

2.209 Construction Contracts

I. Overview

RCUH defines “construction” as “building, altering, repairing, improving, or demolishing any structure, building, or real property, or other improvements/changes to the ground or building (or to items attached thereto that are not easily movable); this includes the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property”.

A construction contract is finalized subsequent to the Invitation for Bid (IFB) process detailed in [Policy 2.105 Invitation for Bid \(For the Procurement of Construction\)](#). The IFB process is overseen by the respective UH facilities planning office. Upon evaluating the bids and making an award, the respective UH facilities planning office instructs RCUH to execute a construction contract with the selected vendor.

If a solicitation is done via SuperQUOTE, the RCUH IFB template for SuperQUOTE must be used, and the posting must be made using the RCUH SuperQUOTE buyer profile.

II. Responsibilities

A. Principal Investigator

1. Works with the Fiscal Administrator, the respective UH facilities planning office, and RCUH Procurement in preparing the IFB.
2. Responds to any inquiries from the aforementioned parties.

B. Fiscal Administrator

1. Provides support and assistance to the Principal Investigator and the UH facilities planning office in developing and issuing the IFB.
2. Responds to any inquiries from the UH facilities planning office or RCUH.

C. UH Facilities

1. Oversees the IFB process for construction services.
2. Instructs RCUH to execute a construction contract upon vendor selection.

D. RCUH

1. Initiates a construction contract upon receiving notice from UH Facilities.

2. Issues a Notice to Proceed upon execution of the construction contract.

III. Details of Policy

A construction contract incorporates items from the original solicitation, including the scope of work, general provisions, special provisions, and specific terms and conditions. Below is a brief description of the elements of a construction contract.

- A. Scope of Work** – The solicitation provides the proposed plans and technical specifications for the construction work. These plans and technical specifications, along with any additional information provided by a contractor’s bid, govern the construction services that will be required. All work to be performed by the contractor must be contained in the scope of work.
- B. Time of Performance** – The contractor shall have a set amount of time, usually expressed in consecutive calendar days, to complete the construction. Upon receipt of the executed contract documents, including evidence of insurance, bonds, federal certification statements (as applicable), and a valid tax clearance from the Hawai‘i Department of Taxation and the U.S. Internal Revenue Service, RCUH will issue a Notice to Proceed to the contractor.
- C. Price and Payment Schedule** – The construction contract will state the price provided in the contractor’s bid submission.
- D. RCUH General Provisions, Special Provisions, and Standards of Conduct Declaration** – Attachment 2 General Provisions, either Attachment 3 Special Provisions (Federal) or Attachment 3 Special Provisions (Non-Federal), and either Attachment 4 Standards of Conduct Declaration (Direct Projects) or Attachment 4 Standards of Conduct Declaration (UH), are included in the IFB and are incorporated into the construction contract. These provisions provide for, among other things, insurance, bonding, controlling interest declaration, and legal requirements that the contractor must abide by.

IV. Relevant Documents

[IFB Template](#)

[IFB Template for SuperQUOTE](#)

[IFB Attachment 2](#)

[IFB Attachment 2 for SuperQUOTE](#)

[IFB Attachment 3 \(Federal\)](#)

[IFB Attachment 3 \(Federal\) for SuperQUOTE](#)

[IFB Attachment 3 \(Non-Federal\)](#)

[IFB Attachment 3 \(Non-Federal\) for SuperQUOTE](#)

[IFB Attachment 4 \(Direct Projects\)](#)

[IFB Attachment 4 \(UH\)](#)

[Attachment 22 Certification Regarding Debarment, Suspension, and Other Responsibility Matters](#)

[Attachment 23 Certification Regarding Payments to Influence Federal Transactions](#)

[Policy 2.105 Invitation for Bid \(For the Procurement of Construction\)](#)

[Policy 2.302 Tax Clearance \(Certificate of Vendor Compliance\)](#)

[UH AP 8.281 Construction and Professional Services in Support of Construction](#)

Date Revised: 9/18/2018