

CITY AND COUNTY OF HONOLULU

**HONOLULU HIGH-CAPACITY TRANSIT
CORRIDOR PROJECT**

**REAL ESTATE PROFESSIONAL
SERVICES CONTRACT**

**REQUEST FOR PROPOSALS
NO. RFP-DTS-362614A**

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

**DIVISION OF PURCHASING
DEPARTMENT OF BUDGET AND FISCAL SERVICES
530 SOUTH KING STREET, ROOM 115
HONOLULU, HAWAII, 96813
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**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
REAL ESTATE PROFESSIONAL SERVICES CONTRACT
REQUEST FOR PROPOSALS NO. RFP-DTS-362614A
CITY AND COUNTY OF HONOLULU**

This Solicitation is being conducted in two (2) parts. SEALED PROPOSALS responding to Part 1 will be accepted up to 2:00 p.m. HST on May 2, 2011, in the office of the Division of Purchasing, Department of Budget and Fiscal Services, City Hall, 530 South King Street, Room 115, Honolulu, Hawai'i, 96813.

Because portions of the work in this project may be funded with Federal assistance, the successful Offeror is expected to comply with applicable Federal Transit Administration (FTA) terms and conditions.

The Form of Proposal may be obtained from said Division of Purchasing upon application for Request for Proposals No. RFP-DTS-362614A or from the Division of Purchasing website at www.honolulu.gov/pur.



For WENDY K. IMAMURA
Purchasing Administrator
For Director of Budget and Fiscal Services
By order of PETER CARLISLE, Mayor
City and County of Honolulu

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INSTRUCTIONS TO OFFERORS

1.0 REAL ESTATE PROFESSIONAL SERVICES PROJECT OVERVIEW

The Rapid Transit Division, Department of Transportation Services, City and County of Honolulu, plans to contract for professional services for services necessary for the acquisition of real property, rights of way, and other property interests for the Honolulu High-Capacity Transit Corridor Project (HHCTCP). These services will include, but are not limited to, title report preparation, appraisals, property negotiation, property acquisitions, relocation assistance services and property management services as required according to Federal, State and City laws, rules, regulations, policies and procedures outlined in the Real Estate Management Plan (RAMP) for the HHCTCP. Legal review for real estate transactions and issues will be the responsibility of the City or its representatives. It is critical that the selected Contractor have Federal Transit Administration and applicable experience in the State of Hawai'i. The Contractor will also need experience and familiarity with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URAA).

2.0 ABBREVIATIONS

BAFO	Best and Final Offer
BFS	Department of Budget and Fiscal Services, City and County of Honolulu
CD	Compact Disc
CFR	Code of Federal Regulations
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DTS	Department of Transportation Services, City and County of Honolulu
FTA	Federal Transit Administration
FHWA	Federal Highway Administration
GEC	General Engineering Consultant
HAR	Hawai'i Administrative Rules
HHCTCP	Honolulu High-Capacity Transit Corridor Project
HRS	Hawai'i Revised Statutes
HST	Hawai'i Standard Time
JV	Joint Venture
LLC	Limited Liability Company
LLP	Limited Liability Partnership
LPA	Locally Preferred Alternative
MSF	Maintenance and Storage Facility
NTP	Notice to Proceed
PI	Public Information
PMC	Project Management Support Consultant
QA	Quality Assurance
QC	Quality Control
READ	Real Estate Acquisition Database
RFP	Request for Proposals
RFP Part 1	Request for Qualifications Proposals

RFP Part 2	Request for Technical and Price Proposals
ROD	Record of Decision
RTD	Rapid Transit Division, Department of Transportation Services, City and County of Honolulu
UH	University of Hawai'i
URAA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

3.0 DEFINITIONS

The following terms have the same meaning throughout this instrument as stated below, unless specifically stated otherwise or clearly inappropriate in the context. Other terms that are defined in the Hawai'i Public Procurement Code (Code) and the Hawai'i Administrative Rules (HAR) have the same meaning throughout this instrument as stated in the Code and HAR, unless specifically stated otherwise or clearly inappropriate in the context.

"Addendum" means a written document issued by the BFS Division of Purchasing during the Solicitation, involving changes to the RFP, which will be considered and made a part of the RFP and the Contract.

"Affiliate" means any Person that:

- A) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:
 - 1) The Contractor; or
 - 2) Any Principal Participant.
- B) Holds 10% or more of the equity interest, directly or indirectly, beneficially or of record, of or by the following:
 - 1) The Contractor;
 - 2) Any Principal Participant; or
 - 3) Any Affiliate of the Contractor under part (A) of this definition.

For purposes of this definition, the term "control" means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

"Agreement" means Contract.

"Amendment" means a change in the RFP by written addendum, or a Contract modification.

"Award" means the written notification of the City's acceptance of a Proposal, or the presentation of a Contract to the selected Offeror.

"Best Value" means the most advantageous Proposal determined by evaluating and comparing all

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relevant criteria in addition to price so that the Proposal meeting the overall combination that best serves the City is selected. These criteria may include, in addition to others, the total cost of ownership, performance history of vendor, quality of goods, services, or construction, delivery, and proposed technical performance.

“BFS” means the Department of Budget and Fiscal Services, City and County of Honolulu.

“BFS Director” means the Director of BFS.

“Chief Procurement Officer” means BFS Director.

“City” means the City and County of Honolulu, State of Hawai‘i.

“Code of Federal Regulations” means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

“Contract” means all documents covering the services in connection therewith for which Award is made to the Contractor, including the furnishing of labor, materials, and equipment in connection therewith. It includes the RFP, final Proposal, the list of Subcontractors, general instructions to Offerors, special notice to Offerors or special instructions to Offerors, the General Terms and Conditions, and any documents or publications, addenda, amendments and change orders, whether attached to or incorporated by reference.

“Contract Administrator” means the DTS Second Deputy Director, who is the person designated to manage the various facets of the Contract to ensure the Contractor’s total performance is in accordance with the Contractual commitments and that obligations to the City are fulfilled.

“Contractor” means the Real Estate Professional Services qualified individual and/or firm that is awarded the Contract.

“Days” means consecutive calendar days unless otherwise specified. [HAR § 3-120-2].

“Disadvantaged Business Enterprise” or **“DBE”** means a for-profit, small business concern which meets the definition set forth in 49 CFR Part 26.

“Discussion” means an exchange of information or other manner of negotiation during which the Offeror and the City may alter or otherwise change the conditions, terms, and price of the proposed Contract.

“Federal Transit Administration” means the current designation for the former Urban Mass Transportation Administration, United States Department of Transportation. Any reference in any law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration or its acronym UMTA is deemed a reference to the Federal Transit Administration.

“General Terms and Conditions” means the General Terms and Conditions for Goods and Services for the City and County of Honolulu (01/18/08).

“Guarantor” means the Person assuming responsibility for the tangible net worth deficit or financing

deficit obligations of the Offeror, as required by the Contract.

“Instructions to Offerors” means the information or the terms and conditions pertaining to the specific solicitation in which they are contained.

“Notice(s) to Proceed” or **“NTP”** means the document(s) issued to the Contractor designating the official commencement date(s) of the performance under the Contract.

“Offer” means Proposal.

“Offeror” means any Person submitting, directly or through a duly authorized representative or agent, a Proposal in response to this Solicitation.

“Officer-in-Charge” means the BFS Director or the BFS Director’s designee.

“Opening” means the date set for receipt of Proposals in a competitive sealed Proposals Solicitation.

“Person” means any individual, firm, corporation, company, limited liability company, limited liability partnership, trust, or public or private organization, other legal entity, or combination thereof.

“Principal Participant” means any of the following entities:

- A) The Offeror;
- B) An individual firm, all general partners, or joint venture members of the Offeror; and/or
- C) All Persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Offeror.

“Priority List” means the list of those Offerors who: 1) have submitted a Qualifications Proposal in response to the RFP Part 1, that the City determines to be acceptable or potentially acceptable. If more than four (4) acceptable or potentially acceptable Proposals have been submitted, the list will be limited through evaluation and ranking to no more than four (4) responsive and responsible Offerors who submitted the highest-ranked Proposals.

“Project” means Work to be performed as set forth in the Contract, including furnishing all services, labor, goods, materials, supplies, equipment and other incidentals reasonably necessary for the successful completion of Work contemplated under the Contract.

“Proposal” means the executed document submitted by an Offeror in response to a RFP.

“Proposal due date” means the time and date announced for receipt of Proposals or BAFOs by the Priority-Listed Offerors.

“Qualifications Proposal” means the information prepared and submitted by an Offeror in response to the RFP Part 1.

