

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

HONOLULU RAIL TRANSIT PROJECT

AIRPORT GUIDEWAY AND STATIONS DESIGN-BUILD CONTRACT

**ADDENDUM NO. 8
OF
REQUEST FOR PROPOSALS**

**RFP NO. RFP-HRT-858431
(Part 2)**

ISSUED: September 1, 2015

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 ALAKEA STREET, SUITE 1700

HONOLULU, HAWAII, 96813

transitmailbox@honolulu.gov

Honolulu Rail Transit Project

NOTICE OF REQUEST FOR PROPOSALS

RFP NO. RFP-HRT-858431

Part 2

**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
HONOLULU RAIL TRANSIT PROJECT
AIRPORT GUIDEWAY AND STATIONS
DESIGN-BUILD CONTRACT**

This Solicitation is being conducted in two parts. SEALED PROPOSALS responding to Part 2 will be accepted up to 2:00 p.m., Hawai'i Standard Time (HST) on February 23, 2016, addressed or hand-delivered to the Honolulu Authority of Rapid Transportation (HART), 1099 Alakea Street, Suite 1700, Honolulu, Hawai'i, 96813, Attn: Procurement Division.

The Honolulu Rail Transit Project (HRTP) is funded with Federal assistance; as such, the selected Offeror shall comply with applicable Federal Transit Administration (FTA) requirements.



DANIEL A. GRABAUSKAS
Executive Director and CEO
Honolulu Authority for Rapid Transportation

Honolulu Rail Transit Project

INSTRUCTIONS TO PRIORITY-LISTED OFFERORS
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1.0 GENERAL OVERVIEW

This Addendum to the Request for Proposals No. RFP-HRT-858431 (“RFP”) is issued by Honolulu Authority for Rapid Transportation (“HART”) to seek competitive Technical and Price Proposals (“Proposals”) for the Airport Guideway and Stations (“AGS”) Design-Build Project (“DB Project” or the “Project”). Proposals are only invited from and will only be considered from those parties who have been notified of their inclusion on the Priority List (“Priority-Listed Offerors”).

In the preparation of the Technical and Price Proposal, Priority-Listed Offerors should address and/or consider the DB Project Goals identified in the Instructions to Offerors (RFP) Part 1 Section 1.4. Definitions of terms can be found in Section 2.1 of HART’s General Conditions for Design-Build (“GCDB”) Contracts and Special Provisions (“SP”) Section SP-2.1.

1.1 PROPOSAL SCHEDULE

1.1.1 Schedule

The following is the proposal schedule. HART reserves the right to amend these dates.

PROCUREMENT SCHEDULE

Part 2, Issue RFP	September 1, 2015
Part 2, Discussions (commencing on)	September 28, 2015
Part 2, ATCs Due	December 18, 2015
Part 2, ATC Discussions (as determined by HART)	January 11 - 22, 2016
Part 2, Deadline for Receipt of Clarification Requests	January 29, 2016
Part 2, Final Addendum	February 05, 2016
Part 2, ATC Determination	February 05, 2016
Part 2, Technical and Price Proposals Due Date	February 23, 2016
Part 2, Award of Contract (Tentative)	March 22, 2016

1.1.2 Proposal Due Date

The completed Proposal shall be delivered to the addressee at the address specified in RFP Part 2, Section 2.10.1, no later than 2:00 pm HST, on the date specified in RFP Part 2 Section 1.1.1 (the “Part 2, Technical and Price Proposals Due Date”).

1.2 SCOPE OF WORK

The Scope of Work is as set forth in the Contract Documents.

1.3 REQUEST FOR PROPOSALS PART 2

1.3.1 Documents in the RFP Part 2

The documents issued as part of this RFP Part 2 consist of the following:

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- Part 1 - Instructions to Priority Listed Offerors;
- Part 2 - Special Provisions (to be provided in a subsequent addendum);
- Part 3 - HART General Conditions for Design-Build Contracts (GCDB);
- Part 4 - Project-Specific Requirements;
- Part 5 - Compendium of Design Criteria;
- Part 6 - Guidance Technical Specifications;
- Part 7 - Request for Proposal Drawings;
- Part 8 - Standard and Directive Drawings; and
- Part 9 - Reference Materials.

The Contract Documents will consist of a subset of the documents listed above as described in GCDB Section 1.2.

1.3.2 Priced Options

There are two Priced Options included in this RFP Part 2. Descriptions of the Work for each Priced Option are included in the following Reference Material documents:

- A) Priced Option 1 - Acrylic Sound Barriers
- B) Priced Option 2 - Relocate HECO 138kV and 46kV Aerial Transmission Lines Underground

1.3.3 Performance Incentive Program

A Performance Incentive Program is included in the Contract to encourage the Contractor to perform at levels above the minimum requirements of the Contract. The Performance Incentive Bonus, or portion thereof, will be paid only for performance over and above Contract requirements in five elements of work (Schedule, Quality of Work, Community Relations, Coordination with Third Parties, and Safety). The Performance Incentive Bonus is intended to align HART, the Contractor, and other stakeholder's interests in achieving superior performance on the overall Contract, but particularly in areas that HART has identified as critical to project success. The total potential incentive payments total \$9,000,000. Refer to the Special Provisions for additional information on the Performance Incentive Program.

Performance Incentive determinations made by the HART evaluation committee are made at their sole discretion and will be final.

1.3.4 Technical Proposal

These documents are the Contractor's Technical Proposal as detailed in RFP Part 2 Section 4.1.

1.3.5 Price Proposal

These documents are the Contractor's Price Proposal as detailed in RFP Part 2 Section 5.0.

1.3.6 Required Exhibits

Failure to provide the required information and completed Exhibits in the format specified in RFP Part 2 Sections 4.0 and 5.0 may result in HART's rejection of the Proposal or giving it a lower score. All blank spaces in the RFP Part 2 Exhibits must be filled in as noted, and no changes are to be made to the language in the RFP Part 2 Exhibits.

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1.3.7 Property of HART

All documents submitted by the Priority-Listed Offeror in response to this RFP Part 2 shall become the property of HART and will not be returned to the Priority-Listed Offeror (*See* RFP Part 2 Section 2.7). The concepts and ideas in the information contained in the Proposal submitted by the Priority-Listed Offeror shall also become the property of HART.

1.3.8 Errors

If any mistake, error or ambiguity is identified by the Priority-Listed Offeror at any time during the RFP Part 2 process in any of the documents supplied by HART, the Priority-Listed Offeror shall have a duty to notify HART of the recommended correction in writing in accordance with RFP Part 2 Section 2.3.

1.3.9 Cancellation of Solicitations and Rejection of Offers

Cancellation of solicitations and rejection of offers will be in accordance with Hawai'i Revised Statutes (HRS) Section 103D-308 and Hawai'i Administrative Rules (HAR) Chapter 3-122, Subchapter 11.

1.4 INFORMATIONAL MEETINGS

HART may hold informational meetings with Priority-Listed Offerors at any time prior to the specified Proposal Due Date. If individual informational meetings are offered to one or more Priority-Listed Offerors, they will be offered to all Priority-Listed Offerors. Costs incurred by Priority-Listed Offerors to attend any informational meeting will not be reimbursed by HART.

1.4.1 Attendees

If any informational meeting is held, the Priority-Listed Offeror will be expected to attend with appropriate members of its proposed Project staff.

1.5 IMPROPER CONDUCT

1.5.1 Prohibited Activities

If a Priority-Listed Offeror, or anyone representing the Priority-Listed Offeror, offers or gives any advantage, gratuity, bonus, discount, bribe or loan of any sort to HART, including agents or anyone representing HART at any time during this procurement process, HART shall immediately disqualify the Priority-Listed Offeror, the Priority-Listed Offeror shall forfeit its Proposal Bond, the Priority-Listed Offeror shall not be entitled to any payment, and HART may pursue appropriate legal remedies against the Priority-Listed Offeror.

1.5.2 Non-Collusion Affidavit (Exhibit 9)

The Priority-Listed Offerors shall provide, as part of the supporting information, the Non-Collusion Affidavit (Exhibit 9) (*See* RFP Part 2 Section 4.3.2.2).

1.6 LANGUAGE REQUIREMENT

All documents and correspondence regarding RFP Part 2, the Proposal and the Contract are to be in the English language. If any original documents required for the Proposal are in any other language, the Priority-Listed Offeror shall provide an English translation.

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1.7 CERTIFICATE OF VENDOR COMPLIANCE OF HRS § 103D-310

Under HRS § 103D-310(c), Priority-Listed Offerors must provide proof of compliance of requirements of HRS § 103D-310 in order to receive a contract greater than \$25,000 with state and county government entities in Hawai'i. Hawai'i Compliance Express (HCE) may expedite your ability to furnish proof of compliance through a single certificate. More information about this approved service may be found at the following website: <http://vendors.ehawaii.gov/hce/splash/welcome.html>

1.8 CHANGES TO THE PRIORITY-LISTED OFFEROR'S ORGANIZATION

If it is necessary that the Priority-Listed Offeror change the organization represented in its Qualifications Proposal, including the addition, deletion, or substitution of a Principal Participant, Designer and/or Quality Control Engineering Firm, it must receive written permission to do so from HART. If a request is made to add to the organization, the Priority-Listed Offeror shall submit with its request the required information specified for Principal Participant, Designer and/or the Quality Engineering Firm in RFP Part 1, including legal and financial data as well as the information for quality evaluation. If a Principal Participant is being deleted, the Priority-Listed Offeror shall submit such information as may be required by HART to show that the changed team still meets criteria set forth in RFP Part 1.

Any request to change the Priority-Listed Offeror's organization must be received by HART not later than **thirty (30) days** prior to the Proposal Due Date. Requests shall be delivered to the following address:

Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813

1.9 INELIGIBLE FIRMS

The Priority-Listed Offeror is responsible to be aware of the requirements of the FTA Circular C 4220.1F, Chapter VI, paragraph 2.a(4)(h), and include a full disclosure of all potential organizational conflicts of interest in its Proposal. In addition, any firm that is rendered ineligible due to any state or federal action is ineligible to participate in any Honolulu Rail Transit Project (HRTTP) Contract.

