

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**ELEVATORS & ESCALATORS DESIGN-
FURNISH- INSTALL-MAINTAIN (DFIM)
CONTRACT**

REQUEST FOR PROPOSALS

NO. RFP-HRT- 547415

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
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**NOTICE OF REQUEST FOR PROPOSALS
FOR
ELEVATORS & ESCALATORS DESIGN-FURNISH-INSTALL-MAINTAIN
CONTRACT
HONOLULU RAIL TRANSIT PROJECT
REQUEST FOR PROPOSALS NO. RFP-HRT-547415
HONOLULU AUTHORITY FOR RAPID TRANSPORTATION (HART)**

This Solicitation is being conducted in two parts. SEALED PROPOSALS responding to Part 1 will be accepted up to 2:00 p.m. Hawai'i Standard Time (HST) on October 18, 2012, by the HART Executive Director and CEO, Honolulu Authority for Rapid Transportation, 1099 Alakea Street, Suite 1700, Honolulu, Hawai'i 96813.

A Pre-Proposal Conference is scheduled to be held from 1:30 p.m. to 3:00 p.m. HST on September 10, 2012, at the Laniakea YWCA, 1040 Richards Street, Honolulu, Hawai'i 96813. All interested Offerors are encouraged to attend; however, attendance is not mandatory.

Because the Honolulu Rail Transit Project will be funded with Federal assistance, the selected Offeror is expected to comply with applicable Federal Transit Administration (FTA) requirements.



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

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EXHIBITS

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INSTRUCTIONS TO OFFERORS

1.0 DESIGN-FURNISH-INSTALL-MAINTAIN PROJECT OVERVIEW

This Request for Proposals (RFP) is issued by the Honolulu Authority for Rapid Transportation (HART) to identify Persons qualified to submit competitive proposals for the Elevators & Escalators Design-Furnish-Install-Maintain Contract (DFIM Contract) for the Honolulu Rail Transit Project (H RTP).

2.0 ABBREVIATIONS

BFS	Department of Budget and Fiscal Services, City and County of Honolulu
CD	Compact Disc
CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprise
DFIM	Design-Furnish-Install-Maintain
FTA	Federal Transit Administration
GCDB	General Conditions of Design-Build Contracts (02/2009)
HAR	Hawai'i Administrative Rules
HRS	Hawai'i Revised Statutes
H RTP	Honolulu Rail Transit Project
HST	Hawai'i Standard Time
JV	Joint Venture
LLC	Limited Liability Company
LLP	Limited Liability Partnership
MMIS	Maintenance Management Information System
NTP	Notice to Proceed
PI	Public Information
QA	Quality Assurance
QC	Quality Control
RFP	Request for Proposals
RFP Part 1	Request for Qualifications Proposals
RFP Part 2	Request for Technical and Price Proposals
UH	University of Hawai'i

3.0 DEFINITIONS

The terms have the same meaning throughout this instrument as stated below, unless specifically stated otherwise or clearly inappropriate in the context. Other terms that are defined in the Hawai'i Public Procurement Code (Code) (HRS Chapter 103D and HAR Chapters 3-120 to 3-132) have the same meaning throughout this instrument as stated in the Code and HAR, unless specifically stated otherwise or clearly inappropriate in the context.

“**Addendum**” means a written document issued by HART during the solicitation period, involving changes to the RFP, which will be considered and made a part of the RFP and Contract.

“**Affiliate**” means any Person that: (1) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:

- A) The DFIM Contractor; or
- B) Any Principal Participant; or

(2) holds ten percent (10%) or more of the equity interest, directly or indirectly, beneficially or of record,

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by the following:

- A) The DFIM Contractor;
- B) Any Principal Participant; or
- C) Any Affiliate of the DFIM Contractor under part (1) of this definition.

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

“**Agreement**” means Contract.

“**Award**” means the written notification of HART’s acceptance of a Proposal, or the presentation of a Contract to the selected Offeror.

“**Best Value**” means the most advantageous Proposal determined by evaluating and comparing all relevant criteria in addition to price so that the Proposal meeting the overall combination that best serves HART is selected. These criteria may include, in addition to others, the total cost of ownership, performance history of vendor, quality of goods, services, or construction, delivery, and proposed technical performance.

“**Chief Procurement Officer**” means the Executive Director and CEO of HART.

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

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

“**Contract**” or “**DFIM Contract**” means all documents covering furnishing, installing and maintaining the equipment and services in connection therewith for which Award is made to the DFIM Contractor, including the furnishing of labor, materials, and equipment in connection therewith. It includes the RFP, final Proposal, the list of Subcontractors, the wage schedule, special provisions, special notice to Offerors or special instructions to Offerors, the bonds, the specifications, the plans, the GCDB, and any documents or publications, addenda, amendments and change orders, whether attached to or incorporated by reference.

“**Design and Plans**” means any and all HART-approved designs, plans, and construction drawings; specifications, cost estimates, work schedules, Proposals, studies, reports, and other items.