“Request for Proposals” or “RFP” means all documents, whether attached or incorporated by reference, utilized for soliciting Proposals under the competitive sealed Proposals source of selection method.

“Responsible Offeror” means a person who has the capability in all respects to perform fully the Contract requirements, and the integrity and reliability which will assure good faith performance.

“Responsive Offeror” means a person who has submitted an offer which conforms in all material respects to the RFP.

“Solicitation” means a RFP issued for the purpose of soliciting Proposals to perform a City Contract.

“State” means the State of Hawai‘i.

“Subcontractor” means any Person who enters into an agreement with a contractor at any tier to perform a portion of the Work for a contractor.

“Technical and Price Proposal” means the information prepared and submitted by an Offeror in response to the RFP Part 2.

“Transit Authority” means the semi-autonomous public transit authority, known as the “Honolulu Authority for Rapid Transportation,” that is responsible for the planning, construction, operation, maintenance, and expansion of the City’s fixed guideway mass transit system.

“The Uniform Act” or “URAA” means the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq*) as defined in 49 CFR Part 24.

“Work” means the furnishing of all labor, material, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the carrying out of all the duties and obligations imposed by the Contract.

“Working Day” means any day on the calendar, exclusive of State holidays, Saturdays and Sundays. Unless another meaning is intended, “working days” means consecutive working days. *See* HRS § 8-1 for a listing of State holidays.

4.0 DESCRIPTIONS AND GOALS

4.1 HHCTCP DESCRIPTION

Beginning in August 2005, an Alternative Analysis for the HHCTCP was conducted. This analysis provided the Honolulu City Council with the information necessary to select a mode and general alignment for high-capacity transit service on O‘ahu. On December 22, 2006, the Honolulu City Council enacted Ordinance 07-001 which selected the fixed-guideway alternative from Kapolei to the University of Hawai‘i at Manoa and Waikiki as the Locally Preferred Alternative (LPA) for the HHCTCP.

The LPA selection was made recognizing that currently-identified revenue sources, including revenues from the 0.5 percent General Excise Tax (GET) surcharge in place from January 1, 2007 through December 31, 2022, and a reasonable expectation of FTA New Starts funds, would not be sufficient to

Honolulu High-Capacity Transit Corridor Project

fund the capital cost of the entire LPA. Thus, a financially feasible project was identified as the Minimum Operable Segment (MOS). On February 27, 2007, the Honolulu City Council initially selected a segment of the LPA from East Kapolei to Ala Moana Center, via Salt Lake Boulevard [Resolution 07-039, FD1(c)]; however, on January 28, 2009, the Honolulu City Council, pursuant to Resolution 08-261, replaced the Salt Lake Boulevard portion of this initial alignment with a route that includes direct service to Pearl Harbor and the Airport. This segment of the LPA, from East Kapolei to Ala Moana Center, which serves Pearl Harbor and the Airport, is the MOS.

The HHCTCP has received a Record of Decision (ROD) from the FTA on January 18, 2011. Given the aggressive schedule for completion of the HHCTCP, time will be of the essence to successfully acquire the necessary properties and to provide the necessary property management and other services.

The HHCTCP is approximately 20-miles of elevated guideway with the exception of 3,700 linear feet (0.7 miles) that is at-grade at the Leeward Community College Station. There are twenty one (21) stations, one Maintenance and Storage Facility (MSF), three (3) park-and-ride lots and one (1) park-and-ride structure. The HHCTCP is broken into four (4) sections.

The first section of the HHCTCP, the West O'ahu/Farrington Highway (WOFH Section), extends from East Kapolei to Pearl Highlands. The alignment begins at North-South Road; proceeding to Farrington Highway and just south of H-1 Freeway, the alignment descends to at-grade at the proposed MSF and from there continues to Leeward Community College. In order to cross the H-1 Freeway the alignment returns to an elevated structure. The WOFH Section is expected to require the acquisition of fourteen (14) full parcels, seventeen (17) partial parcels and six (6) easements. It is anticipated that there will be twenty-one (21) residential, five (5) business and one (1) church relocations required. The DB contract for the WOFH Section guideway was awarded and limited Notices to Proceed for preliminary engineering have been issued. The DB contract for the MSF has also been awarded. The six (6) stations for the WOFH Section are currently being designed.

The second section of the HHCTCP extends from Pearl Highlands to Aloha Stadium along Kamehameha Highway. The Kamehameha Highway Guideway (KHG) DB Contract was awarded. There are two (2) stations and one (1) park-and-ride and one (1) transit center planned in this section. It is anticipated that there will be five (5) full acquisitions and twenty-one (21) partial acquisitions necessitating nine (9) business relocations.

The third section of the HHCTCP extends from Aloha Stadium to just east of Middle Street Transit Center Station (Airport Section). Leaving Aloha Stadium, the elevated route reenters the median of Kamehameha Highway continuing to its intersection with Nimitz Highway. The route runs along the Nimitz Highway turning Makai into Aolele Street, then transfers onto Ualena Street west of Lagoon Drive to Waiwai Loop, reconnects to Nimitz Highway near Moanalua Stream and continues to just after the Middle Street Transit Center. There are four (4) stations planned in the Airport Section: Pearl Harbor Naval Base, Airport, Lagoon Drive and Middle Street Transit Center. It is anticipated that there will be six (6) full property acquisitions, thirty-five (35) partial acquisitions and one (1) easement acquisition necessitating eight (8) business relocations.

The final section of the HHCTCP extends from just east of the Middle Street Transit Center Station to Ala Moana Center (City Center Section). Beginning from east of the Middle Street Transit Center, the

elevated route follows Dillingham Boulevard, crosses Kapalama Canal, then leaves Dillingham Boulevard at Ka'aahi Street, and crosses Iwilei Road. The alignment follows the Nimitz Highway to Halekauwila Street and continues southeast along Halekauwila Street past Ward Avenue, where it transitions onto Queen Street. At the end of Queen Street, the alignment crosses Waimanu Street and crosses over to Kona Street. The alignment then goes through the City Center Section and ends with a tail track along Kona Street. There are nine (9) stations planned for the City Center Section. It is anticipated that there will be fifteen (15) full acquisitions, eighty-eight (88) partial acquisitions, and five (5) easement acquisitions necessitating four (4) residential relocations and forty-five (45) business relocations.

4.2 HHCTCP GOALS

The purpose of the HHCTCP is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and UH Manoa. The goals of the HHCTCP are to:

- A) Improve mobility within the corridor;
- B) Improve travel reliability within the corridor;
- C) Improve access to planned development in support of the City policy to develop a Second Urban Center; and
- D) Improve transportation equity within the corridor.

4.3 REAL ESTATE PROFESSIONAL SERVICES GOALS

The City goals for the selected Contractor are to assist the HHCTCP Team to:

- A) Expeditiously secure real estate for the HHCTCP while meeting all Federal, State, and City requirements;
- B) Successfully relocate displaced residents, businesses, non-profits and farms, following the Uniform Act and all Federal, State, and City laws, regulations, requirements, polices and procedures;
- C) Manage the property and facilities secured by the City until the property and facilities are turned over to the respective contractor;
- D) Ensure all Federal, State and City reporting requirements are met;
- E) Comply with all Federal, State, and City laws, regulations, requirements, policies and procedures;
- F) Establish processes and procedures that will facilitate a successful outcome; and
- G) Define tasks and assign responsibility for those tasks.

4.4 OVERALL PROCUREMENT PROCESS

4.4.1 Procurement Process

The procurement of the Contract will be in accordance with laws and rules of the State of Hawai'i, using "Best Value" as the basis of selection in accordance with the evaluation criteria as set forth in this

Solicitation.

The procurement will include a two-part competitive sealed Proposal Solicitation:

- A) **Part 1 – Qualifications Proposals** [determination of a Priority List of up to the top four (4) highest-ranked Persons]; and
- B) **Part 2 – Technical and Price Proposals** (selection of the qualified Persons or firms to provide Real Estate Professional Services from the Priority-Listed Offerors on the Priority List that submit Technical and Price Proposals).

4.4.2 Part 1 – Qualification Proposals

Submittal requirements, the evaluation criteria, the objectives and requirements for evaluation, and the evaluation scoring guidelines are provided in Section 6.0 Request For Proposals, Section 7.0 Preparation of Qualifications Proposals (RFP Part 1), and Section 8.0 Evaluation of Qualifications Proposals and Establishment of Priority List (Part 1 “Qualifications Proposal”).

4.4.3 Part 2 – Technical and Price Proposals

Submittal requirements, the evaluation criteria, the objectives and requirements for evaluation, and the evaluation scoring guidelines will be provided with the RFP Part 2.

