

NO. CAAP-21-0000533

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

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HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.,
Intervenor-Appellant-Appellee,
v.
NAN, INC., Petitioner-Appellee-Appellant,
and
BOARD OF WATER SUPPLY,
Respondent-Appellee-Appellee,
and
DESIREE L. HIKIDA, HEARINGS OFFICER,
OFFICE OF ADMINISTRATIVE HEARINGS,
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,
STATE OF HAWAI'I, Appellees-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0001032)

ORDER OF CORRECTION

(By: Wadsworth, J., for the court^{1/})

IT IS HEREBY ORDERED that the Opinion of the Court
filed on October 31, 2022, is corrected as follows:

On page 2, fifth line from the bottom, insert "**(HDD)**"
between the word "Drilling" and the closing bracket so that the
line reads:

specific [Horizontal Directional Drilling (**HDD**)]
experience"; and (3)

^{1/} Ginoza, Chief Judge, and Wadsworth and McCullen, JJ.

On page 3, line 7 of the first paragraph under the heading "**I. Background,**" delete the words "horizontal directional drilling" and remove the parentheses and bold typeface from "(HDD)" so that the line reads:

other things, HDD beneath an

On page 5, at the end of the last line of the first block quote, delete the closing quotation mark so that the line reads:

days before the date fixed for opening of bids

On page 12, in the fourth line of the first full paragraph, replace "127," with the word "at" so that the line reads:

bid solicitation. 138 Hawai'i at 319-21, 382 P.3d at 131-33.

On page 14, in line 13 of the first full paragraph, please replace the en dash between the words "protest" and "that" with an em dash so that the line reads:

part of Nan's protest – that it was determined to be a

On page 15, in the eighth line of the block quote, the order of the punctuation marks in brackets should be reversed so that the period is followed by the quotation mark. The line should read:

disruption to procurements and contract performance[."] The

On page 16, third line from the bottom, replace "U.S." with "United States" so that the line reads:

to a public contract); see also VS2, LLC v. United States, 155 Fed. Cl.

On page 17, first line from the top, replace "U.S." with "United States" so that the line reads:

Aarsleff A/S v. United States, 829 F.3d 1303, 1309 (Fed. Cir. 2016)

On page 17, third line from the top, replace "U.S." with "United States" so that the line reads:

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

United States, 370 F.3d 1153, 1159 (Fed. Cir. 2004) (bid protest action):

On page 18, line 14 of the first full paragraph, add an "s" to the word "Hearing" so that the line reads:

the Solicitation. The Hearings Officer erred in concluding

On page 19, in the first and second lines of both footnotes 9 and 10, please replace the en dashes with em dashes so that the first and second lines in footnote 9 read:

To the extent this conclusion – that the Contractor Questionnaire was not part of the Solicitation – can be viewed as a mixed issue of fact and

and the first and second lines in footnote 10 read:

To the extent this conclusion – that the Solicitation did not require bidders to submit their HDD experience or its equal or equivalent –

The clerk of the court is directed to take all necessary steps to notify the publishing agencies of this correction.

DATED: Honolulu, Hawai'i, January 30, 2023.

/s/ Clyde J. Wadsworth
Associate Judge