1.10 PROTESTS

Protests shall be made in accordance with HRS § 103D-701, HAR § 3-122-60. Additionally, the protestor is notified of its right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

1.11 HART'S RIGHTS AND DISCLAIMERS

1.11.1 HART's Rights

HART may, without obligation, investigate any statements made by the Priority-Listed Offeror and may require confirmation of information furnished by a Priority-Listed Offeror. Without limiting any other rights, HART reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all Proposals;
- B) Issue a new RFP Part 2;
- C) Cancel, modify or withdraw the entire RFP Part 2;
- D) Issue Addenda, supplements and modifications to this RFP Part 2;

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- E) Modify the RFP Part 2 process (with appropriate notice to Priority-Listed-Offerors by Addenda);
- F) Solicit subsequent Best and Final Offers (BAFOs) from the Priority-Listed Offerors;
- G) Appoint an Evaluation Committee and evaluation teams to review Proposals, and seek the assistance of outside technical experts in Proposal evaluation;
- H) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in Qualifications Proposals;
- I) Perform debarment checks;
- J) Require similar assurance measures found in ISO 9001 requirements and in FTA QA/QC Guidelines (FTA-IT-90 5001-02.1);
- K) Require pre-approval of all subcontractors;
- L) Revise and modify, at any time before the Proposal Due Date, the criteria it will consider in evaluating Proposals and to otherwise revise or expand its evaluation methodology provided that such revisions or modifications do not significantly change the nature of the procurement. If such revisions or modifications are made, HART shall circulate an Addendum to all Priority-Listed Offerors setting forth the changes to the evaluation criteria or methodology. HART may extend the Proposal Due Date;
- M) Hold meetings and communications with the Priority-Listed Offerors responding to this RFP Part 2 to seek an improved understanding and evaluation of the Proposals;
- N) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the Proposals;
- O) Waive weaknesses, informalities and minor irregularities and weaknesses in Proposals;
- P) Disqualify any Priority-Listed Offeror that changes its organization (as represented in its Qualifications Proposal) without written HART approval;
- Q) Hold the Proposals under consideration for a maximum of one hundred eighty (180) days after the specified Proposal Due Date until the final Award is made; and/or
- R) Refuse to issue an RFP Part 2 to a prospective Priority-Listed Offeror and refuse to consider a Proposal, once submitted, or reject a Proposal if such refusal or rejection is based upon, but not limited to, the following:
 - 1) Failure on the part of a Principal Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts;
 - 2) Default on the part of a Principal Participant or Designer under previous contracts;
 - 3) Issuance of a notice of debarment or suspension under City, State, or federal regulations to the Priority-Listed Offeror, a Principal Participant and/or Designer;
 - 4) Evidence of collusion between a prospective Priority-Listed Offeror (or any Principal Participant or Designer) and other Priority-Listed Offeror(s) (or Principal Participants or Designer) in the preparation of a Proposal, or a proposal or bid for any HART or City construction project; and/or
 - 5) Uncompleted work or default on a contract in another jurisdiction for which the prospective Priority-Listed Offeror or a Principal Participant is responsible,

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which in the judgment of HART might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

This RFP Part 2 does not commit HART to enter into a Contract, nor does it obligate HART to pay for any costs incurred in preparation and submission of Proposal(s) or in anticipation of a Contract. By submitting a Proposal, a Priority-Listed Offeror disclaims any right to be paid for such costs, except for any costs paid in accordance with RFP Part 2 Section 2.8.

1.11.2 HART Disclaimers

In issuing this RFP Part 2 and undertaking the procurement process contemplated hereby, HART specifically disclaims the following:

- A) Any liability or commitment to provide tax or other revenues to assist in carrying out any and all phases of the Project; and
- B) Any obligation to reimburse a Priority-Listed Offeror for any costs it incurs under this procurement, except for any costs paid in accordance with RFP Part 2 Section 2.8.

In submitting a Proposal in response to this RFP Part 2, the Priority-Listed Offeror specifically acknowledges these disclaimers.

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2.0 PROCUREMENT PROCESS RFP PART 2

2.1 METHOD OF PROCUREMENT

The Contractor will be selected based on both responsive/non-responsive criteria and a combined evaluation of price and other factors, as more fully described below in RFP Part 2 Section 6.1.

2.2 RECEIPT OF THE RFP PART 2 DOCUMENTS AND OTHER INFORMATION

The RFP Part 2 and other information may be obtained by Priority-Listed Offerors who have been notified of their inclusion on the Priority List from the person designated below or his designee:

Daniel A. Grabauskas
Chief Procurement Officer

2.2.1 HART Point of Contact During Procurement Process

Except as indicated otherwise in the RFP documents, the following is the designated representative and point of contact during the procurement process for this request for proposals:

Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai`i 96813
Transitmailbox@honolulu.gov

2.2.2 Rules of Contact

The following rules of contact shall apply during Contract procurement for the Project:

- A) After submittal of Qualifications Proposals, no Priority-Listed Offeror or any of its team members may communicate with another Priority-Listed Offeror or its team members with regard to this RFP Part 2 or either team's Proposal, except that subcontractors that are shared between two or more Priority-Listed Offeror teams may communicate with their respective team members so long as those Priority-Listed Offerors establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams (contact among Priority-Listed Offeror organizations is allowed during HART-sponsored informational meetings);
- B) The Priority-Listed Offerors shall correspond with HART regarding this RFP Part 2 only through HART's and Priority-Listed Offeror's designated representatives;
- C) The Priority-Listed Offerors shall not contact HART or City employees, including elected officials, administrators, members of the evaluation committee(s), or any official who will participate in the decision to award the Contract regarding the Project, except through the process identified herein;
- D) The Priority-Listed Offerors shall not contact stakeholder staff regarding the RFP Part 2 content for the Project;
- E) Any communications determined to be improper, at the sole discretion of HART, may result in disqualification;
- F) Any official information regarding the Project will be disseminated via Addenda or notice on HART letterhead. Specific information deemed necessary for the preparation of Proposals will be disclosed to all Priority-Listed Offerors. Any official correspondence will be in writing and signed by HART designated or authorized representative; and

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- G) Any oral exchange or any other information or exchange that occurs outside the official process specified herein shall not be binding or enforceable.

2.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

- A) **Clarification.** Priority-Listed 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 RFP Part 2 Section 1.1.1 for Deadline for Receipt of Clarification Requests. Exhibit 1 should be utilized for inquiry submittal. 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 HART to respond to any inquiry submitted after the deadline.
- B) **Amendments.** HART will issue responses to inquiries and any other corrections or amendments it deems necessary in written Addenda issued prior to or by the date set for Final Addendum in RFP Part 2 Section 1.1.1. Additional background material or modifications to RFP requirements, where necessary, will be communicated to all Priority-Listed Offerors by written Addenda issued by HART. Addenda will be incorporated as part of the RFP. Priority-Listed Offerors should not rely on representations, statements, or explanations other than those made in this RFP or in formal written Addenda.

2.4 ADDENDA AND RESPONSES TO QUESTIONS

2.4.1 Addenda

HART reserves the right to issue Addenda at any time during the period of the procurement. Any such Addenda shall be incorporated into and included as part of the Contract. HART is responsible for providing Addenda only to the Priority-Listed Offerors. The Proposal shall include written acknowledgement of receipt of all Addenda.

2.4.2 Correspondence and Information

The Priority-Listed Offeror shall note that no correspondence or information from HART or anyone representing HART regarding the RFP Part 2, or the RFP Part 2 process generally, shall have any effect unless it is dealt with in accordance with RFP Part 2 Section 2.3.

2.5 COMPLIANT PROPOSAL

The Priority-Listed Offeror shall submit a Proposal that provides all the information required by the RFP Part 2.

Each Proposal must be submitted in the official format which is specified by HART. The Priority-Listed Offeror shall sign each copy of the Proposal submitted to HART.

Proposals shall be considered non-responsive and rejected for the following reasons:

- A) If the Priority-Listed Offeror does not submit the required bid security with its Proposal; and
- B) If the Priority-Listed Offeror fails to sign and submit the appropriate Buy America Certification (see [Exhibit 7a](#) or [Exhibit 7b](#)).

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2.6 CONFIDENTIAL PROPRIETARY PROCESS; CONFIDENTIAL INFORMATION

The RFP Part 2 process will be conducted as a confidential process in accordance with HAR § 3-122-53(f). Priority-Listed Offerors are expected to comply with this requirement.

Pursuant to HAR §§ 3-122-46(9) and 3-122-58, HART shall not release to a third party, or otherwise make public, trade secret or proprietary information submitted by a Priority-Listed Offeror as part of any Proposal, or other submission to HART or any records created during the evaluation and selection process containing such trade secret or proprietary information.

If the Priority-Listed Offeror submits such information in its Proposal that it believes to be protected from disclosure, the Priority-Listed Offeror must do the following:

- A) Specifically **identify and clearly mark** all trade secret, proprietary, or confidential commercial and financial information in its Proposal at the time the Proposal is submitted and include a cover sheet identifying each section and page which has been so marked. Blanket-type identification by designating whole pages or sections as containing proprietary information, trade secrets or confidential commercial and financial information shall not be permitted and shall be invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such;
- B) The material designated as confidential shall be readily separable from the Proposal in order to facilitate inspection of the nonconfidential portion of the Proposal; and
- C) Defend any action seeking release of the records it believes to be protected from disclosure and indemnify, defend, and hold harmless HART, its agents, and its employees from any judgments awarded against HART in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives HART's cancellation or termination of this procurement or Award and subsequent execution of a Contract. HART shall not be liable or responsible for the disclosure of any documents not identified or clearly marked as confidential.

All contract files pertaining to this procurement will become public information upon posting of award, unless such records are determined to be protected from disclosure under HAR §§ 3-122-46 (9) and 3-122-58.

2.7 PROPOSAL OWNERSHIP

By submitting a Proposal in response to the RFP Part 2, the Priority-Listed Offeror acknowledges that HART owns the ideas or information contained in the Proposal and reserves the right to use any such ideas or information contained in the Proposal in connection with any contract awarded for the Project, or in connection with a subsequent procurement. All materials submitted that have not been clearly designated as proprietary become the property of HART.

2.8 PROPOSAL STIPEND

HART intends to provide a stipend for Priority-Listed Offerors that submit a responsive and responsible Proposal and are not awarded the Contract, provided, however, that the submitted Technical and Price Proposals received not less than 50% of the total possible points after evaluation, excluding the preferences. HART has established an amount totaling \$1,000,000 for payment of stipends. This stipend amount will be divided equally between the Priority Listed Offerors not awarded the Contract and who meet the criteria set forth herein; provided, however, no Offeror will receive more than \$500,000 in stipend payment.

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No Priority-Listed Offeror will be required by HART to accept a stipend. Any Priority-Listed Offeror that declines to accept a stipend shall sign a waiver stating that it is waiving its right to a stipend payment.

In the event that the procurement is cancelled prior to the Proposal Due Date, Priority-Listed Offerors may be provided, at HART's sole discretion, the opportunity to request an interview and deliver to HART the work product of their Proposal preparations to date. There is no specific format required for such work product. Those Priority-Listed Offerors that request and attend the interview and deliver their work product may be paid a portion of the stipend amount, at HART's discretion. No portion of the stipend amount will be paid in the event a Priority-Listed Offeror chooses not to request and attend the interview or chooses not to deliver its work product.

In the event that the procurement is cancelled after the Proposal Due Date, the stipend will be divided equally among all qualifying Priority-Listed Offerors.

2.9 ALTERNATIVE TECHNICAL CONCEPTS REVIEW

2.9.1 Discussion, Submittal, and Review of Alternative Technical Concepts

The Alternative Technical Concepts ("ATC") process is intended to provide the Priority-Listed Offerors with the opportunity to solicit early non-binding feedback on proposed ATCs through a series of confidential one-on-one meetings with HART prior to the ATC due date. The goal of this process is to allow Offerors to identify obstacles and innovative solutions, which will ultimately benefit the Project and HART.

A Priority-Listed Offeror may elect to submit ATCs that are or may be construed as a variance to the Project requirements but which are still consistent with the DB Project Goals and may be advantageous to HART. The Priority-Listed Offeror may submit ATCs for review to HART until the Final date for submitting ATCs, identified in RFP Part 2 Section 1.1.1. All ATCs shall be submitted in writing to the HART Designated Point of Contact, with a cover letter clearly identifying the proposer and stating "Airport Guideway and Stations – Confidential ATC." If the Priority-Listed Offeror does not clearly designate its submittal as an ATC, the submission may not be treated as an ATC by HART.