- A) Evaluation criteria for the RFP Part 2 will include, but not be limited to, the following:
 - 1) Responsive/Non-Responsive:
 - a) Organizational and Financial Information; and
 - b) Proposal Responsiveness.
 - 2) Quality:
 - a) Management Approach;
 - b) Technical Approach;
 - c) Schedule and Time;
 - d) Key Personnel and Experience;
 - e) Service Value/Cost (provided by Offeror); and
 - f) Price Realism.
 - 3) Price.
- B) Information to be submitted in the Technical and Price Proposals will include, but is not limited to, the following:
 - 1) Organizational documents demonstrating ability to enter into a Contract with the City;
 - 2) Specified Certificates and Representations;
 - 3) Qualifications of key personnel;
 - 4) A letter of commitment for key personnel;

- 5) Description of management approach, including schedule and organization;
- 6) Description of technical approach, including understanding of City's Real Estate Professional Services goals, and importance of Federal, State and City compliance throughout the Project; and
- 7) Price Proposal.

The Award will be issued to the responsible Priority-Listed Offeror whose Proposal is determined in writing to provide the Best Value to the City, taking into consideration price and the evaluation criteria in the RFP, and will be posted pursuant to HAR § 3-122-57 for five (5) Working Days. The contract file will include the basis for selecting the successful Offeror (see Section 9.10).

4.5 DURATION OF CONTRACT

The base term of this Contract shall be for a period of five (5) years, with the option to extend for up to two (2) one-year extensions, at the discretion of the City, and subject to availability of funding; or until real estate professional services for the HHCTCP are complete.

The Contract will be a multi-term Contract subject to the availability of funds in accordance with Hawaii Administrative Rules (HAR) § 3-122-149. Contract funds are available for only the initial term of the Contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. The City shall notify the Contractor, on a timely basis, whether or not funds are available for the continuation of the Contract for each succeeding fiscal period.

The Contract will be cancelled if funds are not available to support continuation of performance in any fiscal period succeeding the initial term of the Contract; however, this does not affect either the City's rights or the Contractor's rights under any termination clause of the Contract. If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the Contract shall be cancelled and the Contractor shall be reimbursed for its unamortized, reasonably incurred, nonrecurring costs.

4.6 PAYMENT

- A) Payment for services will be cost plus fixed fee basis unless the Contractor receives notification in writing by the City otherwise.
- B) The City shall pay the Contractor, upon the submission of proper invoices and deliverables, if applicable.
- C) The City shall pay the Contractor within thirty (30) days of the receipt of an approved invoice.

4.7 REAL ESTATE PROFESSIONAL SERVICES GENERAL REQUIREMENTS

4.7.1 Acquisition Services Required

Property acquisition services may be required for commercial, residential, farm and/or non-profit organization properties and will be undertaken for both full and partial takes in accordance with FTA Circular 5010.1D as well as State and City laws, policies and procedures. The Contractor shall:

- A) Prepare the necessary title reports for the acquisition of property including the securing of title insurance;
- B) Make a detailed inspection of the properties and make such investigations and studies necessary to derive sound conclusions for the preparation of appraisal reports;
- C) Be responsible for appraisal valuation and determining the fair market value of properties;
- D) Perform appraisal reviews when required;
- E) Be prepared to assist in providing witness testimony for valuation or other issues in any legal proceedings; and
- F) Conduct the negotiations to acquire the property. This will include contacting the landowner explaining in detail the effects of the proposed acquisition on the property, and providing bona fide offers based on an approved appraisal and subject to City approval.

4.7.2 Relocation Services Required

All relocation services for displaced residential, commercial, farm and/or non-profit organization relocations will be undertaken and documented in accordance with the Uniform Act, FTA Guidelines and FTA Circular 5010.1D, as well as State and City laws, policies and procedures. The Contractor shall provide relocation services, including, but not limited to, the following:

- A) Conduct all necessary contacts with all involved displacees and obtain all information and documentation necessary to determine the relocation benefits for the displacees;
- B) Make a detailed search of the market to locate available decent, safe and sanitary comparable housing and determine the appropriate replacement housing payment, if any. This will require a detailed inspection of the subject property as well as the available properties for replacement housing;
- C) Provide market search support for non-residential replacement sites for the displacees;
- D) Conduct a personal property inventory to determine all necessary moving expenses, if any, for those to be relocated and shall process all moving cost claims; and
- E) Render necessary relocation advisory assistance to all residences, businesses and/or non-profit organizations being displaced by the HHCTCP.

4.7.3 Property Management

All property leases must conform to the requirements in FTA Circular 5010.1d and City ordinances.

- A) The Contractor shall provide property management services for acquired property until such time as the parcel is turned over to the HHCTCP contractor for construction. The management services shall include, but not be limited to:
 - 1) Managing any temporary lease agreements;
 - 2) Ensuring the property is maintained; and

- 3) Facilitating access on to properties for any pre-construction work to be performed.

4.7.4 Project Administration

The Contractor shall:

- A) Update information on the Real Estate Administration Database (READ);
- B) Provide progress updates as required;
- C) Attend and provide support for public and neighborhood meetings as required; and
- D) Keep detailed records of all conversations and interaction between property owners and tenants in conducting Work for the HHCTCP.

4.7.5 Other Services

The Contractor may provide other right of way and real estate services as required for the success of the HHCTCP. The Contractor will provide assistance with other activities as directed by the City or its representatives.

4.8 WEBSITES

The following is a list of websites providing background and reference information.

[NOTE: This list of websites is provided solely for the convenience of Persons interested in submitting Proposals, and the City makes no representations as to the accuracy of the information accessible at these websites, or whether the websites are the only background and reference information relevant to this RFP.]

- A) HRS can be found at: <http://www.capitol.hawaii.gov/site1/hrs/default.asp>;
- B) HAR can be found at: <http://hawaii.gov/ltgov/office/adminrules/>;
- C) Information on procurement for the City and County of Honolulu may be found at: www.honolulu.gov/pur;
- D) Information on FTA circulars may be found at: http://www.fta.dot.gov/laws/leg_reg_circulars_guidance.html
- E) FTA's Third-Party Contracting Checklist may be found in FTA Circular 4220.1F, Appendix C at: http://www.fta.dot.gov/documents/FTA_Circular_4220.1F_-_Finalpub1.pdf;
- F) FTA's Best Practice Procurement Manual may be found at: www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html;
- G) Information relevant to the Hawai'i State Department of Transportation DBE Program may be found at: <http://hawaii.gov/dot/administration/ocr/dbe/dbe>
- H) Information relevant to debarment may be found at: <http://www.epls.gov/>;
- I) Information about the HHCTCP in general as well as the Final Environmental Impact Statement may be found at www.honolulutransit.org; and

- J) Information relevant to Assistance to Displaced Persons, HAR, Title 17, Chapter 2017, may be found at <http://hawaii.gov/dbedt/hhfdc/about/17-2017.pdf>.

5.0 INQUIRIES

All inquiries shall be addressed to:

Wendy K. Imamura
Purchasing Administrator
Division of Purchasing
Department of Budget and Fiscal Services
City and County of Honolulu
530 S. King Street, Room 115
Honolulu, HI 96813
Facsimile Number: (808) 768-3299
E-mail Address: transitmailbox@honolulu.gov

5.1 DEADLINE FOR INQUIRIES

Inquiries shall be submitted no later than the Part 1 Deadline for Receipt of Clarification Requests (*see* Section 6.2) pursuant to Section 5.2 unless the BFS Director or the Officer-in-Charge determines that it is in the best interest of the City to accept any inquiry submitted after the deadline.

5.2 WRITTEN REQUESTS FOR CLARIFICATION

All questions shall be submitted in writing. Any correspondence related to this solicitation shall refer to the appropriate RFP number, page number, and section number; however, the requestor must not place the RFP number on the outside of an envelope containing questions, since such an envelope may be identified as a sealed Proposal and may not be opened until after the Qualifications Proposal Due Date. Oral interpretations or clarifications will be without legal effect. Only questions answered by a formal written response will be binding.

5.3 NO CONTACT

Offerors shall not contact the employees of the using agency concerning this RFP while the Proposal evaluation process is in progress. Offerors shall not contact the City in the formulation of its Proposal except as provided in Sections 6.1 or 6.3. Any other such contact may disqualify the Offeror from further consideration by the City.