“**Design Specifications**” means the dimensional and other physical requirements of the item being purchased and how a product is to be fabricated or constructed.

“**DFIM Contractor**” means the Person selected pursuant to the RFP that enters into the Contract with HART to furnish, install and maintain the DFIM Contract.

“**Discussion**” means an exchange of information to promote understanding of HART’s requirements and Offeror’s Proposal and to facilitate arriving at a Contract that will be the Best Value to HART.

“**Federal Transit Administration**” means the current designation for the former Urban Mass Transportation Administration, United States Department of Transportation. Any reference in any law,

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map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration or its acronym UMTA is deemed a reference to the Federal Transit Administration.

“**General Conditions Design-Build**” or “**GCDB**” means the General Conditions for Design-Build Contracts for the City and County of Honolulu which will be available at the following website www.honolulu.gov/pur/index.htm.

“**Guarantor**” means the Person assuming responsibility for the tangible net worth deficit or financing deficit obligations of the Offeror, as required by the Contract.

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

“**Offer**” means Proposal.

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

“**Opening**” means the date set for opening of Proposals.

“**Person**” 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.

“**Principal Participant**” means any of the following entities:

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

“**Priority List**” means the list of those Offerors who: 1) have submitted a Qualifications Proposal in response to the RFP, and 2) that HART determines acceptable or potentially acceptable. If more than five (5) acceptable or potentially acceptable Proposals have been submitted, it will be limited through evaluation and ranking to no more than five (5) responsive and responsible Offerors who submitted the highest-ranked Proposals.

“**Proposal**” means the executed document submitted by an Offeror in response to the RFP. With respect to RFP Part 1, this means the Qualifications Proposal, and with respect to RFP Part 2, the Technical and Price Proposal.

“**Proposal Due Date**” means the time and date announced for receipt of Proposals or best and final offers by the Priority-Listed Offerors.

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

“**Request for Proposals**” means all documents, whether attached or incorporated by reference, used for soliciting Proposals under the Competitive Sealed Proposal source selection method.

“**Responsible Offeror**” means a Person who has the capability in all respects to perform fully the

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Contract requirements and the integrity and reliability that will ensure good faith performance.

“**Responsive Offeror**” means a Person who has submitted a Proposal that conforms in all material respects to the RFP.

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

“**Specifications**” means any description of the physical or functional characteristics, or of the nature of a good, service, or construction item. The term includes descriptions or any requirements for inspecting, testing, or preparing a good, service, or construction item for delivery.

“**State**” means the State of Hawai‘i.

“**Station Design Consultant**” means a Person who enters into an agreement with HART to perform architectural and engineering services for the design of the stations for the Honolulu Rail Transit Project.

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

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

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

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

4.0 DESCRIPTIONS AND GOALS

4.1 H RTP DESCRIPTION

The H RTP will provide high-capacity transit service in the travel corridor between Kapolei and Ala Moana Center on O‘ahu. 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, as much of the corridor is constrained by the Ko‘olau and Wai‘anae Mountain Ranges to the north and the Pacific Ocean to the south.

4.2 H RTP GOALS

The purpose of the H RTP is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and Ala Moana Center. The goals of the H RTP are to:

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

4.3 PROJECT DESCRIPTION

The H RTP: East Kapolei to Ala Moana Center via the Airport

The H RTP is identified in the Final Environmental Impact Statement (FEIS) as the “Airport Alignment”. The H RTP includes 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 in an exclusive right-of-way. The system will incorporate steel wheel on steel rail technology. The H RTP includes twenty-one (21) stations, one (1) Maintenance and Storage Facility (MSF), and eighty (80) light metro vehicles and associated core systems.

Planned Extensions

In addition to the H RTP, the Locally Preferred Alternative (LPA) includes four (4) planned extensions connecting the H RTP to West Kapolei, UH Mānoa, Waikīkī, and Salt Lake. The extensions would receive separate detailed environmental review. If funding is identified in the future, engineering design and environmental analysis of the extensions and the appropriate alternatives analysis will be undertaken. The H RTP, as evaluated in the FEIS, has logical termini and independent utility from any extensions that may be constructed in the future.

The FEIS and additional information on the H RTP can be found at: <http://honolulustransit.org>.

Status of FTA Programmatic Requirements

- October 2006: Completion of an Alternatives Analysis.
- December 2006: The Fixed Guideway Alternative was selected as the LPA by the Honolulu City Council.
- March 2007: FTA publishes a Notice of Intent to prepare an Environmental Impact Statement in the Federal Register.
- November 2008: The Draft Environmental Impact Statement (DEIS) was released for public comment.
- February 2009: The public comment period ended.

- October 2009: FTA authorizes the H RTP to enter New Starts Preliminary Engineering phase.
- September 2010: The FEIS was submitted to the State of Hawai'i Governor's Office for review.
- December 2010: The FEIS was signed by Governor Abercrombie.
- January 2011: The Record of Decision (ROD) was issued by the FTA.
- December 2011: FTA authorizes the H RTP to enter New Starts Final Design phase.

