

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**COMPLEX REAL PROPERTY
NEGOTIATIONS AND LITIGATION
SUPPORT CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-956114

FEBRUARY 23, 2016

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

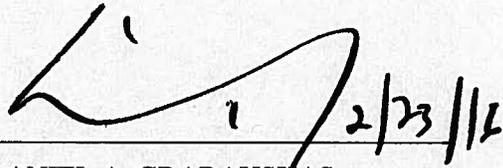
transitmailbox@honolulu.gov

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
COMPLEX REAL PROPERTY NEGOTIATIONS AND LITIGATION SUPPORT
CONTRACT
RFP-HRT-956114

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Sealed proposals shall be submitted by no later than **2:00 p.m., Hawaii Standard Time (HST) on April 4, 2016**, addressed or hand-delivered to the offices of the Honolulu Authority for Rapid Transportation, 1099 Alakea Street, Suite 1700, Honolulu, Hawaii, 96813, Attn: Procurement Division.

Because the Honolulu Rail Transit Project (H RTP) is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration (FTA) requirements.



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

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation (“HART”) is a semi-autonomous agency of the City and County of Honolulu (“City”), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 (“RCH”) to develop, operate, and maintain the Honolulu Rail Transit Project (“HRTTP”). This Request for Proposals (“RFP”) is issued by HART to identify Persons qualified to submit competitive sealed proposals for the Complex Real Property Negotiations and Litigation Support Contract (“Project”) of the HRTTP. “Persons” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, or public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel on steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center (ROC), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (ROD) were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutransit.org>.

1.2 Complex Real Property Negotiations and Litigation Support Contract Description

The selected Offeror (or “Contractor”) will provide legal services in support of HART’s acquisition of real property whether by negotiation or eminent domain. These services are required for construction of the Honolulu Rail Transit Project (HRTTP). The scope of work for this Contract is as set forth in the Contract documents (“Work”).

The scope of Work includes, but is not limited to:

- a) Provide legal advice and strategy to HART on issues arising out of potential and on-going eminent domain related actions regarding the parcels of property identified by HART including but not limited to transactions associated with the acquisition of real property owned by Howard Hughes Corporation;
- b) As requested, represent HART as legal counsel in eminent domain litigation related matters and provide support services for other potential or on-going eminent domain matters including providing expert witness services; and
- c) Provide any other services related to eminent domain matters as needed when directed by HART.

The selected Offeror acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s) requires filing any form of litigation against HART, without HART's consent in writing and pursuant to the Hawaii Rules of Professional Conduct.

Because the timing and level of effort required to perform the Work cannot be determined in advance, the Work will be assigned by Task Orders. The scope, budget and schedule for Work performed under this Contract will be assigned and negotiated through stand-alone Task Orders. There is no guarantee of any specific work or specific type of work described in Appendix A. The Contractor must be prepared and equipped to provide its services. Notwithstanding the above, the Contractor is guaranteed Task Orders in a cumulative amount of at least TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00). The Maximum Amount of Task Orders issued under this Contract shall not exceed SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00).

1.3 Interface

The Contractor shall be responsible for adherence to HART's interface management and coordination program and processes for interfaces between the Contractor and other HART contractors in proximity of or affected by Work assigned to the Contractor, including HART's real estate acquisition consultant. The Contractor shall coordinate with HART to identify and comply with all interface requirements in order to perform all work required by Contract requirements. The Contractor's successful compliance with the interface management ensures HART's efforts can progress as efficiently as possible.

1.4 Solicitation Timetable

The following solicitation timetable will be used for this RFP:

ACTIVITY	DATE
Issue RFP	February 23, 2016
Deadline for Clarification Requests	March 7, 2016
Issue Final Addendum	March 11, 2016
Proposal Due Date	April 4, 2016 at 2:00 p.m. HST
Award of Contract (Tentative)	May 2, 2016

HART reserves the right to modify the above dates.

2.0 TERM OF THE CONTRACT

The term of this Contract shall be for two (2) years, commencing from the issuance of the Notice to Proceed ("NTP") with the option to extend for up to two (2) additional years.

3.0 COMMUNICATIONS

3.1 Inquiries and Requests for Clarification

All inquiries and requests for clarification regarding this RFP shall be submitted to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov by no later than the deadline set forth above. All correspondence shall refer to the appropriate RFP number, page

number, and section number. See Exhibit 1. Oral interpretations or clarifications will be without legal effect. Only answers to questions issued by a formal written addendum shall be binding on HART.

3.2 Rules of Contact

Offerors may not contact HART officials, Board members, employees or representatives concerning this RFP while the solicitation process is in progress. The solicitation process begins when the RFP is issued and will be completed with the Award of the contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification.