6.0 REQUEST FOR PROPOSALS

6.1 PROCUREMENT TIMETABLE

The following timetable has been established for the Real Estate Professional Services Solicitation:

ACTIVITY	MONTH	DAY	YEAR
Part 1, Issue RFP	April	1	2011
Part 1, Deadline for Receipt of Clarification Requests	April	8	2011
Part 1, Issue Final Addendum	April	18	2011
Part 1, Qualifications Proposal Due Date	May	2	2011
Part 1, Determination of Priority-Listed Offerors	May	9	2011
Part 2, Issue RFP Part 2 to Priority-Listed Offerors	May	12	2011
Reserved			
Part 2, Deadline for Receipt of Clarification Requests	May	19	2011
Part 2, Issue Final Addendum	May	26	2011
Part 2, Technical and Price Proposal Due Date	June	6	2011
Part 2, Award of Contract (Tentative)	June	14	2011
Part 2, Execution of Contract (Tentative)	June	28	2011
Part 2, Notice to Proceed (Tentative)	June	30	2011

6.2 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

6.2.1 Clarification

Offerors shall carefully review this Solicitation for defects and questionable matter. Comments concerning defects and questionable matter must be made in writing to the Chief Procurement Officer not later than the date listed in Section 6.1 as the Deadline for Receipt of Clarification Requests. Inquiries received later than the Deadline for Receipt of Clarification Requests will not be responded to unless the Chief Procurement Officer determines that it is in the best interest of the City to respond to any inquiry submitted after the deadline.

6.2.2 Distribution

The City will make every reasonable attempt to notify all Persons who have obtained the RFP from the City of any changes to the RFP. The primary method of distributing addenda will be through the Division of Purchasing website (see Section 4.8C). The Offeror is responsible to monitor the website and obtain all addenda.

6.2.3 Amendments

The City will issue responses to all inquiries, and any other corrections or amendments it deems necessary, in written addenda issued prior to the Qualifications Proposal Due Date. Additional background material or modifications to RFP requirements, where necessary, will be communicated to all Offerors by written addenda issued by the City. Addenda will be incorporated as part of the RFP. Offerors should not rely on representations, statements, or explanations other than those made in this RFP or in formal written addenda.

6.3 MODIFICATION OR WITHDRAWAL OF PROPOSALS

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Qualifications Proposal Due Date in accordance with HAR § 3-122-16.07.

6.3.1 Modification of Offers

- A) A written notice accompanying the actual modification received by the BFS Director or the Purchasing Administrator, stating that a modification to the offer is submitted; or
- B) A written notice accompanying the actual modification as described in Section 6.41 A) and submitted by facsimile machine to the Purchasing Administrator; provided that the facsimile transmission is followed by receipt of the original written notice and modification by the BFS Director or the Purchasing Administrator within two (2) working days of receipt of the facsimile transmission.

6.3.2 Withdrawal of Offers

Offers may be withdrawn by a written notice addressed to the BFS Director, received by the BFS Director or the Purchasing Administrator.

6.4 RECEIPT AND REGISTRATION OF PROPOSALS

In accordance with HAR § 3-122-51, Proposals and modifications will be time-stamped upon receipt and held in a secure place by the Chief Procurement Officer until the Qualifications Proposal Due Date.

- A) Proposals and modifications will not be opened publicly, but will be opened in the presence of two (2) or more City officials; and
- B) Proposals and modifications will be shown only to members of the evaluation committee and City personnel or their designees having legitimate interest in them.

6.5 PUBLIC INSPECTION

Public inspection of the Contract file will be in accordance with HAR § 3-122-58.

- A) The existing Contract file, except those portions the Offeror designates in writing as trade secrets or other proprietary data to be confidential subject to subsection (B), will be available for public inspection upon posting of the Award pursuant to HRS § 103D-701.
- B) If a person requests to inspect the portions of an Offeror's Proposal designated as confidential pursuant to HAR § 3-122-46(9), the inspection will be subject to written determination by the Corporation Counsel of confidentiality in accordance with HRS Chapter 92F.
- C) If the Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS § 92F-42(1).

6.6 CANCELLATION OF SOLICITATIONS

Solicitations may be canceled for any of the reasons stated in HAR § 3-122-96. If the Solicitation is cancelled, notice will be given to Offerors pursuant to the HAR.

6.7 REJECTION OF PROPOSALS

Proposals may be rejected for any reason stated in HAR § 3-122-97. If a Proposal is rejected, notice will be given to Offerors pursuant to the HAR.

6.8 SUSPENSION AND DEBARMENT

This Contract is a covered transaction for purposes of 2 CFR 180.220(b) and 2 CFR 1200.220. As such, the Offeror is required to verify that none of the Offeror, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR 180.905, are excluded or disqualified as defined at 2 CFR 180.940 and 180.935. The Offeror is required to comply with 2 CFR 180, Subpart C, as supplemented by 2 CFR 1200, Subpart C and must include the requirement to comply with 2 CFR 180, Subpart C, as supplemented by 2 CFR 1200, Subpart C, in any lower tier covered transaction equal to or exceeding \$25,000 it enters into. By signing and submitting its Proposal, the Offeror certifies to these requirements.

6.9 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 and perform the Work required under the Contract.

Individuals named in an Offeror's Qualifications Proposal, submitted in response to RFP Part 1, whose duties under the Contract will require a Hawaii Real Estate License pursuant to the provisions of Chapter 467 of the Hawaii Revised Statutes (HRS) must hold a valid and active Hawaii Real Estate License at the time Qualifications Proposals are submitted to the City (see ITO Section 7.4.1) and for the duration of the Work under the Contract. Failure to do so may cause a Proposal to be deemed "Non-Responsive" or may cause the City to terminate the Contract.

6.10 JOINT VENTURES; PARTNERSHIPS

Persons intending to submit a Proposal as a joint venture or partnership who are not licensed as a joint venture or partnership must be in compliance with HAR § 16-77-13.

6.11 SUBCONTRACTING

All Subcontractors are subject to pre-approval by the City.

6.12 ROLE OF THE CITY

In context of the Real Estate Professional Services Contract, the City is responsible for the following:

- A) Overall program administration;
- B) Preparation of the RFP, determination of the Priority List, evaluation of Proposals, and selection;
- C) Contract procurement and administration;
- D) Compliance and quality oversight;
- E) Due diligence information and data;
- F) Legal review, and
- G) Review and comment, final acceptance and payment for satisfactory Work performed.

6.13 ORGANIZATIONAL CONFLICT OF INTEREST AND NON-DISCLOSURE REQUIREMENTS

- A) Each of the following circumstances will be deemed an organizational conflict of interest and the affected Offerors will be deemed non-responsive:
 - 1) Participation by Persons on more than one Offeror's team performing more than fifteen percent (15%) of the Work; or
 - 2) Participation of an Affiliate of any Person identified in subsection 1) above on another Offeror's team;
- B) All Offerors affected by any organizational conflict of interest will be deemed non-responsive, even if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above;
- C) A person or firm (at any tier) who is paid for developing or preparing specifications or work statements in the development of a solicitation package or any resulting contract is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS § 103D-405(d) and HAR § 3-122-13(e);
- D) It is a requirement of the City that Offeror organizations, including Principal Participants and specialized Subcontractors identified in the Qualifications Proposal, remain intact for the duration of the procurement process, including the subsequent Contract, unless otherwise approved in writing by the City. An Offeror may propose substitutions for participants after the Qualifications Proposal submittal; however, such changes will require written approval by the City, and approval may be granted or withheld at the City's sole discretion. Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Technical and Price Proposals; and
- E) Non-Disclosure: The Contractor may be given access to records, which are confidential under State laws, solely for the purpose of performing the required services under the Contract. The Contractor shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or Subcontractor of the Contractor not to make inappropriate use of or improperly disclose any of the contents of such documents.

6.14 PROTESTS

Protests shall be made in accordance with HRS § 103D-701 and HAR § 3-122-60.

7.0 PREPARATION OF QUALIFICATIONS PROPOSALS (RFP PART 1)

7.1 NON-DISCLOSURE OF DESIGNATED TRADE SECRETS OR PROPRIETARY INFORMATION

In accordance with HAR § 3-122-46, Offerors shall designate in writing on each affected page those portions of the unpriced Proposal that contain trade secrets or other proprietary data that are to remain confidential, subject to HAR § 3-122-58; that material designated as confidential must be readily separable from the Proposal to facilitate inspection of the non-confidential portion of the Proposal.

Designation of the entire Proposal as confidential will not be acceptable.

7.2 AUTHORIZATION OF QUALIFICATIONS PROPOSALS

Each Proposal shall be signed in ink by a person authorized to act for the Offeror submitting the Proposal. Evidence of the signer's authority to act on behalf of the Offeror shall be submitted with the Proposal. Errors may be crossed out and corrected, and initialed in ink by the person authorized to sign the Proposal. Evidence to satisfy the BFS Director shall be submitted with the Proposal.