4.4 DFIM CONTRACT GOALS

Vertical circulation equipment is one of the public's primary interfaces with the system and its availability is seen as a reflection of the overall quality of the system. Elevators in particular are a critical component of public accessibility and must be held to an extremely high level of standards in terms of availability. Lack of compliance can have significant adverse legal and financial impacts on the system. The selected DFIM Contractor will have a proven track record with similar projects, with expertise, capabilities, and appropriate resources to address the needs of the DFIM Contract in a timely and efficient manner.

HART's goals for the DFIM Contract are as follows:

- A) Deliver the product and services in accordance with the Contract, with the equipment for the full first segment opening for operation in June 2016 (East Kapolei to Aloha Stadium), concluding in fully operational equipment for the entire system no later than March 2019, within budget;
- B) Design, manufacture and install high quality, safe equipment incorporating proven technology in conformance with the requirements of the Contract;
- C) Provide skilled and efficient maintenance support during the period of the Contract. Maintain equipment so that it is available to the public. Outages should be seen as occasional anomalies rather than regular occurrences; and
- D) Accommodate future improvements identified for the H RTP in supporting environmental documents.

4.5 OVERALL PROCUREMENT PROCESS

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

The procurement will include a two-part competitive sealed proposal process:

- A) Part 1 – Qualifications Proposals (determination of Priority List of up to the top five (5) highest ranked firms); and
- B) Part 2 – Technical and Price Proposals (selection of DFIM Contractor from the Offerors on the Priority List that submit Technical and Price Proposals).

4.5.1 Part 1 – Qualification Proposals

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

4.5.2 Part 2 – Technical and Price Proposals

Submittal requirements, the evaluation criteria, the objectives and requirements for evaluation, and the

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evaluation scoring guidelines will be provided with the RFP Part 2.

- A) Evaluation criteria for the RFP Part 2 will include, but not be limited to, the following:
 - 1) Responsive/Non-Responsive:
 - a) Organizational and Financial Information; and
 - b) Proposal Responsiveness.
 - 2) Quality:
 - a) Management Approach Information;
 - b) Technical Solutions Information;
 - c) Schedule and Time Information;
 - d) Key Personnel and Experience; and
 - e) DFIM Contract Support.
 - 3) Price.
- B) Information to be submitted in the Technical and Price Proposals (RFP Part 2) will include, but not be limited to, the following:
 - 1) Organizational documents demonstrating ability to enter into a Contract with HART;
 - 2) Bid Security and other financial guarantees;
 - 3) Specified Certificates and Representations;
 - 4) Letter of Commitment from Surety (ies) for Payment and Performance Bonds;
 - 5) Qualifications of key personnel;
 - 6) A letter of commitment for key personnel;
 - 7) Description of management approach, including schedule and organization;
 - 8) Description of equipment to be furnished and installed;
 - 9) Description of maintenance program to meet specified availability requirements;
 - 10) Specified design documents and conceptual diagrams and sketches; and
 - 11) Price Proposal.

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

4.6 DFIM CONTRACT DESCRIPTION

4.7 SCOPE OF WORK

4.7.1 General

This section describes the overall requirements for the Elevator and Escalator Design-Furnish-Install-Maintain Contract. The Scope of this Contract is delineated within the context of related concurrent work by other entities. Elevators and escalators are to be installed in passenger stations of the Honolulu Rail

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Transit Project as indicated in the Station Module Concept Design Drawings, Preliminary Engineering Drawings and Station Final Design Contract Documents (when the Final Design becomes available). The passenger stations will be constructed by other contractors herein called the “Station Contractors.”

Elevators and escalators are to be maintained during construction until the station is opened to the public. After the station is opened to the public, the elevators and escalators are to be maintained under a separate maintenance program as described in Section 4.7.5. A Maintenance Management Information System (MMIS) is to be provided in the Operation and Service Building that will transmit alarm and shutdown information to the Operations Control Center and allow remote access for the DFIM Contractor. Maintenance is to be coordinated through the Core Systems Contractor.

4.7.2 Station Construction Contracts

Passenger stations will be constructed in groups. The initial planning is to group the stations as indicated in the following Table.

Station Group	Stations			
West Oahu (WOSG)	East Kapolei	UH West Oahu	Ho’opili	
Farrington Highway (FHSG)	West Loch	Waipahu Transit Center	Leeward Community College	
Kamehameha Highway (KHSG)	Pearl Highlands (Station only)	Pearl Ridge	Aloha Stadium	
Airport (ASG)	Pearl Harbor	Honolulu International Airport	Lagoon	Middle Street Transit Center
Dillingham (DSG)	Kalihi	Kapalama	Iwilei	Chinatown
Kaka’ako (KSG)	Downtown	Civic Center	Kaka’ako	Ala Moana
Pearl Highlands Parking Structure (PGTCR)	Pearl Highlands (Parking Structure only)			

In general, the equipment furnished by the DFIM Contractor will be installed in hoistways and spaces provided by the Station Contractor. The DFIM Contractor will terminate electrical and communication wires at its controller device or a similar interface point generally in the local control room for that equipment. The Station Contractor will provide 480 V, three-phase power to a single termination point identified by the DFIM Contractor. Communication signals will be extended by the Core Systems Contractor from the DFIM Contractor’s interface point.