HART will review each properly submitted ATC. If an ATC is summarily approved, HART will inform the Priority-Listed Offeror that its technical concept is acceptable, or if not approved, HART will identify areas in which the technical concept is not acceptable to HART. If HART needs more information to determine whether or not the ATC will be approved or not approved, HART will submit written questions to the Priority-Listed Offeror and/or request a one-on-one meeting to better understand the details of the ATC. HART may conditionally approve an ATC based on required revisions to a portion or portions of the ATC.

The Priority-Listed Offeror shall not make any public announcement or disclosure to third parties concerning an ATC until after Award.

If an ATC is not approved or conditionally approved and the Priority-Listed Offeror feels that the non-approval or the conditions for approval were due to an incorrect conclusion on the part of HART, it may re-submit the ATC for one additional review to the HART Designated Point of Contact. If a re-submittal is made, it shall be accompanied by a cover letter clearly identifying such submission as an ATC submitted for an additional review and clarifications to assist HART in its re-evaluation of the ATC.

The Priority-Listed Offeror shall advise HART in its cover letter if it believes a one-on-one meeting is appropriate. During the process HART will provide technical input and feedback to the Priority-Listed Offeror's analysis. However, HART will not provide a preliminary determination of acceptance or approval of an ATC without a formal submission of an ATC.

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HART may request additional information regarding a proposed ATC at any time and will respond to each Priority-Listed Offeror regarding its ATC on or before the applicable last date set forth in the Proposal Schedule, provided HART has received all required and requested information regarding such ATC.

2.9.2 Contents of ATC Submittals

Each ATC submittal shall include one electronic file and five copies and shall include the following:

- A) A sequential ATC number identifying the Priority-Listed Offeror: the ATC number (multi-part or multi-option ATCs shall be submitted as separate individual ATCs with unique sequential numbers);
- B) Description: A detailed description and schematic drawings of the configuration of the ATC or other appropriate descriptive information including, if appropriate, product details, drawings, supporting calculations, supporting traffic operations, etc. (i.e., specifications, construction tolerances, special provisions);
- C) Usage: Where and how the ATC would be used on the Project;
- D) Variances: References to any requirements of the RFP Part 2 that are inconsistent with the proposed ATC, an explanation of the nature of the proposed variance, a request for approval of such variances, and why the variances should be allowed;
- E) Analysis: An analysis justifying use of the ATC, how the ATC is equal or better in quality and performance than the requirements of the RFP as applicable taking into account constructability, durability, operations and maintenance;
- F) Impacts: List of any changes to transitional or future safety, maintenance and operations as a result of implementing the ATC. Include a discussion of potential impacts on right-of-way, vehicular traffic, environmental impacts (favorable and unfavorable) and environmental compliance identified in appropriate environmental documents (especially with regard to the impacts and commitments of the EIS and ROD), community impact, and safety;
- G) History: A detailed description of other projects where the ATC has been used under comparable circumstances, the success of such usage, and names and telephone numbers of project owners that can confirm such statements;
- H) Risks: A description of added risks to HART and other Third Parties (i.e. interfacing Core Systems Contractor, Elevator & Escalator Contractor, permitting agency, etc.) associated with implementing the ATC;
- I) Costs: An estimate of the ATC implementation costs including life-cycle (repair and maintenance) costs to HART, the Contractor and other Third Parties; and
- J) Price: An estimate of the impact of the ATC on the Proposal Price.

2.9.3 Determination by HART

Each Offeror will be allocated up to six (6) one-on-one meetings to present their ATCs and solicit feedback. Offerors are not required to use all meeting opportunities. It is desirable for Offerors to use one-on-one meetings efficiently with innovation, creativity and analysis. During the process, HART may provide technical feedback and input on the Offerors' analyses. However, HART will not provide preliminary determinations or acceptances of ATCs prior to their formal submission. Offerors are responsible for submitting ATCs in compliance with the requirements of this RFP Part 2.

HART will make one of the following determinations with respect to each properly submitted ATC:

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- A) The ATC is approved;
- B) The ATC is not approved;
- C) The ATC is conditionally approved (and approval of satisfaction of the conditions at HART's sole judgement);
- D) The submittal does not qualify as an ATC but may be included in the Proposal (i.e., the concept complies with the RFP requirements); and
- E) The submittal does not qualify as an ATC and may not be included in the Proposal.

Approval of an ATC will constitute a change in the specific requirements of the Contract Documents associated with the approved ATC for that specific Priority-Listed Offeror.

The Priority-Listed Offeror may include in its Proposal any approved ATC or conditionally approved ATC. An example of a conditional ATC is an ATC that requires third party approvals.

Should the Contractor be unable to obtain required approvals for any ATC incorporated into the Contract Documents, or if the concept otherwise proves to be infeasible, the Contractor will be required to conform to the original RFP Part 2 requirements. Each Priority-Listed Offeror, by submittal of its Proposal, acknowledges that the opportunity to submit ATCs was offered to all Priority-Listed Offerors, and that it is in HART's sole discretion to make a determination regarding acceptability of ATCs.

2.9.4 Incorporation into Proposal

Priority-Listed Offerors will be responsible for ensuring that the ATCs submitted with the Proposal comply with the requirements of the RFP. Copies of HART's ATC approval or conditionally approval letters for each incorporated ATC shall be included in the Proposal. Proposals with or without ATCs will be evaluated against the same technical evaluation criteria, and the inclusion of an ATC, including an ATC that provides technical enhancements, may or may not receive a higher technical evaluation scoring.

In the event that implementation of ATC will require additional governmental, environmental and/or third party approvals or, require additional environmental evaluation of the Project, additional real property or Utility work, the Contractor shall have full responsibility of obtaining any such approvals and bear the schedule and cost risk associated with such additional work. If any required approval is not subsequently granted, the Contractor must change its approach to meet the original requirements of the Contract Documents, and the Contractor shall not be eligible for a change order that increases the contract amount or extends the partial access dates or completion deadlines.

If HART determines, based on a proposed ATC or otherwise, that the RFP contains an error, ambiguity or mistake, HART reserves the right to modify the RFP to correct the error, ambiguity or mistake, regardless of any impact on a proposed ATC.

The Proposal Price shall reflect any incorporated ATCs. Except for incorporating approved ATCs, the Proposal may not otherwise contain exceptions to or deviations from the requirements of the RFP Part 2.

2.9.5 Incorporation of ATC into Contract Documents

Approved ATCs incorporated in the Proposal by the successful Priority-Listed Offeror shall be included in the Contract Documents. Any conditions included in HART's approval will become part of the Contract Documents. Notwithstanding anything to the contrary herein, if the Contractor does not comply with the conditions included in the approval of an ATC, including obtaining a required third party approval for an ATC, Contractor will be required to comply with the original requirements of the RFP without additional cost or extension of time as set forth in the Contract.

Upon award and signing of the Contract, ATCs from unsuccessful Priority-Listed Offerors may, in HART's sole discretion, be presented to the selected Contractor. Upon award and signing of the

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Contract, HART shall have the right to present and share the ATCs of the unsuccessful offerors to the Contractor or utilize the concepts of the ATCs in the sole discretion of HART. The ATCs will become the property of HART. However, HART will maintain and cause the Contractor to maintain the confidentiality of portions of the ATCs that have been designated as confidential because it contains trade secrets or proprietary information.

2.9.6 Confidentiality

If a Priority-Listed Offeror considers any portion of an ATC to be confidential because it contains trade secrets or proprietary information, such material shall be designated as confidential pursuant to RFP Part 2 Section 2.6. The ATC in its entirety cannot be marked as “confidential, "The Priority-Listed Offeror must be able to justify the designation of confidentiality.

2.10 SUBMISSION OF PROPOSALS

2.10.1 Submission of a Proposal

The Proposal shall be submitted in accordance with the RFP Part 2 and the following requirements:

- A) The Technical Proposal shall be sealed in a container clearly marked as “Technical Proposal – Airport Guideway and Stations Design-Build Contract” (*See* RFP Part 2 Section 4.0); and
- B) The Price Proposal shall be separately sealed within a container and clearly marked as “Price Proposal – Airport Guideway and Stations Design-Build Contract” (*See* RFP Part 2 Section 5.0).
- C) The Proposal shall be delivered to:
 - Procurement Division
 - Honolulu Authority for Rapid Transportation
 - 1099 Alakea Street, Suite 1700
 - Honolulu, Hawai`i 96813
- D) In accordance with HAR § 3-122-51, Proposals will be time-stamped upon receipt and held in a secure place by the procurement officer until the Proposal Due Date; and
- E) Proposals will not be opened publicly, but will be opened in the presence of two or more HART officials.

2.10.2 Modifications to or Withdrawal of a Proposal

Proposals submitted pursuant to this RFP Part 2 may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR § 3-122-16.07.

2.10.3 Late Proposals

HART will not consider any late submission of Proposals. Proposals received after the time for submittal will be returned to the Priority-Listed Offeror unopened in accordance with HAR § 3-122-98.

2.10.4 Public Inspection

Public inspection will be in accordance with HAR § 3-122-58.

- A) The existing Contract file, except those portions the Priority-Listed Offeror designates in writing as trade secrets, other proprietary information, or confidential commercial or financial information subject to subsection (B), will be available for public inspection upon posting of Award pursuant to HRS § 103D-701.

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- B) If a person requests to inspect the portions of a Priority-Listed 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 for confidentiality in accordance with Chapter 92F, HRS.
- 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 Priority-Listed Offeror appeals pursuant to HRS § 92F-42(1).

2.11 EXAMINATION OF RFP PART 2 AND WORK SITE

The Priority-Listed Offeror is expected to examine carefully the Site of the proposed Work and the complete RFP Part 2.

HART-furnished information does not abrogate the Priority-Listed Offeror's responsibility for further verifications and inquiries as are necessary, including properly addressing permanent and temporary Utility relocations in the preparation of the Proposal.

The submission of a Proposal shall be considered *prima facie* evidence that the Priority-Listed Offeror has made such examination and is satisfied as to the conditions to be encountered in performing the Work and the requirements of the Contract. The Priority-Listed Offeror must so certify in Exhibit 2 in order for the Proposal to be considered valid.

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3.0 PROPOSAL REQUIREMENTS

3.1 LICENSE AND PERMIT REQUIREMENT

All Priority-Listed Offerors must have all applicable licenses and permits and be registered to conduct business in the State of Hawai`i and perform the Work required under the Contract, consistent with the laws of the State of Hawai`i. Priority-Listed Offerors must be properly licensed and capable of performing the Work as described in the RFP, including, but not limited to, an "A" general engineering contractor license. Out-of-state contractors shall comply with Section 16-77-89, HAR, Title 16, Chapter 77, Contractors, of the State Department of Commerce and Consumer Affairs, requiring a place of business in the State.

3.2 CURRENCY

The Price Proposal shall be in US\$ currency.