4.0 PROCUREMENT PROCESS

4.1 Addenda

As it deems necessary, HART will issue responses to inquiries or corrections/amendments by way of written addenda issued prior to the Proposal Due Date. Additional background material or modifications to RFP requirements, where necessary, will be communicated to all offerors by written addenda issued by HART.

4.2 Modification or Withdrawal of Proposals

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

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract award, proposals will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Proposal Confidential During Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. All records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract award has been posted by HART in accordance with HAR §§3-122-9.01 and 3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Priority List

In accordance with HRS §103D-303 and HAR §3-122-53, a priority list will be established consisting of up to three offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the offerors who submitted the highest-ranked proposals.

4.7 Discussions with Offerors

If discussions with offerors are required to make a selection, they will be conducted in accordance with HAR §3-122-53.

4.8 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.9 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.10 Basis of Award

The basis of award of the Contract will be the “best value” in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.11 Verification of Responsibility of Offeror

The successful offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers’ compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereafter referred to as a “Hawaii business”; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a “compliant non-Hawaii business.”

Vendors may choose to use the Hawaii Compliance Express (HCE), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the issuance date. The “Certificate of Vendor Compliance,” indicating that the offeror’s status is compliant with the requirements of HRS section 103D-301(c), will be accepted for both contracting purposes and final payment. Vendors that elect to use the new HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC (HIC). Offerors

choosing not to participate in the HCE program will be required to provide the paper certificates as specified above.

4.12 Execution of Contract

- a) Subsequent to contract award, HART will present the Contract to the successful offeror for execution. The successful offeror shall return the signed Contract within ten (10) days from the date upon which the Contract was presented for signature by HART, or within such time as HART may otherwise allow.
- b) The successful offeror shall provide evidence of the required insurance coverages when it returns the signed Contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing Contract file, **except those portions the offeror designates in writing to be confidential as trade secrets or other proprietary data**, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the Award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform the non-selected offerors of the basis for the source selection decision and contract award. A written request for a debriefing shall be made within three (3) working days after the posting of the award of the Contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Work

Work shall not commence until: (a) the Contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; a Task Order has been negotiated; and (c) and written Notice to Proceed has been issued.

4.18 Suspension and Debarment

In accordance with 2 CFR §1200 the Offeror is required to verify that none of the offeror's principals, as defined in 2 CFR §180.995, or affiliates, as defined at 2 CFR §180.905, are excluded or disqualified as defined at 2 CFR §§180-945 and 180.935. The offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the offeror certifies to these requirements.

4.19 Conflict of Interest and Non-Disclosure Requirements

A contractor who was or is being paid for developing or preparing work specifications shall be precluded from submitting an offer or receiving a Contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, then by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all offerors to examine the entire RFP and to seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a Proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

As specified above, proposals must be submitted to HART by **no later than 2:00 p.m. HST on April 4, 2016**. The proposals shall be enclosed in a sealed envelope or container, marked clearly with the RFP number. Late submittals will not be accepted. It is the responsibility of the offeror to ensure that its proposal is delivered at the location indicated below by the Proposal Due Date.

5.4 Submittal Location

Proposals shall be delivered to the following address:

RFP-HRT-956114
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Submittals by facsimiles are not acceptable and shall not be considered.

5.5 Format, and Quantities

See ITO Exhibit 2 for Proposal format. Offerors shall provide one (1) original and five (5) copies of the proposal and appendices thereto. The signed original copy is to be identified as the “Original” on the cover and marked as “Copy 1 of 6.” All copies shall be provided in loose-leaf, 3-ring binders, with the three appendices placed in a separate 3-ring binder. Each copy should be identified on the cover(s) as “Copy # of 6.” Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2” x 11” paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered.

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in ITO Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

6.1 Cover Letter and Proposal Form (5 Points)

The Offeror will provide a one- or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall identify a single point of contact for the Offeror and the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror’s organization shall sign the letter. Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 19.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) The objective of this section is to:
 - i. To identify legally constituted Offerors able to submit Proposals and enter into the Contract;
 - ii. Identify Offerors who meet all of the licensing requirements to perform the Work; and