4.7.3 Maintenance & Storage Facility Design-Build Contract

The Maintenance and Storage Facility (MSF) is a design-build contract.

It includes:

- Clear and grade the MSF site
- Design and build major structures, storage yard, yard lead and circulation tracks, parking lots, and roadways, including:

- Operations & Servicing (O&S) Building
 - Maintenance-of-Way (MOW) Building
 - Train Wash Facility
 - Wheel Truing Facility
 - Extensive Interior Cleaning Track
 - MOW Rail Vehicle Track
 - Gated Main Access with Guard Booth
 - Gated Secondary Access
 - Pedestrian and Driveway Gates within the MSF
- Design and furnish passenger vehicle maintenance shop equipment
 - Design and furnish mechanical, electrical and plumbing systems throughout the MSF
 - Prepare sites for traction power substation and train control house
 - Design and install duct banks for Core Systems cabling throughout the MSF

The DFIM Contractor will install the MMIS in the location stipulated by the Core Systems Contractor. Power and communication will be provided nearby such that only connector cables will be necessary for the DFIM Contractor to connect the equipment. All connector cables shall be furnished and installed by the DFIM Contractor.

4.7.4 Core Systems Contract

Core Systems is a design-build-operate-maintain contract (DBOM) to design, furnish, install, test and commission passenger vehicles, operating systems, auxiliary vehicles and equipment, and appurtenances, in support of incremental opening of the System. The Core Systems Contractor will operate the System in passenger service for a period of time. The Core Systems Contractor will maintain passenger vehicles, operating systems furnished under the contract and other related equipment and systems on the main line, in the stations, and in the MSF, for the same period of time.

It includes:

- Design, furnish, install, test, and integrate passenger vehicles; main line and yard train control systems; traction electrification system; communications and control systems; intrusion detection, alarm, and access control systems; and fare vending system
- Furnish right-of-way signs for the entire Project alignment
- Furnish auxiliary rail and highway vehicles required to operate and maintain the System
- Operate the System through several interim stages and after commissioning of the full System
- Maintain rail transit system operating equipment.

During construction, the DFIM Contractor shall coordinate communication signal requirements with the Core System Contractor.

During system operation, the Core System Contractor will be the interface point. Maintenance must be coordinated so that proper notice can be given the public. The Core Systems Contractor will most likely be the initiator of repairs which also must be coordinated so that proper notice can be given the public.

4.7.5 Maintenance and Repair

This Contract has two (2) components. The first is to design, furnish and install the equipment, including the MMIS system (“construction phase”). During the construction phase, the equipment is under the care, custody and control of the DFIM Contractor. The second component to this Contract is to repair and maintain the equipment once the equipment is in passenger service (“maintenance phase”). During the maintenance phase, the equipment is under the care, custody and control of HART, and the DFIM Contractor will coordinate with HART or its designated operator for access to the equipment.

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4.7.6 Schedule

Elevators and escalators shall be furnished and installed according to the following schedule.

Submittal of standard equipment data to demonstrate specification compliance shall be thirty (30) days after notice to proceed (NTP). Modifications to standard equipment to meet specifications shall be noted. This information will be furnished to Station Design Consultants to allow them to incorporate the equipment requirements into the station design.

Submittal of station equipment data shall be thirty (30) days after station Final Design is complete. If a station has not been started, preliminary designs may be available sixty (60) days before Final Design Completion and can be used to optimize equipment and station arrangement.

The DFIM Contractor shall submit approved Station equipment data within thirty (30) days upon issuance of the notice of the Contract award.

The DFIM Contractor shall coordinate equipment delivery and installation so that the Work may be completed on time to avoid any impacts to Station Construction completion. The MMIS system shall be installed and tested prior to completion of the first Station Construction Contract.

The DFIM Contractor shall transition to the maintenance phase upon acceptance by HART of the installation of the equipment that is ready for operation upon completion of the construction phase. Any construction items not completed shall be carried over and completed at no additional cost to HART. Completion of these items will now have to be coordinated with passenger operations.