7.3 QUALIFICATIONS PROPOSAL CONTENT

The Offeror's Qualifications Proposal shall contain sufficient information to enable the City to fully evaluate and determine the Offeror's capacity and capability to comply with (i.e., to meet or exceed) all requirements identified in the Solicitation.

The Offeror shall respond to all requirements of this Solicitation clearly and completely, and the Qualifications Proposal shall not require additional explanation, clarification, or interpretation. Offerors who fail to respond adequately may be eliminated from consideration for the Priority List or may be determined to be non-responsive.

Up to four (4) of the highest-ranked Offerors from the Qualifications evaluation will be included on the Priority List. Only those Offerors included on the Priority List will be provided with the RFP Part 2 documents and be asked to provide Technical and Price Proposals.

The City may:

- A) Reject any or all Proposals if such action is in the public interest; and
- B) Waive informalities and minor irregularities in Proposals received.

7.4 SUBMITTAL REQUIREMENTS

7.4.1 Date and Time of Receipt

All Qualifications Proposals must be received no later than 2:00 p.m. HST, on the Qualifications Proposal Due Date specified in Section 6.2. The Qualifications Proposals must be enclosed in sealed containers marked clearly with the RFP number. Late submittals will not be accepted.

7.4.2 Submittal Address

Qualifications Proposals shall be delivered to the following address:

Wendy K. Imamura
Purchasing Administrator
Division of Purchasing
Department of Budget and Fiscal Services
City and County of Honolulu
530 South King Street, Room 115
Honolulu, Hawai'i 96813

The Qualifications Proposal must be time-stamped in the Division of Purchasing, Department of Budget and Fiscal Services, 530 S. King Street, Room 115, Honolulu, HI 96813. It is the responsibility of the Offeror to ensure that the Qualifications Proposal is received in the Purchasing Division on or before the Qualifications Proposal Due Date (*see* Sections 6.2 and 7.4.1).

7.5 PAGE LIMIT, FORMAT, AND QUANTITIES

The Qualifications Proposal will be limited to no more than fifty (50) pages, including required forms, but exclusive of dividers and appendices. Single sided pages shall be used except for pre-printed information. One (1) original and seven (7) copies of the Qualifications Proposals and appendices shall be provided. The signed original copy shall be identified as the original on the cover(s) and marked as "Copy #1 of 8 Copies."

All copies shall be provided in loose-leaf binders. Bound copies will not be accepted. Each copy shall be identified on the cover(s) as "Copy #[insert number] of 8 Copies." The document must be organized to correspond with the format outline presented in Section 7.6.1.

Two (2) electronic copies on CD of the Qualifications Proposal in "pdf" searchable format shall be provided. Do not include company brochures or other marketing materials on the CD.

Qualifications Proposals shall be in English, in Times New Roman font, 12 point minimum, on 8-1/2" by 11" paper; any larger sheets shall be folded to that size. Pages shall be consecutively numbered.

Qualifications Proposals shall be signed in ink by the Person proposing to bind the Offeror (*see* Exhibit 4 and Section 7.2).

7.6 CONTENT OF QUALIFICATIONS PROPOSAL

This section describes the specific information that must be included in the Qualifications Proposal. Required forms for the Qualifications Proposal are contained in the Exhibits. Any material modification to the forms may result in the Qualifications Proposal being deemed non-responsive.

Offerors should provide concise, complete and accurate information that addresses the objectives and the requirements of the Real Estate Professional Services RFP consistent with the evaluation criteria described in Sections 7.6.4 through 7.6.8. Lengthy narratives containing extraneous information are discouraged.

Consistent with legal requirements, the City will maintain a confidential process for the duration of this Real Estate Professional Services procurement. All records related to this procurement, including, but not limited to, Qualifications Proposals, Evaluation and Priority List Procedures, Technical and Price Proposals, Evaluation and Selection Procedures, and any records created during the evaluation and selection process, will remain confidential until the Contract Award has been posted by the City.

7.6.1 Organization of Qualifications Proposal (Exhibit 2)

The outline format presented in this section shall be followed for preparing the Qualifications Proposals. Specific content requirements for each section of the Qualifications Proposal are described in detail in Sections 7.6.2 through 7.6.8.

The format below has been created to facilitate responses to the RFP Part 1 Solicitation and to facilitate the City's evaluation and Priority List process.

- A) The Qualifications Proposal shall be packaged into a cover letter, five (5) separate sections and three (3) appendices:
 - 1) Section 1 – Organizational Eligibility;
 - 2) Section 2 – Experience of the Offeror and Principal Participants;
 - 3) Section 3 – Real Estate Professional Services Understanding;
 - 4) Section 4 – Team Organizational Structure;
 - 5) Section 5 – Financial Capacity;
 - 6) Appendix A – Organizational Structure Documents;
 - 7) Appendix B – Company Brochures; and
 - 8) Appendix C – Awards, Citations, and Commendations.
- B) The sections and appendices shall consist of loose-leaf pages. The five (5) sections will be placed together in one 3-ring binder and the three (3) appendices may be placed together in a separate 3-ring binder.
- C) Qualifications Proposals will become the property of the City. Copies of each Qualifications Proposal will be retained after the Qualifications Proposal evaluation process for the Real Estate Professional Services Contract file.

7.6.2 Proposal Letter and Proposal Form (Exhibit 4)

The Offeror shall provide a one (1) or two (2)-page letter indicating its desire to be considered for the Real Estate Professional Services Contract and stating the official names and roles of all Principal Participants, Subcontractors, and specialty Subcontractors.

The Offeror shall identify a single point of contact for the Offeror and the address, telephone and fax numbers, and email address to which communication from the City shall be directed. Authorized representatives of the Offeror's organization shall sign the letter.

7.6.3 Responsiveness and Evaluation Criteria Objectives and Requirements

An objective is stated for each evaluation criteria to provide Offerors the expectations of the City. The requirements for each evaluation criteria and the information to be submitted are listed and described in detail. The Qualifications Proposal evaluation scores and the ranking of each Proposal will be based on the responsiveness of the Qualifications Proposal to the requirements of the Project goals and the objectives for each of the evaluation criteria.

7.6.4 Organizational Eligibility (Section 1)

- A) Objective:
 - 1) To identify legally constituted Offerors able to submit Technical and Price Proposals (RFP Part 2) and enter into the Real Estate Professional Services

- Contract;
- 2) To identify Offerors who meet all of the licensing requirements to perform the Work; and
 - 3) To identify Offerors with qualified experience in providing real estate professional services including: acquisition and relocation services, property management, communications, reporting, and other administrative services.
- B) Requirements and information to be provided in Section 1 of the Qualifications Proposal:
- 1) Submit Offeror's organizational information;
 - 2) If a Partnership or Corporation submit supporting documentation; and
 - 3) Submit Principal Participant certification, for each Principal Participant for the last five (5) years.
- C) If a Joint Venture (JV), Limited Liability Company (LLC), or Partnership:
- 1) Identity of the lead Principal Participant of the entity, if any;
 - 2) Indicate the equity share percentage held by each member;
 - 3) Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
 - 4) Identify full details of the organization structure and provide in Appendix A to the Qualifications Proposal supporting organization/information documents, including a copy, as applicable, of the JV agreement, LLC operating agreement, or partnership agreement. The copy of the applicable agreement will not count towards the page count limitation.
- D) Requirements and information to be provided in Appendix A to the Qualifications Proposal:
- 1) Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign on behalf of that Principal Participant;
 - 2) Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
 - 3) In lieu of the Powers of Attorney required, the Offeror may submit original corporate resolutions from each Principal Participant and the Offeror (as appropriate) indicating the authority of the Principal Participant's and/or Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

7.6.5 Experience of the Offeror and Principal Participants (Section 2)

Please note that substitution of key personnel will not be allowed without prior written approval from the

City (*see* Section 6.14 D). The Offeror must provide required information for any substituted staff. The Offeror must provide details regarding its plan for the recruitment of personnel to provide all of the required services if all persons required are not already employed by the Offeror. Proposals must list all subcontractors in the Proposal and provide the above described information for all key subcontractor personnel including their prior work history with the proposing firm.

