessary by a Bidder due to its intent to employ a plausible alternative means or method, the Bidder shall in its Proposal clearly state such intent and provide a detailed plan that meets with the satisfaction of the Director. The Director reserves the sole discretion and right to determine whether the Bidder’s proposed justification for not listing the required license is acceptable.		
3)	In the circumstance where the Bidder is licensed in one or more specialty contractor classifications required of the project (whether automatically as a general engineering contractor “A”, general building contractor “B”, or outright) and it intends to perform all or some of the work of those classifications using its own workforce, the Bidder shall, in its Proposal, list itself accordingly and in consideration of the balance of the instructions herein provided.		
4)	In the circumstance where a specialty contractor classification required in the above table may, in part or in whole (as applicable to the classification’s scope of work), be within the licensed scope of work of another listed specialty contractor classification (e.g. overlapping scopes of licenses), the Bidder shall clearly delineate in its Proposal the extent of each subcontractor’s responsibility on the project such that the Director can reasonably determine which classification is responsible for the corresponding scopes. Where a listed specialty contractor classification is rendered completely unnecessary due to overlapping scopes of work, the Bidder, in its Proposal, shall clearly state such as the reason for not listing that respective entity in its Proposal.		

5)	In the circumstance where a Bidder intends to use more than one appropriately licensed entity in the performance of work covered under a specific specialty contractor classification, the Bidder shall clearly delineate in its Proposal the extent of each subcontractor's responsibility on the project.
6)	The Bidder shall ensure that, in its Proposal, it provides the name of each person or firm to be engaged by the Bidder as a joint contractor, subcontractor, or lower-tier subcontractor in the performance of the contract and the nature and scope of the work to be performed by each in sufficient detail so as the Director can fully comprehend how all aspects of the project are intended to be executed. The Director reserves the right to request supplemental information as necessary for determining Bidder's responsibility and responsiveness.
7)	The Bidder is solely responsible to ensure that all of its listed joint contractors' and subcontractors' licenses are current, valid & in good standing at the time of bid opening through the time the contract is fully executed, without any change in status. Bidder shall ensure that its license and those of its listed joint contractors and subcontractors are successfully renewed without expiring. Failure to do so may result in a determination of non-responsibility or non-responsiveness.

Anyone who disagrees with the determination in the above table shall submit their written objection to the Director identifying the specialty contractor classification(s) in question and the justification(s) for such position at least 10 consecutive calendar days prior to bid opening. If no such written objections are received by the Director prior to such date, it will be presumed that all Bidders and affected parties are in agreement with the listing set forth above. No other specialty license will be required unless noted otherwise in an addendum.

The Bidder may utilize subcontractors holding specialty contractor classifications' licenses in addition to those listed above to accomplish the Project; however, should it do so, its Proposal form shall identify those classifications and the name(s) of the respective company(ies).

**RESPONSIBILITY OF OFFERORS**

Offeror is advised that if awarded a contract under this solicitation, Offeror shall, upon award of the contract, furnish proof of compliance with the requirements of §103D-310(c), HRS:

1. Chapter 237, tax clearance;
2. Chapter 383, unemployment insurance;
3. Chapter 386, workers' compensation;
4. Chapter 392, temporary disability insurance;
5. Chapter 393, prepaid health care; and
6. One of the following:
  - a. Be registered and incorporated or organized under the laws of the State, hereinafter referred to as a "Hawaii business"; **or**
  - b. Be registered to do business in the State, hereinafter referred to as a "compliant non-Hawaii business."

Refer to the Award of Contract provision (see Special Provisions) for instructions on how to comply with the above requirements.

**CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS PROHIBITED, PURSUANT TO HAWAII REVISIED STATUTES (HRS) §11-355**

If awarded a contract in response to this solicitation, offeror agrees to comply with HRS §11-355, which states that campaign contributions are prohibited from a State and County government contractor during the term of the contract if the contractor is paid with funds appropriated by the legislative body between the execution of the contract through the completion of the contract.

**HAWAI'I REVISED STATUTES, CHAPTER 103B - EMPLOYMENT OF STATE RESIDENTS ON CONSTRUCTION PROCUREMENT CONTRACTS, AS AMENDED, BY ACT 192 SLH 2011**

HRS Chapter 103B, unless its application is in conflict with any federal law or will disqualify the County from receiving federal funds or aid, shall apply to this contract. It requires the Contractor and applicable subcontractor(s) to perform its contract with a workforce of which not less than eighty percent (80%) are Hawai'i residents. Reference Special Provisions 7.1(p) for related project specific requirements.

**HAWAI'I REVISED STATUTES, SECTION 103-55.6, PREFERENCE FOR BIDDERS IN APPRENTICESHIP PROGRAMS, ACT 17 SLH 2009**

The preference for bidders in apprenticeship programs [reference Special Provisions Section 7.1, Subsection (o) and Item 10, Section (B)] shall apply to this project if the estimated cost is \$250,000.00 or more, unless it is in conflict with any federal law or if it would disqualify the County from receiving federal funds or aid.

**PROOF OF CERTIFICATION AND COMPLIANCE:**

Where, in the technical specifications for this project, requirements are prescribed that:

1. A manufacturer, fabricator, supplier, or similar entity possess a minimum documented history manufacturing, providing and/or servicing a particular product or system that will be utilized on this project; and/or
2. The contractor, subcontractor, installer, or similar entity possess a minimum level of documented successful experience (e.g., number of years, number of projects, etc.) or proficiency specializing in the installation of a particular item of work; and/or
3. The contractor, subcontractor, installer, or similar entity hold a manufacturer's certification or approval to install its product or system; and/or
4. Mandates some other form of measurable criteria to ensure a minimum level of quality and success in accomplishing the work of this project.

All Bidders ensure that the entities it employs or contracts with for applicable scopes of work comply with the necessary requirements and it shall be ready to submit requisite proofs of compliance that is sufficient for the Director to reasonably determine the responsiveness and responsibility of the Bidder's overall offer. The apparent low bidder shall submit all necessary documentation in satisfaction thereof to the Director within five (5) consecutive calendar days of the bid opening. Failure to provide adequate documentation to the Director's satisfaction may result in a determination that the Bidder is nonresponsive and/or non-responsible.

**CODE OF ETHICS**

If you are an officer or employee of the County of Hawai'i, or a business in which an officer or employee or officer or employee's immediate family has a controlling interest, the provisions of Ordinance No. 15-103, Section 3 must be complied with before a contract for goods or services may be entered into with any County agency.

Revised: 06/23/2016