3.3 BID SECURITY; PERFORMANCE AND PAYMENT BONDS

Priority-Listed Offerors will be required to submit with their Proposal a bid security or bid/proposal bond in the amount of five percent (5%) of the total offer. The successful Contractor will be required to submit with execution of the Contract agreement, bonds for performance and payment in the amount of one-hundred percent (100%) of the Proposal Price.

- A) If a Priority-Listed Offeror fails to accompany its Price Proposal with the bid security, the Proposal will be deemed non-responsive in accordance with the definition of "responsive Offeror."
- B) If a Price Proposal does not comply with the security requirements of this Section, the Proposal will be deemed non-responsive, unless the failure to comply is determined by the Chief Procurement Officer to be non-substantial where:
 - 1) Only one Proposal is received and there is insufficient time to resubmit Proposals for the Contract;
 - 2) The amount of the security deposit submitted, although less than the amount required by the RFP Part 2, is equal to or greater than the difference in the price stated in the next acceptable Proposal plus an amount to cover reasonable administrative costs and expenses, including the cost of re-procuring the DB Project resulting from the failure of the bonded Priority-Listed Offeror to enter into a Contract for the Work; or
 - 3) The security deposit becomes inadequate as a result of the correction of a mistake in the Proposal or Proposal modification if the Priority-Listed Offeror increases the amount of security to required limits within the time specified by the Chief Procurement Officer. [HAR § 3-122-223].
- C) Security deposits, under subsections (A) and (B) above, of the Priority-Listed Offerors, will be retained until execution of a Contract and deposit of the proper performance and payment bonds by the successful Contractor, after which time the security deposits of the remaining Priority-Listed Offerors will be returned.

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3.3.1 Rights Reserved

Each Priority-Listed Offeror understands and agrees, by submitting its Proposal, that HART reserves the right to reject any and all Proposals, or part of any Proposal, and that the Proposal may not be withdrawn for a period of **one hundred eighty (180) days** subsequent to the Proposal Due Date, without written consent of HART.

Each Priority-Listed Offeror further understands and agrees that if it should withdraw any part or all of its Proposal within **one hundred eighty (180) days** after the Proposal Due Date without the consent of HART, should refuse or be unable to enter into the Contract, as provided under RFP Part 2 Section 7.2, or refuse or be unable to furnish adequate and acceptable Performance Bonds and Payment Bonds, or refuse or be unable to furnish adequate and acceptable insurance, as provided herein, or refuse or be unable to furnish the Proposal Information (RFP Part 2 Section 4.0), all Pricing Information specified (RFP Part 2 Section 5.0) or BAFO documents (in the event of a BAFO), or is unable to furnish its compliance documents pursuant to HRS § 103D-310(c), it shall forfeit its Bid Security.

3.4 ESCROWED PROPOSAL DOCUMENTS

3.4.1 Delivery of Escrowed Proposed Documents

Each Priority-Listed Offeror shall assemble and deliver its Escrowed Proposal Documents (“EPD”) containing information regarding the Priority-Listed Offeror’s assumptions made in calculating the Price Proposal, including assumptions regarding the scope of the Work, and meeting all requirements in GCDB Section 7.4, to a designated escrow agent.

The EPD shall include detailed information from all subcontractors identified in the Proposal and any other potential subcontractors that provided data upon which the Proposal is based. Each Priority-Listed Offeror shall deliver its EPD, together with two executed originals of the escrow instructions (Exhibit 21), into escrow at an escrow agent of its choosing in Honolulu, HI. Each Priority-Listed Offeror shall deliver a third executed original of the escrow instructions, Exhibit 21, with the submission of its Proposal.

3.4.2 Review of Escrowed Proposal Documents

Priority-Listed Offeror shall review the EPD prior to Contract execution to determine whether they are complete. Priority-Listed Offerors shall also organize the EPD, labeling each page so that it is obvious that the page is a part of the EPD and to enable a person reviewing the page out of context to determine where it can be found within the EPD. Priority-Listed Offerors shall compile an index listing each document included in the EPD and briefly describing the document and its location in the EPD.

HART has the right to retain a copy of the EPD index. If, following a review of the EPD, HART determines that the EPD is incomplete, HART may require the Priority-Listed Offeror to supply data to make the EPD complete.

Following Award of the Contract, the EPD of the selected Priority-Listed Offeror will be available for joint review as specified in GCDB Section 7.4.

3.4.3 Return of Escrowed Proposal Documents

The EPDs submitted by unsuccessful Priority-Listed Offerors will be released for return either after the Contract has been signed and delivered, after HART rejects all of the Proposals, or after HART terminates its procurement.

3.4.4 HART’s Acknowledgment

HART acknowledges that each Priority-Listed Offeror considers that the EPDs constitute trade secret or proprietary information. This acknowledgment is based upon HART’s understanding that the information contained in the EPDs is not known outside each Priority-Listed Offeror’s business, is known only to a

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limited extent and by a limited number of employees of Priority-Listed Offeror, is safeguarded while in Priority-Listed Offeror's possession, and may be valuable to Priority-Listed Offeror's construction strategies, assumptions, and intended means, methods, and techniques of design and construction. Except as set forth in the Contract or as required by applicable law, HART acknowledges that the EPDs will remain in the possession of the escrow agent at all times and will at no time be received by, or become the property of, HART.

Confidentiality agreements will be executed and delivered to the Priority-Listed Offeror by HART's employees or agents who review or have access to the EPDs.

3.5 SIGNATURES REQUIRED

The Form of Proposal (Exhibit 2) and the Pricing Proposal Cover Sheet (Exhibit 15) shall be signed by all parties making up the Priority-Listed Offeror (i.e., by each member of a joint venture or each partner of a general partnership, if the Priority-Listed Offeror is a joint venture or partnership, or members if a Limited Liability Company). If any signatures are provided pursuant to a power of attorney, the original or a certified copy of the power of attorney shall be provided, together with evidence of authorization.

3.6 NUMBER OF COPIES OF DOCUMENTS TO SUBMIT

3.6.1 Executive Summary

Eleven (11) copies of the Executive Summary, required under RFP Part 2 Section 4.2.1 herein below, shall be provided.

3.6.2 Bid Security

One (1) original of the Bid Security (GCDB Exhibit "A") shall be provided, with three (3) certified copies.

3.6.3 Technical Proposal

One (1) original and ten (10) certified copies of the Technical Proposal shall be provided. Provide two (2) electronic copies on CD of the Technical Proposal in "pdf" searchable format. Do not include company brochures or other marketing materials on the CD.

3.6.4 Price Proposal

One (1) original and three (3) certified copies of the Price Proposal shall be provided.

3.6.5 Cost of Preparing Proposal

The cost of preparing the Proposal and any costs incurred at any time before or during the Proposal process, including costs incurred for any interviews, shall be borne by the Priority-Listed Offeror, except for any amount paid in accordance with RFP Part 2 Section 2.8.

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4.0 TECHNICAL PROPOSAL INSTRUCTIONS

4.1 GENERAL INSTRUCTIONS

This RFP Part 2 Section 4.0 describes the specific instructions for preparing Technical Proposals.

Submit the information required in this RFP Part 2 Section 4.0 in the organization and format specified herein.

Technical Proposals shall be submitted in separate volumes (*See* RFP Part 2 Section 4.7, Table A – Outline for Submittal of Technical Proposal), as follows:

- A) Executive Summary and Summary Statement (RFP Part 2 Section 4.2);
- B) Organizational and Financial –Volume 1 (RFP Part 2 Section 4.3);
- C) Management Approach - Volume 2 (RFP Part 2 Section 4.4);
- D) Technical Solutions Information –Volume 3 (RFP Part 2 Section 4.5);
- E) Schedule and Time –Volume 4 (RFP Part 2 Section 4.6);
- F) Appendix Information
 - 1) Organizational (RFP Part 2 Section 4.3.2)
 - 2) Financial (RFP Part 2 Section 4.3.3)
 - 3) Key Personnel/Experience (RFP Part 2 Section 4.5.1.5)

Volumes 1 through 4 will be incorporated into the Contract.

Text shall be in English in Times New Roman font, 12 point height minimum. Use 8-½ inch x 11-inch white paper, with simple lettered/numbered dividers for each section/subsection. Double sided pages shall be used except for pre-printed information.

Drawings or sketches will be submitted on 11-inch x 17-inch and/or 8 ½-inch x 11-inch white paper.

Schedule plots will be on 24-inch x 36-inch or 22-inch x 34-inch paper, folded and inserted in an envelope or similar holder that is incorporated into the volume.

Each page in each volume shall be numbered consecutively (i.e., 1-1, 1-2 ---; 2-1, 2-2, etc.). Page numbers to be centered at the bottom of each page.

Priority-Listed Offerors should present information clearly and concisely. Documentation that is difficult to read will be scored lower.

The information provided is expected to be easily reproducible by normal black and white photocopying machines. Color photographs, renderings and brochures shall be adequately bound and suitably protected for handling and circulation during review.

Volumes 2 through 4 are limited to a combined total of 300-pages, exclusive of tabs, cover letters, calculations, specifications and drawings.

4.2 EXECUTIVE SUMMARY AND SUMMARY STATEMENTS

Submit an Executive Summary and a summary statement with the Technical Proposal but in a binder or folder separate from the Proposal volumes and appendices.

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4.2.1 Executive Summary

The Executive Summary shall contain sufficient information to familiarize reviewers with the Priority-Listed Offeror's Project approach and its ability to satisfy the legal requirements of the Contract. Limit the Executive Summary to no more than ten (10) pages inclusive of text, selected photographs and/or sketches. Highlight those items which, in the opinion of the Priority-Listed Offeror, represent significant value to HART and which may distinguish its Proposal from those of others.

At a minimum, the Executive Summary shall include the following:

- A) Organizational: A summary of the legal structure of the Priority-Listed Offeror, agreements among the Priority-Listed Offeror team members and the legal commitments to HART;
- B) Financial: Summary of the Priority-Listed Offeror's financial strength and structure for undertaking and completing the Work;
- C) Management Approach: Summary of the management approach and concepts to be utilized in connection with the Work. Specifically address:
 - 1) The proposed organizational structure, identifying all Principal Participants and other key firms, describing their roles on the Priority-Listed Offeror's team;
 - 2) Proposed management plans to ensure successful and satisfactory completion of the design Work;
 - 3) Proposed management plan for coordinating the interface with the Core System Contractor and the Elevator & Escalator Contractor;
 - 4) Proposed management plan to ensure successful and satisfactory completion of the construction Work;
 - 5) Proposed quality management plan and processes that independently perform QA/QC services;
 - 6) Summary of Key Personnel; and
 - 7) Summary of project support, such as project controls, subcontract administration, etc.
- D) Technical Solutions: Summary of the design concepts and technical challenges to be addressed in connection with the Work. Specifically address:
 - 1) Guideway Structural Design;
 - 2) Station Architectural Design;
 - 3) Staging, Site Preparation and Restoration;
 - 4) Sustainable Design;
 - 5) Traffic Mobility;
 - 6) Utility Relocation Coordination and Design;
 - 7) Geotechnical Design;
 - 8) Project Interface;
 - 9) Risk Management;
 - 10) Geotechnical Design; and

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- 11) Priced Options
- E) Schedule and Time: Calendar days needed to complete the project and summary schedule with major milestones.