NTP is assumed to be by July 2013. (All dates are to be updated before IFB)

Station Contracts	Final Design Complete	Construction Contract Award	Construction Completion	Station Operation
West Oahu (WOSG)	Jul 2013	Nov 2013	Oct 2015	Jun 2016
Farrington Highway (FHSG)	Mar 2013	Jul 2013	Jul 2015	Jun 2016
Kamehameha Highway (KHSG)	Nov 2013	Mar 2014	Feb 2016	Jun 2016
Airport (ASG)	Nov 2014	Apr 2015	Jul 2017	Mar 2019
Dillingham (DSG)	May 2015	Oct 2015	Feb 2018	Mar 2019
Kaka'ako (KSG)	Oct 2015	Jan 2016	May 2018	Mar 2019
Pearl Highlands Parking Structure (PHPS)	Aug 2015	Dec 2015	Sep 2017	Mar 2019

The DFIM Contractor shall be required to coordinate and interface with other contractors whose work on the project would be concurrent. The Station Contractor will construct the elevator hoistway for the

DFIM Contractor to install the elevator. The Station Contractor will construct the station platforms for the DFIM Contractor to install escalators. The DFIM Contractor shall coordinate with the Station Contractor(s) to ensure timely completion of the construction phase.

4.8 TERM OF CONTRACT

The term of the Contract is expected to extend from July 2013 through March 2024, or as otherwise mutually agreed in writing.

The Contract will be a multi-term contract subject to the availability of funds in accordance with HAR §3-122-149.

Contract funds are available for only the initial term of the contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. HART shall notify the DFIM Contractor, on a timely basis, whether or not funds are available for the continuation of the contract for each succeeding fiscal period.

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

4.9 WEBSITES

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

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

5.0 INQUIRIES

All inquiries shall be addressed to:

Wes Mott
RFP-HRT-547415
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813
E-mail Address: transitmailbox@honolulu.gov

5.1 DEADLINE FOR INQUIRIES

Inquiries shall be submitted no later than the date listed in Section 6.2 as Deadline for Receipt of Clarification Requests unless the Chief Procurement Officer determines that it is in the best interest of HART to accept any inquiry submitted after the deadline.

5.2 WRITTEN REQUESTS FOR CLARIFICATION

All questions shall be submitted in writing in the format provided in Exhibit 1. See Exhibit 1. It is preferable to have the questions submitted to the email address provided above. Any correspondence related to this solicitation shall refer to the appropriate RFP number, page number, and Section number. If, however, the requestor submits questions by hard copy, the requestor must not place the RFP number on the outside of an envelope containing questions, since such an envelope may be identified as a sealed Proposal and may not be opened until after the official Proposal due date. Oral interpretations or clarifications will be without legal effect. Only questions answered by a formal written response will be binding. See Section 6.3.

5.3 CONTACT

Contact between Offerors and HART (questions and responses to questions) shall only be in writing through HART's and Offeror's designated representatives. Offerors may not contact other City employees or HART's representatives concerning this RFP while the Solicitation process is in progress. The selection process begins at the date of the RFP issuance and will be completed with the Award of the Contract.

After submittal of Qualifications Proposals, no Offeror or any of its members may communicate with another Offeror or its members with regard to the solicitation or submitted proposals, except that an Offeror may communicate with a Subcontractor that is on both its team and another Offeror's team, so long as those Offerors establish protocol to ensure that the Subcontractor will not act as a conduit of information between the Offerors. See Exhibit 14.

Any contact determined to be improper, at the sole discretion of HART, may result in disqualification.

Official communications by HART to the Offerors regarding the DFIM Contract will be in writing, signed and disseminated by the Chief Procurement Officer or designee. HART will not be responsible for any transfer of information that occurs outside the official contact process specified in the RFP.

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6.0 REQUEST FOR PROPOSALS

6.1 PRE-PROPOSAL CONFERENCE

A pre-proposal conference to respond to questions from Persons interested in submitting Proposals will be held. Although attendance is not mandatory, all interested Offerors are encouraged to attend. Those Offerors wishing to attend meeting should communicate their intentions, via e-mail, to transitmailbox@honolulu.gov. In addition to the sender's e-mail address, the e-mail should include the number of attendees. Attendees may also e-mail advance questions to HART, which may be addressed during the meeting.

Date of Meeting: September 10, 2012
Time of Meeting: 1:30 p.m. – 3:00 p.m.
Place of Meeting: Laniakea YWCA
1040 Richards Street
Honolulu, Hawai'i 96813

6.2 PROCUREMENT TIMETABLE

The following timetable has been established for the DFIM Contract Solicitation:

Activity	Month	Day	Year
Part1, Issue RFP	Aug	20	2012
Part 1, Pre-Proposal Conference	Sep	10	2012
Part 1, Deadline for Receipt of Clarification Requests	Sep	13	2012
Part 1, Issue Final Addendum	Oct	1	2012
Part 1, Proposals Due	Oct	18	2012
Part 1, Determination of Priority-Listed Offerors	Oct	30	2012
Part 2, Issue RFP	Oct	31	2012
Part 2, Informational Meetings (if appropriate)	Nov	12	2012
Part 2, Deadline for Receipt of Clarification Requests	Nov	29	2012
Part 2, Final Addendum	Dec	10	2012
Part 2, Technical and Price Proposals Due Date	Dec	21	2012
Part 2, Award of Contract (Tentative)	Apr	15	2013

6.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

Clarification. Offerors shall carefully review this solicitation for defects and questionable matter. Comments concerning defects and questionable matter must be made in writing to the Chief Procurement Officer not later than the date listed in Section 6.2 as Deadline for Receipt of Clarification Requests. Inquiries received later than the Deadline for Receipt of Clarification Requests will not be responded to unless the Chief Procurement Officer determines that it is in the best interest of HART to respond to any inquiry submitted after the deadline.