- A) Objective:
- 1) To identify the best Offerors to provide Real Estate Professional Services available with demonstrated FTA, URAA, and State experience and expertise in, capacity for, and record of producing quality Work on projects similar in nature to the Real Estate Professional Services Project Overview in Section 4.1.
 - 2) To identify Offerors with the following:
 - a) Experience in successfully managing, designing, and developing projects of similar size, scope, and nature as set forth in this Real Estate Professional Services RFP Part 1;
 - b) Superior records of completing contracts on time and within budget;
 - c) Experience in successfully managing all aspects of Real Estate Professional Services as depicted in this RFP;
 - d) Experience in providing Real Estate Professional Services which minimize project delays, claims, dispute proceedings, litigation, and arbitration; and
 - e) FTA, URAA, and State experience regarding both residential and commercial properties.
 - 3) To identify Offerors who will effectively manage all aspects of the Real Estate Professional Services Contract in a quality, timely, and effective manner and will integrate the different parts of its organization collectively and with the City in a cohesive and seamless manner;
 - 4) To identify Offerors that have the technical and management experience and expertise to plan, organize, and execute the design, development, oversight and administration of a Real Estate Professional Services Contract;
 - 5) To identify Offerors with subcontractors or personnel currently engaged in or with a history of legal and financial problems that could adversely impact the Real Estate Professional Services Contract generally; and
 - 6) To identify Offerors who have the desired experience and capacity to complete the Work.
- B) Experience requirements and information to be provided in Section 2 of the Qualifications Proposal:
- 1) Firm Qualifications:
 - a) Provide a brief description of the Offeror's understanding of FTA, URAA requirements, State issues, and the proposed Real Estate

Professional Services responsibilities;

- b) Provide a brief description of the firm, including information about Real Estate Professional Services administration capabilities of the office that will provide the primary service;
 - c) Identify other offices or locations that may be involved in the Real Estate Professional Services, if applicable; and
 - d) Clearly identify previous firm experience with Real Estate Professional Services, particularly with projects similar in scope to HHCTCP. Include the scope of work performed for the referenced projects.
- 2) **Staff Qualifications:**
- a) Provide information describing recent [within the past five (5) years] projects for which the proposed key personnel provided services. For all identified projects, describe all applicable experience(s) with the FTA, URAA and State or local experience. Also describe in detail the role of proposed key personnel in these areas.
 - b) Provide references for the above projects.
 - c) Provide an organizational chart that includes the names and roles of all key personnel including any subcontractors or consultant firms who will be assigned to this Project. Back-up personnel assigned to the Project must also be included. The Offeror must specifically designate:
 - i) Name of the project leader, team leader or program executive who will be responsible for delivering the required services to the City;
 - ii) Name and title of the person authorized to make binding decisions in all Contract matters relative to the Project; and
 - iii) Name and title of the person having day-to-day responsibility for acquisition and relocation administration responsibilities.
 - d) For each key personnel listed on the team organizational chart, provide a resume and/or summary of qualifications. Structure the information to emphasize the relevant qualifications and experience of each team member and include the following information:
 - i) Years of relevant experience, especially in working with FTA or New Starts programs;
 - ii) Details regarding prior real estate database development and oversight experience; and
 - iii) A detailed description of proposed roles and duties.
 - iv) Provide the name and title of individuals named in the Qualifications Proposal who, pursuant to HRS Chapter 467,

require a valid and active Hawaii Real Estate License for the services under the Contract. For such individuals the Offeror will provide the Hawaii Real Estate License number.

- e) Office location.
- 3) Subcontractor Information:
 - a) Submit maximum one (1) page summary of experience for each listed Subcontractor.
- 4) Past Performance:
 - a) Provide at least five (5) references for the proposed Offeror under this RFP. Each reference is to include the following information:
 - i) Firm Name;
 - ii) Specific Description of Services Provided;
 - iii) Contact Name;
 - iv) Service dates;
 - v) Street Address;
 - vi) City, State, Zip Code;
 - vii) Team Members including Roles; and
 - viii) Service Value (provided by Offeror).
- 5) **Records Management:**
 - a) Describe the Offeror's understanding and working knowledge of **READ**. Describe in detail crystal reporting and/or similar skills where the firm has custom designed reports that added value to a Right of Way program.
 - b) Describe the Offeror's business approach and methodology for providing Real Estate Professional Services Records Management. It is important for the City to thoroughly understand the services the Offeror currently provides or plans on providing and how it plans on providing them.
 - c) Describe in detail, the database software the Offeror uses and is familiar with. Discuss in detail pros, cons, and lessons learned regarding real estate database programs. Explain this section in layman's terms to avoid confusion.
- 6) Company brochures may be included as information in Appendix B and will not be evaluated or counted toward the page limit.

7.6.6 Real Estate Professional Services Understanding (Section 3)

- A) Objective:
- 1) To identify those Offerors demonstrating an understanding of Real Estate Professional Services and risks associated with the HHCTCP and the Real Estate Professional Services Contract; and
 - 2) To identify those Offerors demonstrating: an understanding of the required services to be provided under the Real Estate Professional Services Contract; how the Offeror's organization will meet the HHCTCP goals; and an understanding of the risk sharing and the teaming relationship needed between the Contractor and the City.
- B) Requirements and information to be provided in Section 3 of the Qualifications Proposal:
- 1) List and briefly describe the ten (10) most significant issues and risks (e.g., management and technical risks of providing Real Estate Professional Services) facing the selected Offeror and/or the City, and the benefits and responsibilities associated with this Real Estate Professional Services Contract;
 - 2) Briefly describe how the Offeror will use its organization, key personnel availability and Real Estate Professional Services expertise to ensure a successful Real Estate Professional Services Contract (considering the City's Project goals);
 - 3) Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting City, State and Federal requirements; and
 - 4) Briefly describe how the Offeror will deal with any unique logistical challenges, limited local resources, and risk challenges.

7.6.7 Team Organizational Structure (Section 4)

- A) Objective:
- 1) To identify Offerors with a Project organizational structure that accounts for all activities that are necessary to complete the Real Estate Professional Services Contract successfully;
 - 2) To identify the Offerors' single point of contact for the Real Estate Professional Services Contract; and
 - 3) To identify Offerors with the required technical Real Estate Professional Services experience.
- B) Requirements and information to be provided in Section 4 of the Qualifications Proposal:
- 1) Provide an organizational chart identifying participating individuals, Principal Participants, firms, and Subcontractors responsible for major functions to be performed in designing, implementing, overseeing, providing, and administering on-going Real Estate Professional Services for the Offeror's organization.

7.6.8 Financial Capacity (Section 5)

- A) Objective:
- 1) To identify Offerors with demonstrated capability to undertake the financial

responsibilities associated with a Real Estate Professional Services Contract.

B) **Requirements and information to be provided in Section 5 of the Qualifications Proposal:**

- 1) The Qualifications Proposal shall include the following information separately for each entity specified. If an Offeror or Principal Participant (or a member of a joint venture that is a Principal Participant) is privately held or owned and it wishes to protect its financial information from disclosure, it must mark its financial information as confidential and justify such designation. All financial figures shall be expressed in US dollars. Indicate exchange rates used, if applicable:
 - a) Submit complete audited financial statements for the last three (3) fiscal years (and the semi-annual report, if available) for the Offeror. If audited financial statements are not available provide a certification signed by the firm's President or Chief Financial Officer that the financial statements are true and accurate. If an Offeror has not been in business for three or more years a Guarantor is required and the Guarantor's audited or certified true copies of financial statements shall be provided. Provide English translations, where appropriate. Complete financial statements do not count toward the page count limitation. Submit Offeror and Principal Participants Financial Data (Exhibit 12) and Guarantor Commitment (Exhibit 13), if required.
 - b) **OPTIONAL:** Submit copies of the three (3) most recent annual reports for the Offeror. Provide English translations, where appropriate. Annual reports do not count toward the page count limitation.
 - c) Provide a statement indicating any change in owner/stockholder equity within the past three (3) years. If the Offeror has not been in business for three or more years, a Guarantor is required. Submit the name(s) of the Guarantor and provide the notarized Guarantor Commitment per Exhibit 13. Provide English translations, where appropriate.
 - d) Discuss any material change in the Offeror's, or Guarantor, financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending; if none, so state.

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7.7 AGENCY INVOLVEMENT

BFS will be the lead agency for this Real Estate Professional Services Contract, however, it is possible that the contract may be assigned to the Transit Authority. Other agencies may be involved in a resource or review capacity.

7.8 ACCEPTANCE OF TERMS AND CONDITIONS

Any Offeror submitting a Qualifications Proposal automatically agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP Part 1 and the General Terms and Conditions.

7.9 REVIEW OF RFP

It is the responsibility of all Offerors to examine the entire RFP Part 1 and to seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a Qualifications Proposal.

7.10 NO REIMBURSEMENT

The City will not provide any reimbursement for the cost of developing or presenting Proposals in response to the RFP, except as specified in the RFP.