Do not include any information regarding price in the Executive Summary.

The Executive Summary shall be suitable for presentation to HART. It may be released to the media after selection, hence sensitive or confidential information should not be discussed in the Executive Summary.

4.2.2 Summary Statement

Prepare a summary statement outlining the specific areas where the Priority-Listed Offeror has experience in:

- A) Design and construction of major projects of similar scope and size to the Airport Guideway and Stations Design-Build Contract;
- B) Establishing key management controls and oversight to assure schedule and cost performance in accordance with the contract; and
- C) Enforcing quality assurance and quality control principles in both the design and construction of major projects

Do not include any information regarding price in the summary statement.

4.3 ORGANIZATIONAL AND FINANCIAL INFORMATION

4.3.1 Organizational Information for Volume 1 of the Technical Proposal

The Priority-Listed Offeror shall submit:

- A) Exhibit 2, Form of Proposal, which shall constitute a firm offer to HART valid for **one hundred eighty (180) calendar days** after the Proposal Due Date. Exhibit 2 shall be executed by the Priority-Listed Offeror or by its legally authorized representative;
- B) Exhibit 3, Certification Regarding Conflict of Interest;
- C) Exhibit 4, Named subcontractors, including the percentage of the Proposal price of all Major Subcontractors (subcontractors performing 5% or more of the value of the Work), Major Suppliers (suppliers providing products and Material valued in excess of 5% of the value of the Work), the Designer and known architectural/engineering subconsultants and the Quality Engineering Firm on Exhibit 4; do not include specific dollar value;
- D) Exhibit 6, Certificate Regarding Ineligible Subcontractors, for each subcontractor listed in Exhibit 4;
- E) The appropriate Buy America Certificate (Exhibit 7: Attachment 1.8(a.1) or Attachment 1.8 (a.2));
- F) Certification Regarding Lobbying (Exhibit 8);
- G) Exhibit 23, Acknowledgement of Liquidated Damages Provision; and
- H) Licensing information.

4.3.2 Organizational Information for Appendix A to the Technical Proposal

4.3.2.1 Notarized Power(s) of Attorney

Provide appropriate evidence that Exhibit 2 has been properly executed or that the representative has the authority to legally bind the Priority-Listed Offeror.

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If the Priority-Listed Offeror is a joint venture or partnership, submit:

- A) A notarized power of attorney executed by each joint venture or partnership member appointing and designating one or more individuals of the joint venture or partnership to execute the Proposal on behalf of the Priority-Listed Offeror, and to act for and bind the Priority-Listed Offeror in all matters relating to the Proposal; and
- B) Evidence that each member of the joint venture or partnership shall be jointly and severally liable for any and all of the duties and obligations of the Priority-Listed Offeror assumed under the Proposal and under any Contract arising therefrom, should its Proposal be accepted by HART.

4.3.2.2 Non-Collusion Affidavit

Submit Exhibit 9 certifying that the Proposal is not the result of, and has not been influenced by collusion.

4.3.2.3 Organizational Documents

Submit organizational documents in the form of copies of incorporation and bylaws, the joint venture agreement, partnership agreement, limited liability company operating agreement or equivalent organizational documents for the Priority-Listed Offeror and each Principal Participant, which documents shall be consistent with the responsibilities to be undertaken by the Priority-Listed Offeror and Principal Participants under the Contract.

4.3.2.4 Certificate Regarding Ineligible Contractors (Exhibit 10)

For the Priority-Listed Offeror and each Principal Participant, submit Exhibit 10.

4.3.3 Letter of Commitment of Surety

Submit letter(s) of commitment from surety(ies) meeting requirements of Section 4.3.3.2 to provide performance and payment bonds per Section 4.1 of the GCDB.

Do not include any information regarding the actual Proposal Price in the letter.

4.3.3.1 Surety Financial Requirements

Any bond provided in accordance with this RFP shall be issued by a Surety with an AA-/Aa3 rating by two nationally recognized rating agencies or at least an A-X rating by A.M. Best and Company. The Surety must be listed on Treasury City Circular 570 and be on the list of companies approved by the State of Hawai'i.

4.4 MANAGEMENT APPROACH INFORMATION

4.4.1 Management Approach Information for Volume 2 of the Technical Proposal

4.4.1.1 Organization / Communication Structure

- A) Single Point of Contact. Designate a single point of contact and provide the information requested in Exhibit 11. The single point of contact shall be the Priority-Listed Offeror's nominated Project Manager (*see* GCDB 7.5).
- B) Commitment of Resources. Submit Exhibit 12 providing a written commitment, signed by the designated representative, that the resources shown or indicated in the Proposal, including Key Personnel and other staff identified by name, equipment,
- C) Material, supplies and facilities, will be available and assigned to the Project if the Priority-Listed Offeror is Awarded the Contract, to the extent such assignment remains within the control of the Priority-Listed Offeror.

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- D) Organization Charts and Staff and Office Locations. Prepare and submit:
- 1) An organization chart showing the Key Personnel (as defined in GCDB Section 7.5);
 - 2) An organization chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors (design and construction);
 - 3) Description of those categories of Work which the Priority-Listed Offeror anticipates will be performed by the Priority-Listed Offeror's own forces and those categories which will be performed by subcontractors;
 - 4) Exhibit 4, Named Subcontractors, described in RFP Part 2 Section 4.3.1(C) and provided in Volume 1. Failure to provide the documentation required in Exhibit 4 may render a Proposal non-responsive;
 - 5) Plans and procedures for management of subcontractors;
 - 6) Organization chart showing proposed design organization indicating responsibilities and organization of the design staff;
 - 7) Organization chart(s) showing proposed construction organization indicating responsibilities and organization of the construction staff, including the engineering support staff during construction;
 - 8) An organization chart showing the planned Quality organizations (design and construction), including names of independent sampling and testing laboratory(ies), and to whom the Quality staff report within the Priority-Listed Offeror's (Contractor's) organization;
 - 9) An organization chart showing the planned safety and security organization and its relationship to the Priority-Listed Offeror's organization. Indicate roles and responsibilities of safety and security staff;
 - 10) City and State where assigned staff will be located, particularly the location(s) of design staff; and
 - 11) Address of office(s) where Work will be done in the Project vicinity.

4.4.1.2 Design Management

Prepare and submit:

- A) A brief narrative describing the following (see Project-Specific Requirements Section 1.10.5):
- 1) The Priority-Listed Offeror's concept of design management. Indicate total design staffing required;
 - 2) The plan for addressing existing conditions, constructability, durability, maintainability, safety, security, aesthetics and environmental mitigation in the design process;
 - 3) The plan for integrating and coordinating the design and construction efforts internal to the Priority-Listed Offeror's organization (including subcontractors);
 - 4) The plan for coordinating and interfacing the design efforts with other HART Contractors and third parties;

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- 5) A description of how the designs developed by different firms and/or offices will be integrated; and
- 6) A description of how the design personnel will interface with the construction organization;
- B) A summary Design Work Plan outlining how the Priority-Listed Offeror will facilitate and implement Design Reviews as set out in Project-Specific Requirements Section 1.10.6.
 - 1) Identify design reviews planned for each Design Unit;
 - 2) Summarize the level of completion anticipated at each design review and the plan for engaging third parties in the review process; and
 - 3) Summarize how reviews of Construction Documents, field design changes and As-Built drawings will be conducted and controlled; and
- C) Describe how the Priority-Listed Offeror's Designer and the design staff will be involved during construction.

4.4.1.3 Construction Management

Submit a brief narrative description of Priority-Listed Offeror's proposed construction management plan, including:

- A) Describe how the Priority-Listed Offeror proposes to coordinate access and construction staging HDOT-Airports Division and other right-of-way owners.
- B) A construction staging plan including the following information at a minimum: approximate duration, areas of active construction including ingress and egress, conceptual temporary striping plans, proposed traffic closures including duration and detours, and maintenance of property access;
- C) How Priority-Listed Offeror plans to deal with unusual traffic events such as may be caused by accident delays in the vicinity of the Project; and
- D) Proposed plan for dealing with traffic from special events and changes.
- E) A plan for sharing the work site and coordinating the construction efforts with other HART Contractors and third parties.
- F) A plan for ensuring worker and public safety during construction.

4.4.1.4 Quality Management

Prepare and submit the following information regarding your approach to quality assurance and quality control. At a minimum include:

- A) A narrative describing how the Priority-Listed Offeror's Quality Assurance Plan will ensure that the project is designed, procured, and constructed in accordance with the established design, engineering and quality requirements. The requirements provide the controls for design, procurement, construction, tests, and inspection that enable HART to be ensured that the quality necessary for the safe and reliable operation of the transit system is achieved.
- B) Explanation of how independence of quality control staff and function will be maintained.

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- C) Discuss how Priority-Listed Offeror's Quality Management processes will be integrated with the quality oversight roles of HART and regulatory agencies.

4.4.1.5 Key Personnel and Experience information

- A) Exhibit 14, Key Personnel Information.
- B) Submit resumes of Key Personnel in Appendix A.

4.4.1.6 Project Support Information

- A) Summary of the Priority-Listed Offeror's proposed features that will be included in the Public Awareness and Community Relations (PA/CR) Plan as specified in Section 7.24 of the GCDB.
- B) A preliminary plan for establishing and staffing a Project office and field offices.
- C) Summary of the Environmental Compliance Plan as specified in Section 7.22 of the GCDB.
- D) A summary of the Priority-Listed Offeror's plan for complying with the safety and security requirements of Section 7.10 of the GCDB.

4.5 TECHNICAL SOLUTIONS INFORMATION

4.5.1 Technical Solutions Information for Volume 3 of the Technical Proposal

In each of the following Technical Solutions subsections, highlight those items that represent significant value to HART and would distinguish its Proposal from those of others. Include any approved or conditionally approved ATC in its appropriate section.

4.5.2 Guideway Structures

Prepare and submit:

- A) Describe any innovations or features of the proposed guideway design and/or Material offered by the Priority-Listed Offeror that will exceed the Design Requirements or provide enhanced quality in long-term performance, durability, or maintainability, as described in the RFP design criteria;
- B) Structural Plan and Profile drawings and Typical Sections of the standard guideway structure proposed;
- C) Description of the construction means and methods that efficiently and effectively will be used for guideway structures;
- D) An aesthetic rendering of the guideway structure along with narratives of their context sensitive features that will aesthetically enhance the guideway design, including architectural features and/or structural configurations to reduce the overall visual impact of the guideway;
- E) Describe in narrative form, the design elements of the guideway that addresses noise mitigation from the revenue operations, ride quality, and corrosion control; and
- F) Describe, in narrative form, the staging plan and construction sequencing for the trackway, special trackwork, and the traction power 3rd rail installation.

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4.5.3 Stations

Prepare and submit:

- A) Describe any innovation or features of the proposed station design and/or Material offered by the Priority-Listed Offeror that will exceed the Design Requirements or provide enhanced quality in long-term performance, durability, or maintainability, as described in the RFP design criteria;
- B) Building Elevations and Sections showing the station structures at the ground, concourse, platform, and roof levels. Indicate the type of building materials that are proposed.
- C) Provide renderings that portray the architectural character of the stations. Describe significant features that embody cultural, historic and/or contextual influences. Also describe those features that depart from the aesthetic established by the current referenced designs for each station.
- D) A narrative describing the construction means and methods that efficiently and effectively will be used for constructing/erecting the platform girders, pedestrian bridges, and other structures above public roadways. Include descriptions of the maintenance of traffic concepts.
- E) A narrative describing how the design minimizes long-term maintenance and operational costs.
- F) Narrative description and sketches illustrating the Priority-Listed Offeror's proposed design concept for the Pearl Harbor Naval Base Station as described in the Project-Specific Requirements.