Distribution. HART will make every reasonable attempt to notify all Persons who have obtained the RFP from HART for any changes to the RFP. The primary method of distributing addenda will be through the City and County of Honolulu, Division of Purchasing website (see Section 4.9). The Offeror is responsible to monitor the website and obtain all addenda. The Offeror shall indicate the addendum number and date of each addendum in the space provided in Exhibit 3.

Addenda. HART will issue responses to all inquiries, and any other corrections or changes it

deems necessary, in 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. Addenda will be incorporated as part of the RFP. Offerors should not rely on representations, statements, or explanations other than those made in this RFP or in formal written addenda.

6.4 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.

6.5 RECEIPT AND REGISTRATION OF PROPOSALS

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

Proposals and modifications will not be opened publicly, but will be opened in the presence of two (2) or more HART officials.

Proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

6.6 PUBLIC INSPECTION

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

The existing contract file, except those portions that the Offeror designates in writing as trade secrets or other proprietary data to be confidential, will be available for public inspection upon posting of Award pursuant to Section 103D-701, HRS.

If a person requests to inspect the portions of an Offeror's Proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by the Corporation Counsel for confidentiality in accordance with Chapter 92F, HRS.

If the Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection, unless the Offeror appeals pursuant to Section 92F-42(1), HRS.

6.7 CANCELLATION OF SOLICITATIONS

Solicitations may be canceled by HART for any reasons stated in HAR §3-122-96. If the solicitation is cancelled, notice will be given to Offerors in accordance with HAR.

6.8 REJECTION OF PROPOSALS

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

6.9 SUSPENSION AND DEBARMENT

In accordance with 2 CFR 1200, the DFIM Contractor is required to verify that none of the DFIM Contractor, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR 180.905, are excluded or disqualified as defined in 2 CFR 180.940 and 180.935. The DFIM Contractor 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.

6.10 LICENSING

All Persons participating in this procurement and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Hawai‘i and perform the Work required under the Contract, including proposing in accordance with HAR Section 16-77-4, and carrying out contracts consistent with the laws of the State of Hawai‘i. 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 contract license. Out-of-state contractors shall comply with HAR Section 16-77-89, requiring a place of business in the State.

6.11 JOINT VENTURES; PARTNERSHIPS

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

6.12 SUBCONTRACTING

All Subcontractors are subject to pre-approval by HART.

6.13 ROLE OF HART

In the context of the DFIM Contract, HART is responsible for the following:

- A) Overall program administration;
- B) Contract procurement and administration;
- C) Quality Assurance oversight;
- D) Due diligence information and data;
- E) Review and comment, final acceptance and payment for satisfactory Work performed; and
- F) DFIM Contract and DFIM Contractor media relations oversight.

6.14 ORGANIZATIONAL CONFLICT OF INTEREST AND NON-DISCLOSURE REQUIREMENTS

- A) Each of the following circumstances will be deemed an organizational conflict of interest and the affected Offerors will be deemed non-responsive:
 - 1) Participation by Persons on more than one Offeror’s team performing more than fifteen percent (15%) of the design, or as a Subcontractor responsible for performing more than twenty percent (20%) of the construction; or
 - 2) Participation of an Affiliate of any Person identified in subsection (1) above on another Offeror’s team.
- B) All Offerors affected by the organizational conflict of interest will be deemed non-responsive, even if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above;
- C) A contractor (at any tier) who is paid for developing or preparing specifications or work statements in the development of a solicitation package or any resulting contract is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and Hawai‘i Administrative Rules §3-122-13(e);
- D) It is a requirement of HART that Offeror’s organization, including Principal Participants

and specialized Subcontractors, identified in the Qualifications Proposal remain intact for the duration of the procurement process and during the term of the Contract, unless otherwise approved in writing by HART. An Offeror may propose substitutions for participants after the Qualifications Proposal submittal; however, such changes will require written approval by HART, and approval may be granted or withheld at HART's sole discretion. Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Technical and Price Proposals; and

- E) Non-Disclosure: The Offeror may be given access to records, which are confidential under state laws, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or Subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

6.15 PROTESTS

Protests shall follow the procedures set forth in the Procurement Code, including HRS §§ 103D-303, 103D-701, and HAR §3-122-60.