7.11 USE AND POSSESSION OF PROPOSAL

The City reserves the right to use any or all ideas presented in Proposals. Selection or rejection of a Proposal does not affect this right. All materials submitted that have not been clearly designated as proprietary become the property of the City and may be returned only at the City's discretion.

8.0 EVALUATION OF QUALIFICATIONS PROPOSALS AND ESTABLISHMENT OF PRIORITY LIST (PART 1 "QUALIFICATIONS PROPOSAL")

8.1 EVALUATION CRITERIA

The City has identified the following Evaluation Criteria. All Evaluation Criteria must be addressed in the Offeror's Qualifications Proposal in order for the City to deem the Qualifications Proposal to be acceptable or potentially acceptable. Any Qualifications Proposal that does not include complete responses to all of the Evaluation Criteria will result in the Qualifications Proposal being scored down or the Qualifications Proposal may be deemed to be non-responsive, at the sole discretion of the City. Offerors who submit acceptable or potentially acceptable Qualifications Proposals are eligible for inclusion on the Priority List. If more than four (4) acceptable or potentially acceptable Qualifications Proposals have been submitted, the Priority List will be limited through evaluation and ranking to no more than four (4) Offerors who submitted the highest-ranked Qualifications Proposals.

Responsive/Non-Responsive Criteria

Evaluation Criteria (A-C) below are considered to be a responsiveness check and will not be scored.

- A) **Proposal Responsiveness (Responsive or Non-Responsive).** The Offeror submits all information requested in the RFP substantially in the specified format.
- B) **Organizational Eligibility (Responsive or Non-Responsive).** The Offeror shows evidence that its organization has the legal ability to: Enter into and perform the Work; has complied with State licensing requirements; has clearly identified all Principal Participants; and has identified key personnel and listed their experience and qualifications, and provided evidence of a valid and active Hawaii Real Estate License for all individuals named in the Qualifications Proposal in response to this RFP Part 1 whose performance of Work under this Contract pursuant to HRS Chapter 467 require a Hawaii Real Estate License.
- C) **Compliant (Responsive or Non-Responsive).** Offeror certifies that neither it nor any of its Subcontractors or vendors is listed in the "Lists of Parties Excluded from Federal

Procurement or Non-Procurement Program,” and that they are FTA compliant.

8.1.2 Evaluation Criteria (100 Total Available Points)

Evaluation Criteria (A-D) will be scored in accordance with the points shown and are listed in descending order of importance to the City.

- A) **Experience of the Offeror and Principal Participants (40 Points).** The Offeror and all Principal Participants demonstrate experience relevant to the size, complexity and composition of the anticipated Real Estate Professional Services Contract and their stated roles. The experience demonstrated by the Offeror and the Principal Participants clearly shows Real Estate Professional Services experience. The Offeror through its past experience demonstrates the ability to administer and provide Real Estate Professional Services resources which would enable the contracts to be completed on schedule and within budget. The Offeror has provided complete contact information for references cited.
- B) The Offeror demonstrates an acceptable record of performance, including completion schedule, quality of work product, completion within budget, claims history, record of terminations for cause and defaults, disciplinary action (including suspension), client references, and awards, citations, and commendations.
- C) **Real Estate Professional Services Understanding (20 Points).** The Offeror demonstrates knowledge and understanding of specific Real Estate Professional Services issues and risks, as well as the issues, benefits, and responsibilities associated with Real Estate Professional Services contracts; provides an explanation of how the Offeror will ensure success of the Work and this Real Estate Professional Services Contract, and provides the Offeror’s unique approach to identifying and implementing Real Estate Professional Services requirements.
- D) **Team Organizational Structure (20 Points).** The Offeror demonstrates a project organizational structure that accounts for all of the necessary activities, particularly including Quality Control/Quality Assurance, Project Control, Document Control and Interface Management with City, other agencies and related projects. It is acceptable to provide separate organization structures for different project phases. The Offeror shows technical and management experience and expertise to plan organize, and execute the planning and implementation of Real Estate Professional Services.
- E) **Financial Capacity (20 Points).** The Offeror has the financial resources and demonstrates its abilities for undertaking and completing the Work.

8.2 EVALUATION OF QUALIFICATIONS PROPOSALS

Evaluation of Qualifications Proposals will be conducted in accordance with HAR §§ 3-122-52 and 3-122-53. Proposals will be classified as acceptable, potentially acceptable, or unacceptable.

8.3 PRIORITY LIST

In accordance with HAR § 3-122-53, a Priority List will be established consisting of up to four (4)

Offerors. If more than four (4) acceptable or potentially acceptable Proposals have been submitted, the Priority List will be limited through evaluation and ranking to the four (4) Offerors who submitted the highest-ranked Proposals.

Pursuant to HAR, Title 3, Subtitle 11, Chapter 122, Subchapter 6, the City will not publicly identify the Priority-Listed firms eligible to participate in Part 2 of the procurement process.

9.0 PROCUREMENT PROCESSES FOR THE RFP PART 2

The following items, among others, represent activities that may be part of the RFP Part 2 process and are presented here to inform Offerors of what to expect after the Priority List is established.

9.1 ISSUANCE OF RFP PART 2

The RFP Part 2 will be issued to the Priority-Listed Offerors on or about the date shown in Section 6.2 above.

9.2 INQUIRIES REGARDING RFP PART 2

Inquiries will be handled in accordance with RFP Part 2.

9.3 TECHNICAL AND PRICE PROPOSALS

Specific instructions for preparation and submission of the Technical and Price Proposals will be set forth in the RFP Part 2.

9.4 TECHNICAL AND PRICE PROPOSAL ACCEPTANCE PERIOD

To allow for adequate evaluation, the City requires that a Technical and Price Proposal submitted in response to the RFP Part 2 Solicitation be valid and irrevocable for one hundred eighty (180) calendar days.

9.5 APPLICABLE TAXES

Price Proposals shall include any and all applicable taxes. A prospective Offeror may call the State Department of Taxation at (800) 222-3229 for assistance as to whether the State general excise tax and the applicable use tax will apply to the Offeror.

9.6 INDEPENDENT PRICE DETERMINATION

By submitting a Technical and Price Proposal, the Priority-Listed Offeror will certify that the price submitted in response to the RFP Part 2 was independently arrived at and therefore represents non-collusion certification to the City.

9.7 EVALUATION OF TECHNICAL AND PRICE PROPOSALS

Evaluation of Technical and Price Proposals will be numerically scored based upon the criteria set forth in the RFP Part 2, in accordance with HAR §§ 3-122-52 and 3-122-53.

9.8 DISCUSSIONS WITH PRIORITY-LISTED OFFERORS

If the City deems that discussions with Priority-Listed Offerors are required to make a selection, the discussions will be conducted in accordance with HAR § 3-122-53.

9.9 BEST AND FINAL OFFERS (BAFOs)

If it is determined by the City to solicit BAFOs, a date and time will be established for Priority-Listed Offerors to submit BAFOs pursuant to HAR § 3-122-54.

9.10 AWARD OF CONTRACT

Award of Contract will be conducted in accordance with HAR § 3-122-57.

Award shall be made to the responsible and responsive Priority-Listed Offeror whose Proposal is determined in writing to be the most advantageous to the City in accordance with the evaluation factors set out in the RFP. Other factors and criteria may not be used in the evaluation. Notice of Award shall not be construed to be authorization to proceed with the performance of services. Any services performed by the selected Priority-Listed Offeror prior to receipt of a written the Notice to Proceed from the Officer-in-Charge shall be at the Priority-Listed Offeror's own risk.

9.11 CONTRACT TYPE

The Contract will be a multi-term cost plus fixed fee Contract unless another arrangement is determined to be in the best interest of the City.

9.12 PROPOSAL STIPEND

The City does not intend to provide a stipend for Priority-Listed Offerors that submit a responsive and responsible Technical and Price Proposal and that are not awarded the Real Estate Professional Services Contract.

9.13 PAYMENT AND RETAINAGE

The selected Contractor will be required to make full payment to all Subcontractors of all monies due, including retainage (if applicable), within ten (10) calendar days after receipt of payment from the City.

9.14 CONTRACT NOT BINDING UNLESS FUNDS AVAILABLE

In accordance with HAR §§ 3-122-102 and 3-122-149, no contract will be binding or have any force and effect without a certification by the Chief Procurement Officer that there is an appropriation or balance of an appropriation over and above all outstanding contracts sufficient to cover the amount required by the Contract [HAR § 3-122-102].