- iii. Identify Offerors with experience on projects similar in nature to the Complex Real Property Negotiations and Litigation Support Contract.
- b) Requirements and information to be provided in Section 1 of the Proposal are:
 - i. Submit Offeror's Organization Information as identified on Exhibit 5;
 - ii. If a Partnership or Corporation, submit Exhibit 6;
 - iii. Submit Principal Participant certification on Exhibit 7 for each Principal Participant covering the last five (5) years; and
 - iv. Offerors shall submit Certification Regarding Lobbying (Exhibit 11), Certification Regarding Conflict of Interest (Exhibit 14), Certificate Regarding Ineligible Contractors (Exhibit 16), and Certificate Regarding Ineligible Subcontractor (Exhibit 17).
 - v. Exhibits required in Section 1 are: Exhibits 5, 6, 7, 11, 14, 16, and 17.
- c) If a Joint Venture, Limited Liability Company, or Partnership:
 - i. Identity of the lead Principal Participant of the entity, if any;
 - ii. Indicate the equity share percentage held by each member;
 - iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
 - iv. Identify full details of the organization structure.
- d) Requirements and information to be provided in Appendix A to the Proposal:
 - i. Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign for that Principal Participant;
 - ii. Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
 - iii. Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for each Principal Participant and the Offeror (as appropriate) indicating the authority of the Principal Participant's and/or Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

6.3 Experience of the Offeror and Principal Participants (Section 2) (30 Points)

- a) The objective of this section is to:
 - i. To identify Offerors able to provide legal services for land acquisition, including eminent domain, eminent domain litigation and expert witness services to HART with demonstrated experience and expertise in, capacity for, and record of producing quality Work on projects similar in nature Appendix A, including but not limited to experience and expertise in HRS Chapters 101 and 46, and applicable Federal regulations related to eminent domain matters.
 - ii. To identify Offerors with the following:
 - A) Experience in successfully managing projects of similar size, scope, and nature as set forth in this Complex Real Property Negotiations and Litigation Support RFP;
 - B) Superior records of completing contracts on time and within budget;
 - C) Experience in providing comprehensive eminent domain legal services which minimize project delays, claims, dispute proceedings, litigation, and arbitration; and

- D) Federal and State experience regarding both residential and commercial projects.
 - iii. To identify Offerors who will effectively manage all aspects of the Complex Real Property Negotiations and Litigation Support Contract in a quality, timely, and effective manner and will integrate the different parts of its organization collectively and with HART in a cohesive and seamless manner;
 - iv. To identify Offerors that have the technical and management experience and expertise to plan, organize, and execute assigned Task Orders; and
 - v. To identify Offerors with firms or personnel currently engaged in or with a history of legal and financial problems that could adversely impact the Complex Real Property Negotiations and Litigation Support Contract generally.
- b) Requirements and information to be provided in Section 2 of the Proposal:
- i. Experience: Provide the past project information requested in Exhibit 8. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. If there are more than two (2) Principal Participants the project descriptions shall be comprised of two (2) past projects per each Principal Participant. Provide a description of those projects comparable or relevant to that anticipated for the Complex Real Property Negotiations and Litigation Support Contract;
 - ii. Subcontractor Information: Provide the information requested in Exhibit 15 and Exhibit 18. Identify subcontractors and the Offeror plans to use, to the extent they are known, indicating what portion of the Work such subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor; and
 - iii. Past Performances: Provide the information requested in Exhibit 10 for the Offeror and each Principal Participant. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. For each cited instance of litigation, claim, dispute proceeding, arbitration, assessment of liquidated damages, or termination for cause or default, provide the owner's name and the name of its current representative (and current telephone and fax numbers) who can be contacted for additional information. Copies of Awards, Citations and Commendations may be included in Appendix B of the proposal and will not count toward the page limit.
 - iv. Exhibits required in Section 2 are: Exhibits 8, 10, 15, and 18.

6.4 Complex Real Property Negotiations and Litigation Support Understanding (Section 3) (35 Points)

- a) The objective of this section is to:
- i. To identify those Offerors demonstrating an understanding of government acquisition of real property, including eminent domain, and expert witness professional services and risks associated with the HRTTP and Complex Real Property Negotiations and Litigation Support Contract;
 - ii. To identify those Offerors demonstrating an understanding of and the qualifications to satisfy the requirements of this Project; and
 - iii. To identify those Offerors demonstrating an understanding of how the Offeror's organization will contribute to the success of the Project, demonstrating an

understanding of the risk sharing and the teaming relationship between the Contractor and HART.

- b) Requirements and information to be provided in Section 3 of the Proposal:
 - i. List and briefly describe the five (5) most significant issues and risks facing HART relating to land acquisition;
 - ii. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - iii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements; and
 - iv. Briefly describe how the Offeror will deal with any unique logistical challenges and the limited local resources posed by the location of the Project.