7.0 PREPARATION OF QUALIFICATIONS PROPOSALS (RFP PART 1)

7.1 NON-DISCLOSURE OF DESIGNATED TRADE SECRETS OR PROPRIETARY INFORMATION

In accordance with HAR §3-122-46, Offerors shall designate in writing on each affected page those portions of the unpriced Proposal that contain trade secrets or other proprietary data that are to remain confidential, subject to HAR §3-122-58; that material designated as confidential must be readily separable from the Proposal to facilitate inspection of the non-confidential portion of the Proposal. Designation of the entire Proposal as confidential will not be acceptable.

7.2 AUTHORIZATION OF QUALIFICATIONS PROPOSALS

Each Proposal shall be signed in ink by a person authorized to act for the Offeror submitting the Proposal. Evidence of the signer's authority to act on behalf of the Offeror shall be submitted with the Proposal.

7.3 QUALIFICATIONS PROPOSAL CONTENT

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

The Offeror shall respond to all requirements of this Solicitation clearly and completely, and the Qualifications Proposal should not require additional explanation, clarification, or interpretation. Offerors who fail to respond adequately may be determined to be "unacceptable" and not eligible to be considered for the Priority List.

Up to five (5) of the highest-ranked Offerors from the Qualifications evaluation will be included on the Priority List. Only those Offerors included on the Priority List will be provided with the RFP Part 2 documents and be asked to provide Technical and Price Proposals.

HART may:

- A) Reject any or all Offers if such action is in the public interest;
- B) Accept other than the lowest Offer; and
- C) Waive informalities and minor irregularities in Offers received.

7.4 SUBMITTAL REQUIREMENTS

7.4.1 Date and Time of Receipt

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

7.4.2 Submittal Address

Qualifications Proposals shall be delivered to the following address:

HART Executive Director and CEO
RFP-HRT-547415
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813

It is the responsibility of the Offeror to ensure that the Proposal is received on or before the time specified for receipt of Proposals (see Section 6.4).

7.5 PAGE LIMIT, FORMAT, AND QUANTITIES

The Qualifications Proposal will be limited to no more than fifty (50) pages in Sections 1 through 5 (see Exhibit 2), including required forms, but exclusive of dividers and appendices. Single sided pages shall be used except for pre-printed information. One original and nine (9) copies of the Qualifications Proposals and appendices shall be provided. The signed original copy shall be identified as the original on the cover(s) and marked as “Copy 1 of 10 Copies.” All copies shall be provided in loose-leaf binders. Bound copies will not be accepted. Each copy shall be identified on the cover(s) as “Copy # of 10 Copies.” The document must be organized to correspond with the format outline presented in Exhibit 2.

Provide two (2) electronic copies on CD of the Qualifications Proposal in “pdf” searchable format. Do not include company brochures or other marketing materials on the CD.

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

Qualifications Proposals shall be signed in ink by the person being proposed to bind the Offeror.

7.6 CONTENT OF QUALIFICATIONS PROPOSAL

This section describes the specific information that must be included in the Qualifications Proposal. An outline of the required format for the Qualifications Proposal is provided in Exhibit 2. Required forms for the Qualifications Proposal are contained in the Exhibits. Any material modification to the forms may result in the Qualifications Proposal being deemed non-responsive.

Offerors should provide brief, concise information that addresses the objectives and the requirements of the DFIM Contract consistent with the evaluation criteria described in Sections 7.6.4 through 7.6.8. Lengthy narratives containing extraneous information are discouraged.

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

7.6.1 Organization of Qualifications Proposal

The outline format presented in this section will be followed for preparing the Qualifications Proposals. Specific content requirements for each section of the Qualifications Proposal are described in detail in Sections 7.6.2 through 7.6.8. Exhibit 2 should be used as a high-overview organizational checklist only when putting the Offeror’s Qualifications Proposal together. The format below has been created to facilitate responses to the RFP Part 1 solicitation and to facilitate HART’s evaluation and Priority List process.

- A) The Qualifications Proposal will be packaged into a cover letter, five (5) separate sections and three appendices:
 - 1) Section 1 – Organizational Eligibility;
 - 2) Section 2 – Experience of the Offeror and Principal Participants;

- 3) Section 3 – DFIM Contract Understanding;
 - 4) Section 4 – Team Organizational Structure;
 - 5) Section 5 – Financial;
 - 6) Appendix A – Organizational Structure Documents;
 - 7) Appendix B – Company Brochures; and
 - 8) Appendix C – Awards, Citations, and Commendations.
- B) The sections and appendices will consist of loose-leaf pages. The five (5) sections will be placed together in one 3-ring binder and the three appendices will be placed together in a separate 3-ring binder.
- C) Qualifications Proposals will become the property of HART. Copies of each Qualifications Proposal will be retained after the Qualifications Proposal evaluation process for the DFIM Contract files.

7.6.2 Proposal Letter and Proposal Form

The Offeror shall provide a one- or two-page letter indicating its desire to be considered for the DFIM Contract and stating the official names and roles of all Principal Participants, subconsultants and Subcontractors, and specialty Subcontractors. The Offeror shall identify a single point of contact for the Offeror and the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror’s organization shall sign the letter. Attach Exhibit 3 and Exhibit 4 to the Proposal Letter.