4.5.4 Staging, Site Preparation and Restoration

Prepare and submit narrative and proposed concepts for project staging, site preparation and restoration, including:

- A) Description of the staging plan for the most challenging section of the Project. Include the movement of material, equipment, and personnel to efficiently and effectively construct this section. Provide a critical path logic diagram for this challenging section. Graphic representation can also be provided, at the Priority-Listed Offeror's discretion;
- B) Description of the approach to roadway restoration. Specifically address temporary roadway decking, temporary and final road surfaces, temporary and final traffic signals, temporary and final roadway lane markings, and temporary and final roadway signage. Include description of proposed urban design elements for roadway medians, sidewalks, and intersections. Graphical representations can be provided at Priority-Listed Offeror's discretion;
- C) Project laydown and staging site plan depicting offices, storage yard, and parking area; and
- D) Description of the location of pre-cast yard(s) planned for fabrication of segmental guideway elements (if proposed); the proposed method of transport, routing and delivery schedule of the completed segments; and proposed hours of operation for the pre-cast yard.

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4.5.5 Sustainable Design

Prepare and submit a description of sustainable strategies per the guidance provided in Section 7.23 of the GCDB and Chapter 26 of the Design Criteria Compendium, including:

- A) Description, in outline form, the action plan for incorporating sustainable principles in design and construction of the Project; and
- B) List sustainability goals for the project.

4.5.6 Traffic Mobility

Prepare and submit:

- A) Describe any features of the proposed design and construction offered by the Priority-Listed Offeror that will exceed the Design Requirements and minimize impacts to businesses and the traveling public;
- B) Describe any features of the proposed design offered by the Priority-Listed Offeror that will exceed the Design Requirements and minimize impacts to adjacent property owners during and after construction;
- C) The approach to maintaining traffic mobility during construction of the guideway foundations, columns, and superstructure; and construction of other roadway improvements. Include a description of proposed temporary traffic signal work concepts. Provide a typical Traffic Management Plan (TMP) for a section of the Project that possesses the greatest risk to mobility.
- D) Describe the approach to preventing, monitoring, and mitigating traffic impacts.

4.5.7 Utility Relocation Coordination and Design

Prepare and submit:

- A) Describe any features of the proposed design offered by the Priority-Listed Offeror that will exceed the Design Requirements and minimize utility relocation and service reconnection impacts;
- B) A plan to identify and physically locate existing underground utilities and incorporate this information into the design;
- C) Approach to coordinating the utility relocation design and construction with Utility Owners and HART;
- D) Description of your approach to tracking performance and maintaining schedule compliance with construction work by others; and
- E) Description of means and methods that will efficiently perform the Work with minimal disruption to traffic for utilities relocated by the Priority-Listed Offeror.

4.5.8 Project Interface

Prepare and submit:

- A) A description of the approach to coordinating the design of interfaces with other HART contractors; and
- B) A description of the approach for coordinating and constructing interfacing work with other HART contractors.

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4.5.9 Risk Management

Describe the top five (5) risks to construction cost and your proposed mitigation measures. If any of these risks are assigned to a Subcontractor or supplier, please describe your risk management approach.

4.5.10 Geotechnical

Provide a narrative response to the following:

- A) Describe the significant geotechnical and structural issues associated with the foundations for the guideway structure, and methods which will be used to address these issues during both design and construction;
- B) Describe how the available investigation results will be incorporated into the geotechnical and structural design, and scope of additional investigation proposed;
- C) Describe the process by which the Priority-Listed Offeror will notify HART when a significantly different geologic stratigraphy and ground characterization exists from what is described in the HART provided Geotechnical Data Reports (GDR-HART) while minimizing the impact to the Baseline Schedule and cost;
- D) Describe how the proposed foundation construction methods will account for the described variability in geologic conditions and behavior and presence of obstructions; and
- E) Describe your approach to groundwater management and control during construction of large diameter drilled shafts.

4.5.11 Priced Options

- A) Provide details of the Priority-Listed Offeror's proposed acrylic sound barrier; and
- B) Provide a narrative description and details identifying the Priority-Listed Offeror's proposed plan for coordinating, designing, and constructing infrastructure for the undergrounding of 138kV and 46kV electrical transmission lines.

4.6 SCHEDULE AND TIME INFORMATION

4.6.1 Schedule and Time Information for Volume 4 of the Technical Proposal

4.6.1.1 Proposed Completion Time

Submit number of Days between NTP and Final Acceptance of the project.

4.6.1.2 Proposed Baseline Schedule

The term "Proposed Baseline Schedule" as used herein means the time-scaled, critical path network depicting Project Sections, Price Items and subordinate activities and their respective durations, sequences and inter-relationships that represent the Priority-Listed Offeror's Work plan for designing, constructing and completing the Project.

Do not show or submit any price information with the Proposed Baseline Schedule. Price information shall only be included in the Price Proposal (RFP Part 2 Section 5.0).

Prepare and submit:

- A) A Proposed Baseline Schedule for the Project meeting the following requirements:
 - 1) The Proposed Baseline Schedule shall be in color hardcopy format and Primavera acceptable electronic format. See Section 7.6 of the GCDB, for specific requirements and formats, including coding requirements;

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- 2) The Proposed Baseline Schedule shall be consistent with HART's Project Sections and preferred Price Items listed in Exhibit 16. Except where a Price Item is shown as a mandatory Price Item, the Priority-Listed Offeror may adjust this list to more accurately reflect planned sequences and methods; however, the level of detail shall be similar to that reflected in the list of preferred Price Items. Mobilization shall not be shown as a Price Item. Mobilization shall be shown as an activity under Price Item 1;
 - 3) All Price Items shall be assigned to the Project as defined in GCDB Section 2.1, "Price Item," and shown in Exhibit 16; and
 - 4) The Proposed Baseline Schedule shall reflect that Work included in the Proposal Price, but shall not include any price information;
- B) A "stand-alone" narrative in sufficient detail to explain the basis of the Proposed Baseline Schedule. Describe activities, how the activities interrelate, and how activity durations were determined. Include/discuss as a minimum:
- 1) Basis for and assumptions used in preparing the Proposed Baseline Schedule;
 - 2) Anticipated production rates;
 - 3) Anticipated order and delivery dates of Material and equipment, especially long-lead items;
 - 4) Restraints, risks, and limitations;
 - 5) Critical Path activities;
 - 6) Holidays and other non-work days;
 - 7) Potential problem areas; and
 - 8) Coordination required;
- C) Plan for mobilizing Key Personnel, equipment, Material and supplies. The mobilization plan must be consistent with the Proposed Baseline Schedule;
- D) Summary of major risks to the Proposed Baseline Schedule with explanation of planned contingencies and approach to dealing with these risks should they arise;
- E) Description and Baseline Schedule that proposes the most optimal schedule for the Project. Delivering the Project on or ahead of schedule is a key objective of the Project and selection of design-build delivery. Provide innovative ways to accelerate aspects of the Work that yield schedule optimization without affecting your Price. Describe how you will achieve schedule certainty; and
- F) Brief narrative description of the proposed Project controls approach, including:
- 1) Description of Priority-Listed Offeror's system for preparing and updating the Baseline Schedule; and
 - 2) Description of the proposed plan to integrate design and subcontract activities into its scheduling and reporting system.

4.7 FORMAT AND ORGANIZATION OF THE TECHNICAL PROPOSAL

The Technical Proposal shall be prepared in accordance with **Table A**, Outline for Submittal of Technical Proposal, with cover of Technical Proposal Documents titled as provided in Table A.

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**CONTRACTOR'S
TECHNICAL PROPOSAL**

**Table A
Outline for Submittal of Technical Proposal**

Technical Proposal Volume/Section No.	Volume/Section Title & Required Information	Reference
	EXECUTIVE SUMMARY AND SUMMARY STATEMENT	4.2.1 & 4.2.2
VOLUME 1	ORGANIZATIONAL AND FINANCIAL INFORMATION	4.3
Section 1	<ul style="list-style-type: none"> • <u>Exhibit 2</u>; Form of Proposal • <u>Exhibit 3</u>, Certification Regarding Conflict of Interest; • <u>Exhibit 4</u>, Named Subcontractors and Suppliers; • <u>Exhibit 6</u>, Certificate Regarding Ineligible Subcontractors; • <u>Exhibit 7a</u> or <u>Exhibit 7b</u>, Buy America Certificate; • <u>Exhibit 8</u>, Certification Regarding Lobbying; • <u>Exhibit 23</u>, Acknowledgement of Liquidated Damages Provision; • Licensing information. 	
VOLUME 2	MANAGEMENT APPROACH INFORMATION	4.4
Section 1	ORGANIZATION/COMMUNICATION STRUCTURE	4.4.1.1
Section 1.1	<ul style="list-style-type: none"> • <u>Exhibit 11</u>, Single Point of Contact 	
Section 1.2	<ul style="list-style-type: none"> • <u>Exhibit 12</u>, Commitment to Assign Identified Resources to Project 	
Section 1.3	<ul style="list-style-type: none"> • Key Personnel organization chart; • An organization chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors; • Description of self-performed and subcontracted Work; • Plans and procedures for managing subcontractors; • Organization chart showing proposed design organization; • Organization chart(s) showing proposed construction organization; • Organization chart showing the planned Quality organizations (design and construction), including names of independent sampling and testing laboratory(ies); 	

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Technical Proposal Volume/Section No.	Volume/Section Title & Required Information	Reference
	<ul style="list-style-type: none"> • Organization chart for safety organization with roles and responsibilities; • City and State where assigned staff will be located; and • Address of office(s) where Work will be done in the Project vicinity. 	
Section 2	DESIGN MANAGEMENT	4.4.1.2
	<ul style="list-style-type: none"> • Specified narrative; • Summary of Design Work Plan; and • Description of Designer involvement during construction. 	
Section 3	CONSTRUCTION MANAGEMENT	4.4.1.3
	<ul style="list-style-type: none"> • Describe how the Priority-Listed Offeror proposes to respond to HDOT-Airports Division changes to stated and presumed Work site access times and durations. • Summary of Construction Management Plan; • Construction Staging Plan; • Plans to deal with unusual traffic events; • Plan for sharing the work site and coordinating the construction efforts with other HART Contractors and third parties; and • Plan for ensuring worker and public safety during construction. 	
Section 4	QUALITY MANAGEMENT	4.4.1.4
	<ul style="list-style-type: none"> • Narrative of Quality Assurance Plan; • Explanation of Independence QA/QC; and • Integration with HART's Quality Oversight. 	
Section 5	KEY PERSONNEL AND EXPERIENCE INFORMATION	4.4.1.5
	<ul style="list-style-type: none"> • <u>Exhibit 14</u>, Key Personnel Information 	
Section 6	PROJECT SUPPORT INFORMATION	4.4.1.6
	<ul style="list-style-type: none"> • Summary of Public Awareness and Community Relations Plan • Plan for establishing and staffing a Project office. • Summary of Environmental Compliance Plan. • Summary of Safety and Security Plan. 	