6.5 Team Organizational Structure (Section 4) (15 Points)

- a) The objective of this section is:
 - i. Key Personnel Information (Exhibit 12)
 - ii. To identify Offerors with a Project organizational structure that accounts for all activities that are necessary to complete the Contract successfully;
 - iii. To identify the Offerors' single point of contact for the Contract; and
 - iv. To identify Offerors with the required technical and management experience and expertise to plan, organize, execute the Contract, and ensure the quality and safety of the Project.
 - v. Exhibit required in Section 4 is Exhibit 12.
- b) Requirements and information to be provided in Section 4 of the Proposal:
 - i. An organizational chart identifying those in the participating firm responsible for major functions to be performed. All Principal Participants, and known subcontractors should be identified on the chart. Provide a brief description of the significant functional relationships among these firms.
 - ii. Provide a description of the relationships within the organizational chart to demonstrate that the Offeror has technical and management experience and expertise to organize, implement, oversee, and administer the Contract.

6.6 Price Proposal (Section 5) (20 points)

- a) The objective of this section is:

To provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.

Work will be assigned and priced by individual Task Orders. The NTE pricing for each Task Order will be established using the rates provided by the Offeror in Exhibit 9 Price Proposal Form for labor-related costs. Other direct costs that are required to perform the Work will be included in the Task Order. A Task Order may be converted to a firm-fixed price amount if mutually agreeable between the Parties.

- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
 - i. The Price Proposal is to be included in a separate sealed envelope clearly marked, "Price Proposal, RFP-HRT-956114".

- ii. The Offeror shall submit Exhibit 9, Price Proposal Form. The total price of the Proposal will be considered the cost factor for evaluation purposes. The Offeror shall also submit Exhibit 13 Certificate of Current Cost or Pricing Data. By submitting a Price Proposal, the Offeror is certifying to HART that the rates for staff not covered by the State of Hawaii Department of Labor Relations Wage Rate Schedule Bulletin are current and accurate.
 - iii. The Offeror shall submit Exhibit 20, Non-Collusion Affidavit, or certify to HART that the price submitted in response to the RFP was independently arrived at and developed.
 - iv. Price Proposals will become the property of HART. Copies of each Price Proposal will be retained after the Price Proposal evaluation process for the Contract file.
 - v. Proposals shall include any and all applicable taxes. A prospective Offeror may call the Department of Taxation of the State of Hawaii at (800) 222-3229 for assistance as to whether the State of Hawaii general excise tax, county surcharge and use tax will apply to the Offeror or Contractor.
- c) Requirements and information to be provided in Section 5 of the Proposal:
- i. Insert the required pricing information in Exhibit 9.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 13).
 - iii. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US\$ 5 million); if none, so state.
 - iv. Exhibits required in Section 5 are: Exhibits 9, 13 and 20.

7.0 INSURANCE

Offerors shall obtain and maintain insurance in the amounts and kinds specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

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

The selected offeror shall report its DBE participation obtained through race-neutral means throughout the period of performance. The successful offeror shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Attachment A, Section 1.6(p)-(r) of the General Conditions. 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).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

ITO EXHIBITS

The following exhibits are attached hereto and incorporated herein by reference:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt of Request for Proposals, Addenda and Responses to Offeror's Clarification Requests
- Exhibit 4 - Proposal Form
- Exhibit 5 - Offeror's Organization Information
- Exhibit 6 - Information Requested of Partnerships and Corporations
- Exhibit 7 - Principal Participant Certification
- Exhibit 8 - Experience
- Exhibit 9 - Price Proposal Form
- Exhibit 10 - Past Performances
- Exhibit 11 - Certification Regarding Lobbying
- Exhibit 12 - Key Personnel Information
- Exhibit 13 - Certificate of Current Cost or Pricing Data
- Exhibit 14 - Certification Regarding Conflict of Interest
- Exhibit 15 - Reserved
- Exhibit 16 - Certificate Regarding Ineligible Contractors
- Exhibit 17 - Certificate Regarding Ineligible Subcontractors
- Exhibit 18 - Subcontractor Information
- Exhibit 19 - Bidder Registration Form
- Exhibit 20 - Non-Collusion Affidavit

ATTACHMENTS

- Sample Agreement
- Special Provisions
 - Appendix A - Scope of Work
 - Appendix B - Contract Cost
 - (1) Contract Estimate
 - (2) Task Order Procedures
 - (3) Task Order Template
 - Appendix C - Federal Requirements
 - (1) Required Federal Clauses
 - (2) Attachment 1.6a) - DBE participation report
 - (3) Attachment 1.6b) - Final report of DBE participation and instructions for completion of the final report of DBE participation
- HART General Terms and Conditions for Professional Services (v8/2015)