9.15 FEDERAL FUNDING, INCORPORATION OF FTA TERMS, AND CHANGES TO FEDERAL REQUIREMENTS

The Contract will include, in part, certain Standard Terms and Conditions required by the FTA, whether or not expressly set forth in the Contract provisions. All contractual provisions required by the FTA, as set forth in FTA Circular 4220.1F, dated November 1, 2008 (including any changes), will be incorporated by reference. Anything to the contrary notwithstanding, all FTA mandated terms and conditions will be deemed to control in the event of a conflict with other provisions contained in the Contract. The

Contractor shall not perform any act, fail to perform any act, or refuse to comply with any City requests which would cause the City to be in violation of FTA terms and conditions. This Contract will be subject to any financial assistance agreement between the City and the FTA and all laws, regulations, guidelines, and provisions of the financial assistance agreement will apply to the Contract and will be incorporated by reference as if fully set forth therein.

The Contractor shall at all times comply with all applicable Federal laws and regulations, including without limitation FTA regulations, policies, procedures and directives, including those listed directly or by reference in Applicable Grant Agreements between the City and FTA, as they may be amended or promulgated from time to time during the term of the Contract (collectively, "Federal Requirements"). These Federal Requirements may change and the changed Federal Requirements will apply to this Contract as required unless the Federal Government determines otherwise. The Contractor's failure to comply with the Federal Requirements shall constitute a material breach of the Contract.

9.16 INSURANCE

The Contractor shall provide the insurance policies and coverage which are detailed in the RFP Part 2.

9.17 EXECUTION OF CONTRACT AND BONDS

Upon Award of a Contract, the selected Priority-Listed Offeror will cause the Contract to be executed. Bid Security, Performance and Payment Bonds are not required for this Contract.

9.18 COMMENCEMENT OF WORK

Work will not commence until a Contract has been executed, availability of funds has been certified by the Chief Procurement Officer and written Notice(s) to Proceed (NTPs) are issued. The City intends to issue multiple NTPs for various activities of the Real Estate Professional Services Contract. Any work undertaken by the successful Priority-Listed Offeror prior to the Award and execution of the Contract shall be at the sole risk and expense of the Priority-Listed Offeror.

9.19 DEBRIEFING

- A) The purpose of a debriefing is to inform the nonselected Priority-Listed Offerors of the basis for the source selection decision and Contract Award.
- B) A written request for a debriefing shall be made within three (3) Working Days after the posting of the Award of the Contract.
- C) Debriefing shall be held by the Chief Procurement Officer to the maximum extent practicable within seven (7) Working Days, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.
- D) A protest by an Offeror submitted pursuant to HRS § 103D-701 following a debriefing must be filed within five (5) Working Days, as specified in HRS § 103D-303(h) and HAR § 3-122-60 (d).

9.20 AUTHORITY TO DEBAR OR SUSPEND

The Chief Procurement Officer, in accordance with the provisions of HRS § 103D-702 and HAR Title 3,

Subtitle 11, Chapter 126, Subchapter 2, may debar or suspend a Person for cause from consideration for Award of contracts. In accordance with the BFS Policy and Procedures Manual, Index 01.10, the Chief Procurement Officer will, prior to Award of the Contract, initiate debarment proceedings against any Offeror who is currently debarred by the Federal Government as listed in the "Lists of Parties Excluded from Federal Procurement or Non-procurement Program" (see Section 6.9).

9.21 RESPONSIBILITY OF OFFERORS

In accordance with HAR § 3-122-112, as amended, the selected Priority-Listed Offeror shall produce documents, as specified below, to the City Purchasing Division at the time of Award of the Contract, unless otherwise specified below or in the Special Provisions to the Contract, to demonstrate compliance with this section.

9.21.1 Tax Clearance

HRS Chapter 237 tax clearance requirement for Award and final payment. Instructions are as follows:

- A) Pursuant to HRS § 103D-328, the selected Priority-Listed Offeror shall be required to submit a tax clearance certificate issued by the State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS). The certificate is valid for six (6) months from the most recent approval stamp date on the certificate and must be valid on the date it is received by the City Purchasing Division.
- B) The tax clearance certificate shall be obtained on the State DOTAX TAX CLEARANCE APPLICATION Form A-6 (Rev. 2003) which is available at the DOTAX and IRS offices in the State or the DOTAX website, and by mail or fax:

DOTAX Website (Forms & Information):
http://www6.hawaii.gov/tax/al_1alphalist.htm
DOTAX Forms by Fax/Mail: (808) 587-7572
1-800-222-7572

- C) Mail, fax, or submit in person, the completed tax clearance application to the Department of Taxation, Taxpayer Services Branch, to the address listed on the application. Facsimile numbers are:

DOTAX: (808) 587-1488
IRS: (808) 539-1573

- D) The application for the tax clearance is the responsibility of the Priority-Listed Offeror, and must be submitted directly to the DOTAX or IRS and not to the City Purchasing Division.
- E) The selected Priority-Listed Offeror must obtain and provide the tax clearance within twenty-one (21) calendar days of the City's request, unless otherwise specified in the Special Provisions, or otherwise authorized by the City Purchasing Administrator. Failure to obtain the tax clearance within the specified time shall result in rejection of the bid and the City may award the Contract to another Priority-Listed Offeror.
- F) DOTAX and the IRS will provide extra certified copies of the clearances upon your request. Hence, you may want to request extra certified copies if you anticipate entering

into several other potential contracts.

- G) The Contractor is also required to submit a tax clearance certificate for final payment on any Contract over \$25,000. The tax clearance certificate, not over two (2) months old, with an original green certified copy stamp, must accompany the invoice for final payment on the Contract.

9.21.2 Certificate of Compliance

HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements for award. Instructions are as follows:

- A) Pursuant to HRS § 103D-310(c), the successful Priority-Listed Offeror shall be required to submit an approved certificate of compliance issued by the State Department of Labor and Industrial Relations (DLIR). The Certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by the City Purchasing Division. A photocopy of the certificate is acceptable.
- B) The certificate of compliance shall be obtained on the State DLIR APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR, Form LIR#27 which is available at <http://hawaii.gov/labor/forms> or at the neighbor island DLIR District Offices. The DLIR will return the form to the Priority-Listed Offeror who in turn shall submit it to the City Purchasing Division.
- C) The application for the certificate is the responsibility of the Priority-Listed Offeror, and must be submitted directly to the DLIR and not to the City Purchasing Division.

9.21.3 Certificate of Good Standing

Upon Award, the selected Priority-Listed Offeror must comply as follows:

- A) **Hawaii Business.** A business entity referred to as a "Hawaii business", is registered and incorporated or organized under the laws of the State. As evidence of compliance, the Priority-Listed Offeror shall submit a CERTIFICATE OF GOOD STANDING issued by the State Department of Commerce and Consumer Affairs (DCCA) Business Registration Division (BREG). A Hawaii business that is a sole proprietorship, however, is not required to register with the BREG, and therefore is not required to submit the certificate. A Priority-Listed Offeror's status as sole proprietor or other business entity and its business street address will be used to confirm that the successful Priority-Listed Offeror is a bonafide Hawaii business.
- B) **Compliant non-Hawaii business.** A business entity referred to as a "compliant non-Hawaii business," is not incorporated or organized under the laws of the State but is registered to do business in the State. As evidence of compliance, the successful Priority-Listed Offeror shall submit a CERTIFICATE OF GOOD STANDING.
- C) To obtain a CERTIFICATE OF GOOD STANDING go online to www.BusinessRegistrations.com and follow the prompt instructions. To register or to obtain a "Certificate of Good Standing" by phone, call (808) 586-2727 (M-F 7:45 to 4:30 HST). The "Certificate of Good Standing" is valid for six months from date of issue and must be valid on the date it is received by the City Purchasing Division. Offerors are

advised that there are costs associated with registering and obtaining a "Certificate of Good Standing" from the DCCA. A photocopy of the certificate is acceptable.

9.21.4 Hawaii Compliance Express

Vendors may choose to use Hawaii Compliance Express (HCE), which allows businesses to register online through a simple wizard interface 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 vendor's status is compliant with the requirements of HRS § 103D-310(c), shall 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). Vendors choosing not to participate in the HCE program will be required to provide the paper certificates as specified in 9.21.1, 9.21.2 and 9.21.3 above.

9.21.5 Timely Submission of all Certificates

Potential Priority-Listed Offerors are encouraged to apply for the above certificates and submit to the City Purchasing Division as soon as possible. If a valid certificate is not submitted on a timely basis for Award of a Contract, a Proposal otherwise responsive and responsible may not receive the Award.

9.22 SEXUAL HARASSMENT POLICY

The Contractor must comply with the Revised Ordinances of Honolulu § 1-8, Sexual Harassment Policy, as set forth in the General Terms and Conditions.