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VOLUME 3	TECHNICAL SOLUTIONS INFORMATION	4.5
Section 1	<p>STRUCTURES</p> <ul style="list-style-type: none"> • Features of the proposed design that will exceed the Design Requirements; • Structural Plan and Profile drawings and Typical Sections of the guideway structure proposed; • Description of the construction means and methods; • An aesthetic rendering of the section with a narrative; • Narrative about design elements that address noise mitigation, ride quality, and corrosion control; and • Narrative about staging plan, construction sequencing for the track and proposed schedule for the transfer of the track from HART to the Contractor. 	4.5.2
Section 2	<p>STATIONS</p> <ul style="list-style-type: none"> • Features of the proposed design that will exceed the Design Requirements; • Building Elevations and Sections; • Narrative describing the construction means and methods; • Narrative describing how the design minimizes long-term maintenance and operational costs; and • Narrative and sketches illustrating design to meet "no outage" requirements. 	4.5.3
Section 3	<p>STAGING, SITE PREPARATION AND RESTORATION</p> <ul style="list-style-type: none"> • Narrative about staging plan; • Narrative about approach to roadway restoration; • Project Laydown and Staging Site Plan; and • Narrative about pre-cast yard(s). 	4.5.4
Section 4	<p>SUSTAINABLE DESIGN</p> <ul style="list-style-type: none"> • Outline of Action Plan; and • Sustainability goals for the project. 	4.5.5
Section 5	<p>TRAFFIC MOBILITY</p> <ul style="list-style-type: none"> • Features of the proposed design that will exceed the Design Requirements and minimize impacts to businesses and the traveling public; • Features of the proposed design that will exceed the Design Requirements and minimize impacts to adjacent property owners. • Approach to maintaining traffic mobility during construction. 	4.5.6

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Section 6	<p>UTILITY RELOCATION COORDINATION AND DESIGN</p> <ul style="list-style-type: none"> • Features of the proposed design that will exceed the Design Requirements and minimize utility relocation and service reconnection impacts; • Plan to identify and locate existing underground utilities; • Approach to coordinating the Utility relocation efforts with Utility Owners and HART; • Approach to tracking performance and maintaining schedule compliance with construction work by Others; and • Description of means and methods. 	4.5.7
Section 7	<p>PROJECT INTERFACE</p> <ul style="list-style-type: none"> • Approach to coordination between the Core Systems Contractor and the Elevator & Escalator Contractor. 	4.5.8
Section 8	<p>RISK MANAGEMENT</p> <ul style="list-style-type: none"> • Top five (5) risks to construction cost and proposed mitigation. 	4.5.9
Section 9	<p>GEOTECHNICAL</p> <ul style="list-style-type: none"> • Significant geotechnical and structural issues; • Description of how available investigation results will be incorporated into the design and additional investigations proposed; • Process when significantly different ground characterization exist; • Proposed foundation construction methods; • Approach to groundwater management; and • Sample calculations. 	4.5.10
Section 10	<p>PRICED OPTIONS</p> <ul style="list-style-type: none"> • Details for acrylic sound barrier; and • Description and details for undergrounding 138kV and 46kV electrical transmission lines. 	4.5.11
VOLUME 4	SCHEDULE AND TIME INFORMATION	4.6
Section 1	<ul style="list-style-type: none"> • Proposed Completion Time • Proposed Baseline Schedule; • Proposed Baseline Schedule in hardcopy and electronic format; • Specified narrative; • Plan for mobilizing Key Personnel, equipment, Material and supplies; • Summary of major risks; 	4.6.1.1 4.6.1.2

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	<ul style="list-style-type: none"> • Description and schedule graphic depicting optimal schedule; and • Project controls approach. 	
APPENDIX A	LEGAL, FINANCIAL, KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A	
Section 1	LEGAL INFORMATION FOR APPENDIX A	4.3.2
	<ul style="list-style-type: none"> • Notarized Powers of Attorney; • If consortium or joint venture, evidence of joint and severable liability; • <u>Exhibit 9</u>, Non-Collusion Affidavit; • Organizational documents; and • <u>Exhibit 10</u>, Certificate Regarding Ineligible Contractors 	<p>4.3.2.1</p> <p>4.3.2.1</p> <p>4.3.2.2</p> <p>4.3.2.3</p> <p>4.3.2.4</p>
Section 2	FINANCIAL INFORMATION FOR APPENDIX A	4.3.3
	<ul style="list-style-type: none"> • Letter of Commitment of Surety 	4.3.3.1
Section 3	KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A	4.4.1.5
	<ul style="list-style-type: none"> • Resumes of Key Personnel 	4.4.1.5

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5.0 PRICE PROPOSAL INSTRUCTIONS

This section specifies the Pricing Information and Supplemental Pricing Information to be submitted by all Priority-Listed Offerors and resubmitted by the selected Priority-Listed Offeror prior to Contract execution.

Provide a Price Proposal using the Exhibits listed herein and provided in Exhibits. Submit all information as specified herein, using the Exhibits and formats specified. Alterations to the Exhibits will only be permitted where specifically allowed.

The Price Proposal of the selected Priority-Listed Offeror will be incorporated into the Contract.

Submit the Price Proposal under separate cover, clearly marked by the Proposal Due Date, to the addressee and address specified in RFP Part 2 Section 2.2.1.

The Price Proposal shall consist of:

- A) Surety Bid Bond (GCDB Exhibit "A");
- B) Exhibit 15; Price Proposal Cover Sheet;
- C) Exhibit 16; Schedule of Prices Form;
- D) Exhibit 17; Schedule of Unit Prices;
- E) Exhibit 18, Proposal Periodic Payment Schedule;
- F) Exhibit 19; Letter of Subcontract Intent; and
- G) Copy of Proposed Baseline Schedule (*see* RFP Part 2 Section 4.6.1.2).

5.1 PROPOSAL PRICE SUBMITTAL

Submit Exhibit 16, Exhibit 17, Exhibit 18, Exhibit 19, the copy of the Proposed Baseline Schedule in a separate, sealed envelope.

Securely attach Exhibit 15 to the outside of the envelope containing the Exhibits listed in the preceding paragraph of this RFP Part 2 Section 5.1. Have all persons signing the Exhibit 2 sign Exhibit 15.

5.2 SCHEDULE OF PRICES (EXHIBIT 16)

Complete and submit Exhibit 16 in compliance with the following instructions:

Provide a lump sum price [the Price Item Value (PIV)] for each Price Item in Exhibit 16. If the Priority-Listed Offeror shows any components for a Price Item, such as Material, show a lump sum price for such components in Exhibit 16.

The Price Item Titles provided in Exhibit 16, Schedule of Prices Form, are general categories, and the Offeror is expected to include the scope of Work of the Contract in its entirety in the Schedule of Prices.

- A) The PIV shall be the total price to complete all Work in that Price Item, including such planning, management, overhead, use of tools and equipment and other Work as required to complete such Work and such costs necessary to integrate the Work with the Work in other Price Items, except those costs included in other Price Items;
- B) The PIV for Project Mobilization shall not exceed 6% of the Base Proposal Price;
- C) For Price Item 2, provide a lump sum price for each of the components listed in Exhibit 16b;
- D) The following six Allowances shall be included Exhibit 16:
 - 1) Allowance for Contaminated Soil Material shall be to excavate, transport, and dispose of contaminated soil material in accordance with State and Federal

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regulation as stipulated in the Contract Documents, GCDB § 7.17.2. Provide the Priority-Listed Offerors proposed unit price and the Price Item Value. The proposed unit price shall be considered all-inclusive, including and not limited to the cost of hauling and disposal at the PVT landfill. The Price Item Value will be an Allowance and will be paid by the cubic yard. The quantity stated in Exhibit 16 is for evaluation purposes only and is not an estimated quantity for the Project.

- 2) Provide the Priority-Listed Offerors proposed unit price and the Price Item Value for Allowance for Compensable Project Delay. The proposed unit price shall be considered the total amount of Contractor entitlement for each day of compensable delay. HART will pay the daily rate of compensation only for the actual number of days of compensable delay, as defined in the General Conditions. The quantity of days of compensable delay stated in Exhibit 16 is a “multiplier” for evaluation purposes only and is not intended as an estimate of the number of days of compensable delay anticipated by HART.
 - 3) Provide the Priority-Listed Offerors proposed unit price and the Price Item Value for Allowance for Concrete for Potential Subsurface Voids. The proposed unit price of concrete shall be considered all-inclusive for an over pour event when potential subsurface voids are encountered while placing concrete in production drilled shafts. The Price Item Value establishes an Allowance and will be paid by the cubic yard. HART will pay the unit rate of compensation only for the actual amount of concrete over and above the theoretical volume of any single production drilled shaft. The quantity shown in Exhibit 16 is a “multiplier” and is not intended as an estimate of the quantity of expected c.y. of concrete.
 - 4) The Allowance for Field Change Notice Force Account Price Item Value shall be the amount stated in Exhibit 16. The Price Item Value will be an Allowance and will be paid in accordance with GCDB Section 5.9 Force Account.
 - 5) The Allowance for HDOT Airports Division Property Rental (Revocable Permit) Price Item Value shall be the amount stated in Exhibit 16. The Price Item Value will be an Allowance and will be paid by the month as indicated in Project-Specific Requirements Appendix M.
 - 6) The Allowance for Spare Parts and Spare Equipment (Force Account) Price Item Value shall be the amount stated in Exhibit 16. The Price Item Value will be an Allowance and will be paid in accordance with GCDB Section 5.9 Force Account.
- E) Each of the two Priced Options shall be considered as Price Items; and
F) The sum of the Price Item Values shall be the Proposal Price.

5.2.1 Schedule of Unit Prices (Exhibit 17)

Provide prices for the items or components listed in Exhibit 17, Schedule of Unit Prices. The unit prices in the successful Priority-Listed Offeror's proposed Schedule of Unit Prices will be incorporated into the Contract, and will be used as a basis of determining increases and/or decreases in Contract Price.

5.2.2 Proposal Periodic Payment Schedule (Exhibit 18)

Submit a Proposal Periodic Payment Schedule Plan (PPS-P) in Exhibit 18.

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5.2.2.1 General Requirements

Develop and include a PPS-P in Exhibit 18.

The PPS-P shall cover the entire period of the Contract specified in monthly increments through Final Acceptance.

The cumulative periodic payment percentages shown on the PPS-P shall be reasonably compatible with the progress of Work indicated in the Proposed Baseline Schedule. "Reasonably compatible" shall mean that the cumulative value shown in the Schedule of Milestones derived from the Baseline Schedule reflect the profile on the PPS-P.

5.2.2.2 Developing the PPS-P

Distribute the Proposal Price over the period of the Contract within the limitations described in this section to indicate the Priority-Listed Offeror's desired payment schedule. The resulting curve shall be the PPS-P (Exhibit 18).

In developing the PPS-P, note the requirements for the Contract Periodic Payment Schedule in the Special Provisions.

