NOTICE TO BIDDERS
(Chapter 103D, HRS)

SEALED BIDS for furnishing all tools, equipment, materials and labor necessary for the construction of "WEST HAWAIʻI SANITARY LANDFILL GAS COLLECTION AND CONTROL SYSTEM EXPANSION AT CELLS 8 AND 9," Job No. SW-4396, Puʻuanahulu, North Kona, Hawaiʻi, will be received by the Administration Office, Department of Public Works, Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, Hawaiʻi 96720-4224 or by the Kona Building Division, West Hawaiʻi Civic Center, Building E, 1st Floor, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawaiʻi 96740, until September 29, 2016, at 2:00 p.m., when they will be publicly opened and read aloud. Bids received after the time fixed for opening will not be considered.

This project consists primarily of installing new gas extraction wells to expand the Gas Control and Collection System at the West Hawaiʻi Sanitary Landfill in accordance with the plans and specifications. The project has an estimated cost of $500,000.00 and is funded by the County of Hawaiʻi.

To be eligible to submit a bid, the Bidder must possess a valid State of Hawaiʻi, General Contractor's license. See Special Notice to Bidders for licensing requirements.

The plans and specifications may be examined by the Prospective Bidders at the Administration Office, Department of Public Works, Hilo, Hawaiʻi or in the Kona Engineering Division, Kailua-Kona, Hawaiʻi. One (1) compact disc containing the plans and specifications may be obtained from the Administration Office, Department of Public Works, Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, Hawaiʻi 96720-4224 at no charge to the company. Any additional compact discs will be provided upon receipt of TWENTY-FIVE DOLLARS ($25.00) per compact disc, in cash or in the form of a certified check, cashier's check, or company check, made payable to the County of Hawaiʻi, Director of Finance, which will be **non-refundable**.

Prospective Bidders shall use the printed proposal provided by the Department of Public Works and submit their bid proposal in a sealed envelope.

Addendums, if issued for said project, will **only** be available on the State and County Procurement Notices website - http://hawaii.gov/spo/notices.

Prospective Bidders must file with the Director of Public Works their "Intent to Bid." The Prospective Bidder's Intent to Bid must be received by the Administration Office, Department of Public Works no later than 4:30 p.m., TEN (10) calendar days prior to the bid opening date. If the tenth day is on a Saturday, Sunday, or a State holiday, the notice of intention is due on the next working day following the due date. The Intent to Bid form is available at the Administration Office, Department of Public Works, Phone: (808) 961-8321 and for electronic download at the Department of Public Works' website: http://www.hawaiicounty.gov/bids-proposals-contracts.

The original executed and notarized Standard Qualification Questionnaire for Offerors form "SQQO" must be received by the Administration Office, Department of Public Works, no less than FORTY-EIGHT (48) hours prior to the 2:00 p.m. bid opening so it may be evaluated and approved by the County of Hawai'i, Department of Public Works prior to bid opening. Please submit said form to allow for evaluation and approval by our office if such form had not been evaluated, approved and filed within the TWELVE (12) months, if there is any change in your previous responses as they relate to this project, or if additional information is requested. The SQQO form is available in hard copy at the Administration Office, Department of Public Works, Phone: (808) 961-8321 and for electronic download at the Department of Public Works' website: http://www.hawaiicounty.gov/bids-proposals-contracts.

A pre-bid conference will be held on August 30, 2016, at 9:30 am at the West Hawai'i Civic Center Building C, 1st Floor, Plan Review Conference Room, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawai'i 96740. Subcontractors and union representatives are invited, but not required to attend. The conference is to provide bidders/offerors with an opportunity to ask questions about the contractual requirements and all technical aspects of the project. A site visit will follow the pre-bid conference. Due to the nature of this project, all prospective bidders/offerors are strongly encouraged to attend the pre-bid conference and site visit.

The bid opening and pre-bid meeting(s) required for this project (if any, as set forth above) are scheduled at venues that are accessible to persons with disabilities. To request an auxiliary aid or for language interpretation services, please contact the Department of Public Works at (808) 961-8321 no less than five (5) working days prior to the established meeting date(s).

The Director of Public Works reserves the right to reject any or all bids to waive informalities. No Bidder may withdraw its bid after the hour set for the opening thereof or before the award of the contract, unless said award is delayed for a period exceeding ninety (90) consecutive calendar days.

County of Hawai'i is an Equal Opportunity Provider and Employer.

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

State of Hawai'i ~ Procurement Notice System (PNS)
Publication Date: August 15, 2016

SPECIAL NOTICE TO BIDDERS

"Reminder Note: "A" general engineering contractors and "B" general building contractors are reminded that due to the Hawai'i 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. It is the sole responsibility of the contractor to review the requirements of this project and determine the appropriate licenses that are required to complete the project."

Bidders must possess a valid **State of Hawai'i "A" General Engineering license** and the specialty licenses included in the attached "Minimum Contractor Licensing Requirements for Project" have been determined by the County to be required.

1. Contractor Licensing requirements for the project will be discussed during the Mandatory Pre-Bid Meeting for the project on the date and time established by the Notice to Bidders.
   a. Anyone who disagrees with the "Minimum Contractor Licensing Requirements for Project" shall raise objections during the Pre-Bid Meeting or submit written comments no later than ten (10) consecutive calendar days prior to bid opening.
2. Failure to list Sub-contractors having valid licenses in accordance with the "Minimum Contractor Licensing Requirements for Project" will result in automatic disqualification of the bid as a non-responsive bid.
3. The "1% Rule" as it is commonly referred to regarding work requiring specialty licenses is a discretionary waiver mechanism and is not grounds for an automatic waiver. The County has no intention of granting discretionary waivers for bids failing to list Sub-contractors in accordance with the "Minimum Contractor Licensing Requirements for Project".

WEST HAWAIʻI SANITARY LANDFILL
GAS COLLECTION AND CONTROL SYSTEM EXPANSION AT CELLS 8 AND 9
JOB NO. SW-4396
MINIMUM CONTRACTOR LICENSING REQUIREMENTS FOR PROJECT

Reference: (a) HAR Title 16, Chapter 77, Contractors
(b) Okada Trucking Ruling

License	Description	Comment/Remarks
C-43	Sewer, sewage disposal, drain and pipe laying contractor	• Covered by "A" General Engineering Contractor License.

Notes:

1. The above list provides the minimum Contractor licensing requirements for the project and reflects the County's current understanding of the relevant licensing requirements. As per the Special Notice to Bidders it is the sole responsibility of the contractor to review the requirements of the project and determine the appropriate licenses that are required to complete the project and to determine if additional specialty licenses will be required for performance of the work.

2. The Contractor is advised that any disagreements with the above listing regarding Contractor Licensing Requirements required for the performance of the work to complete this project shall be made during the Pre-Bid Meeting or by submitting written comments no later than ten (10) consecutive calendar days prior to bid opening.

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 "Hawaiʻi business"; **or**
   b. Be registered to do business in the State, hereinafter referred to as a "compliant non-Hawaiʻi business."

Refer to the Award of Contract provision herein for instructions on how to comply with the above requirements.

CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS PROHIBITED, PURSUANT TO HAWAI‘I REVISED 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

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

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 any county agency from receiving federal funds or aid.

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 Hawai‘i County Code §2-83(c) must be complied with before a contract for goods or services may be entered into with any County agency.

Revised: 08/10/2016