5.2.3 Bid Security

Submit a Bid Security in the sum indicated in RFP Part 2 Section 3.3.

Submit the Bid Security concurrently with the Price Proposal in a separate, sealed envelope that is clearly marked as "Bid Security" with the Project name and Contract number and the Priority-Listed Offeror's name.

See also RFP Part 2 Section 3.6.2.

5.3 ESCROWED PROPOSAL DOCUMENTS

Submit Exhibit 21 to the addressee and address specified in RFP Part 2 Section 2.10.1, by the time specified in RFP Part 2 Section 3.4 in accordance with RFP Part 2 Section 7.4 of the GCDB.

Submit one (1) signed original of the Escrow Instructions in Exhibit 21. Deliver the EPD and two (2) signed originals of the Escrow Instructions into escrow to the addressee and address specified in RFP Part 2 Section 2.2.1.

5.4 RESERVED

5.5 FORMAT FOR SUBMITTAL OF PRICING DOCUMENTS

5.5.1 Price Proposal

Organize and submit the Price Proposal in the format shown in Table B-1 by the Proposal Due Date, except submit Exhibit 21 per RFP Part 2 Section 3.4.

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Table B-1: Price Proposal

Section	Description	Reference
Section 1	<ul style="list-style-type: none">• <u>Exhibit 15</u> Price Proposal Cover Sheet	5.1
Section 2	<ul style="list-style-type: none">• <u>Exhibit 16</u> Schedule of Prices Form;• <u>Exhibit 17</u> Schedule of Unit Prices;• <u>Exhibit 18</u> Proposal Periodic Payment Schedule;• <u>Exhibit 19</u> Letter of Subcontract Intent; and• Copy of Proposed Baseline Schedule	5.2 5.2.1 5.2.2 5.1 4.6.1.2
Section 3	<ul style="list-style-type: none">• OTHER PRICE PROPOSAL DOCUMENTS• Bid Security	5.2.3

5.5.2 RESERVED

6.0 PROPOSAL EVALUATIONS

The Proposals shall be submitted in two separate parts per the RFP: (1) the Technical Proposal containing the Proposal Information (including the Supplemental Selection Information); and (2) the Price Proposal containing the Pricing Information. The information contained in the Proposal will not be disclosed to the public or any Priority-Listed Offeror until after Contract Award.

The Evaluation Committee will evaluate the Proposals pursuant to the evaluation criteria set forth in RFP Part 2, including the Pricing Information and prepare a recommendation to the Chief Procurement Officer indicating which Proposal represents the Best Value Proposal.

Evaluation of Proposals will be conducted in accordance with HAR §§ 3-122-52 and 3-122-53.

6.1 EVALUATION FACTORS AND CRITERIA

6.1.1 “Responsive/Non-Responsive” Criteria

The following criteria will be evaluated as responsive or nonresponsive.

6.1.1.1 Buy America Certification.

6.1.1.2 Bid Security as required in the RFP.

6.1.2 Technical Criteria

The technical criteria are broken into three subject areas with the total available points for scoring against the quality criteria equaling 1,400 points and broken down as follows:

- A) Management Approach;
- B) Technical Solutions; and
- C) Schedule and Time.

The criteria listed in this RFP Part 2 Section 6.1.2 and listed in RFP Part 2 Sections 6.1.2.1 through 6.1.2.3 will be evaluated and scored using the scoring guidelines specified in RFP Part 2 Section 6.2 with special attention given to the desired quality expressed in the statement of each criterion.

6.1.2.1 Management Approach (500 available points)

The Management Approach quality criteria are listed in the following categories:

- A) Organization/Communication structure;
- B) Design Management;
- C) Construction Management;
- D) Quality Management;
- E) Key Personnel and Experience; and
- F) Project Support.

Specific information to be submitted is identified in RFP Part 2 Section 4.0.

6.1.2.2 Technical Solutions (600 available points)

The Technical Solutions quality criteria are listed in the following categories:

- A) Guideway Structures;
- B) Stations;

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- C) Staging, Site Preparations and Restoration;
- D) Sustainable Design;
- E) Traffic Mobility;
- F) Utility Relocation Coordination and Design;
- G) Project Interface;
- H) Risk Management;
- I) Geotechnical; and
- J) Priced Options.

Specific information to be submitted is identified in RFP Part 2 Section 4.0.

6.1.2.3 Schedule and Time (200 available points)

The Schedule and Time quality criteria are listed in the following categories:

- A) Proposed Completion Time; and
- B) Proposed Baseline Schedule.

Specific information to be submitted is identified in RFP Part 2 Section 4.0.

6.1.3 Price (700 available points)

The Priority-Listed Offeror shall submit its Pricing Information in accordance with RFP Part 2 Section 5.0. The Total Proposal Price will be used to evaluate the price. Unless provided for otherwise, the sum of the Base Proposal Price shown in Exhibit 16 - Schedule of Prices Form and any Price Options that HART, at its sole discretion, exercises shall be the Contract Price if the Contract is awarded.

- A) Each Price Proposal shall specify the sum for which the Work will be performed according to the RFP Part 2.
- B) The price shall be indicated in words and figures. If there is a discrepancy between the amount shown in words and its equivalent amount shown in numerals the written words may, in the discretion of HART, be considered binding.
- C) The price shall be evaluated in accordance with HAR § 3-122-52.

6.2 EVALUATION SCORING

Evaluation Committee members will review and score the proposals by a numeric and responsive/non-responsive scoring system based upon the evaluation criteria set forth in RFP Part 2 Section 6.0. The total maximum points available when combining technical and price is 2,000.

6.3 DISCUSSIONS

All Discussions with Priority-Listed Offerors will be in accordance with HAR § 3-122-53.

6.3.1 Purpose

If HART determines that Discussions are required, they may be conducted for the purpose of:

- A) Advising the Priority-Listed Offerors of weaknesses and/or deficiencies in their Proposals (relative to the RFP Part 2);
- B) Attempting to resolve any uncertainties, obtaining any significant additional understanding concerning the Proposal;

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- C) Resolving any suspected mistakes by calling them to the attention of the Priority-Listed Offerors as specifically as possible without disclosing information concerning other competing Proposals or the evaluation process; and
- D) Providing the Priority-Listed Offerors a reasonable opportunity to submit any further technical or other supplemental information to their Proposals.

6.3.2 Procedures

The following specific procedures will apply:

- A) Information disclosed by Priority-Listed Offerors during Discussions will not be made public until after Contract Award;
- B) Discussions may be written and/or oral;
- C) No indication will be made to any Priority-Listed Offeror of the evaluation status of any other Priority-Listed Offeror or Proposal; and
- D) Written requests for clarification and HART-responses will be included in the Contract.

6.4 BEST AND FINAL OFFERS

Although HART reserves the right to issue a request for Best and Final Offers (BAFOs), HART is under no obligation to do so. HART may make its selection and Award based on the initial Proposals submitted.

If HART requests BAFOs, Priority-Listed Offerors may be informed of and requested and/or allowed to revise their Proposals, including correction of any weaknesses, minor irregularities, errors, and/or deficiencies identified to the Priority-Listed Offerors by HART following initial evaluation of the Proposals. The request for BAFOs will allow adequate time for the Priority-Listed Offerors to revise their Proposals. Upon receipt of any BAFOs, the process of evaluation will be repeated. The process will consider the revised information and re-evaluate and revise scores as appropriate. If Discussions are held, HART will attempt to limit the selection process to a single BAFO following Discussions.

Best and Final Offers will be conducted in accordance with HAR § 3-122-54.

6.5 SELECTION

HART intends to award the Contract to the Priority-Listed Offeror that submitted the Proposal that is the Best Value, in accordance with HAR § 3-122-57.

HART will not award the Contract to any Priority-Listed Offeror that receives a “non-responsive” rating on any responsive/non-responsive criteria (RFP Part 2 Section 6.1.1) or receives a technical score of less than 40% of the available points for any technical evaluation criteria (RFP Part 2 Section 6.1.2).

6.6 BUY AMERICA

The Priority-Listed Offeror shall comply, as a matter of responsiveness, with the requirements of 49 U.S.C. Section 5323(j)(1), and the applicable regulations in 49 C.F.R. Part 661. Exhibit 7 is the required FTA certification for “Buy America” requirements.

6.7 DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

HART has established an overall DBE goal of 13.00% for the duration of this agreement and a separate contract goal has not been established for this procurement.

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Reports to HART. The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the “DBE PARTICIPATION REPORT” reflecting payments made by the Contractor to DBE subcontractors in accordance with Attachment A, Section 1.6 of HART’s General Conditions for Design-Build Contracts (v. 8/2015). Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

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7.0 CONTRACT AWARD AND EXECUTION

7.1 CONTRACT AWARD

Unless all Proposals are rejected or this procurement is cancelled, the Contract shall be awarded to the Priority-Listed Offeror offering the Best Value Proposal as determined by HART in accordance with HAR § 3-122-57.

Within **ten (10) days** after HART notifies the selected Priority-Listed Offeror of its selection (Notice of Award), the selected Priority-Listed Offeror shall notify HART in writing of the name and address of its agent for service of legal process in the State of Hawai'i. The Priority-Listed Offeror shall not change that authorized agent without prior written notice to HART.

Within **fifteen (15) days** after Notice of Award, the selected Priority-Listed Offeror shall deliver to HART the following:

- A) Volumes 1 through 4 of the Proposal Information in format specified in RFP Part 2 Section 4.0, Table A;
- B) All Pricing Information (including the Supplemental Price Information, if any) in the format specified in RFP Part 2 Section 5.0;
- C) Compliance documents pursuant to HRS § 103D-310(c)
- D) Insurance certificates (*See* GCDB, Chapter 4);
- E) Full details of who will sign the Contract and evidence as to the authority, power and capacity of said individuals to bind the Priority-Listed Offeror to a Contract; and
- F) Evidence that all appropriate licenses is secured.

Failure to comply with the above may result in cancellation of the Notice of Award and forfeiture of the Bid Security.

Award of contract will be in compliance with HAR § 3-122-57.

HART may, at its sole discretion, exercise its option to require one or more of the "Priced Options" set forth in the Contractor's Price Proposal. Unless provided for otherwise, the sum of the Base Proposal Price shown in Exhibit 16 - Schedule of Prices Form and any Price Options that HART exercises will be the Contract Price if the Contract is awarded.

7.2 EXECUTION OF CONTRACT

The selected Priority-Listed Offeror will be required to execute the Contract and to comply in all respects with the statutory provisions relating to the Contract within twenty (20) days of the date of the delivery of the Contract Documents by HART. Refer to Exhibits for the form of Contract that the selected Priority-Listed Offeror will be required to sign. The selected Priority-Listed Offeror shall not make any additions to, deletions from, or changes in this form of Contract.

At the time of the return of the executed Contract, the selected Priority-Listed Offeror shall also furnish Payment and Performance Bonds, each in a sum equal to the amount specified in RFP Part 2 Section 3.3. The surety and form of the bonds must be acceptable to HART.

In case of failure or refusal on the part of the selected Priority-Listed Offeror to deliver the duly executed Contract or the required bonds to HART within the twenty (20) day period herein mentioned, the amount of the Bid Security may be forfeited and paid to HART.

The Contract will not be effective until it has been fully executed by all of the parties thereto.