7.6.3 Responsiveness and Evaluation Criteria Objectives and Requirements

In providing the Qualifications Proposal, Offerors should be guided by the DFIM Contract goals, as identified in Section 4.3, and the objectives listed in Sections 7.6.4 through 7.6.8. An objective is stated for each evaluation criteria to provide Offerors the expectations of HART. The requirements for each evaluation criteria and the information to be submitted are listed and described in detail. The Qualifications Proposal evaluation scores and the ranking will be based on the responsiveness of the Qualifications Proposal to the requirements of the DFIM Contract goals and the objectives for each of the evaluation criteria.

7.6.4 Organizational Eligibility (Section 1)

- A) Objective:
- 1) To identify legally constituted Offerors able to submit Technical and Price Proposals (RFP Part 2) and enter into the DFIM Contract;
 - 2) Identify Offerors who meet all of the licensing requirements to perform the Work; and
 - 3) Identify Offerors with design and construction experience on projects with similar scope.
- B) Requirements and information to be provided in Section 1 of the Qualifications Proposal:
- 1) Submit Offeror’s Organization Information as identified on Exhibit 5;
 - 2) If a Partnership or Corporation submit Exhibit 6;
 - 3) Submit Principal Participant certification on Exhibit 7, for each Principal Participant covering the last five (5) years; and
 - 4) Indicate in Exhibit 8 segmental design and construction experience.

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- C) If a Joint Venture, Limited Liability Company, or Partnership:
- 1) Identity of the lead Principal Participant of the entity, if any;
 - 2) Indicate the equity share percentage held by each member;
 - 3) Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
 - 4) Identify full details of the organization structure and provide in Appendix A to the Qualifications Proposal supporting organization/information documents, including a copy, as applicable of the JV agreement, LLC operating agreement, or partnership agreement. The copy of the applicable agreement is not counted toward the page count limitation.
- D) Requirements and information to be provided in Appendix A to the Qualifications Proposal:
- 1) Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign for that Principal Participant;
 - 2) Notarized Power(s) of Attorney from each Principal Participant indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
 - 3) Alternatively, in lieu of the Powers of Attorney required in Sections 7.6.4 (D) (1) and (2), the Offeror may submit certified, original corporate resolutions from each Principal Participant and the Offeror (as appropriate) indicating the authority of the Principal Participant's and/or Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the authorized officer of the corporation and contain a corporate seal or notarization.

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

- A) Objective:
- 1) To identify the best design and construction firms available with demonstrated experience and expertise in, capacity for, and record of producing quality Work on projects similar in nature to the DFIM Contract;
 - 2) To identify Offerors that have the following:
 - a) Experience in successfully managing, designing, and constructing projects of similar size, scope, and nature of this DFIM Contract;
 - b) Superior records of completing contracts on time and within budget;
 - c) Records of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration; and
 - d) Good safety records.
 - 3) To identify Offerors who will effectively manage all aspects of the DFIM 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;
 - 4) To identify Offerors that have the technical and management experience and

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- expertise to plan, organize, and execute the design and construction and ensure the quality and safety of the DFIM Contract; and
- 5) To identify Offerors with firms or personnel currently engaged in or with a history of legal and financial problems that could adversely impact the DFIM Contract generally.
- B) Requirements and information to be provided in Section 2 of the Qualifications Proposal:
- 1) **Experience:** Provide the past project information requested in Exhibit 8. Provide no more than fifteen (15) past project descriptions highlighting experience in the last five (5) years relevant to the DFIM Contract. At least five (5) of these projects should have involved public transit stations. The project descriptions shall be comprised of two (2) past projects per each Principal Participant and the Designer. Additional project descriptions from the QC engineering firm and any specialty Subcontractors shall be submitted. Provide a description of those projects having scope comparable to that anticipated for the DFIM Contract;
 - 2) **Subcontractor Information:** Provide the information requested in Exhibit 9. Except for the designated Designer and QC engineering firm, identify Subcontractors and subconsultants the Offeror plans to use, to the extent they are known, indicating what portion of the Work such Subcontractor or subconsultant is anticipated to undertake. Submit maximum one-page summary of experience for each listed Subcontractor or subconsultant;
 - 3) **Past Performance:** Provide the information requested in Exhibit 10 for the Offeror and each Principal Participant and the Designer. 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 C and will not count toward the page limit;
 - 4) **Safety:** Provide detailed safety record information for each Principal Participant as requested in Exhibit 11; and
 - 5) Company brochures may be included as information in Appendix B and will not be evaluated nor count toward the page limit.

7.6.6 DFIM Contract Understanding (Section 3)

- A) Objective:
- 1) To identify those Offerors demonstrating an understanding of the management, technical, and maintenance of equipment issues and risks associated with the DFIM Contract; and
 - 2) To identify those Offerors demonstrating an understanding of how the Offeror's organization will contribute to the success of the DFIM Contract and meet HART's DFIM Contract goals, demonstrating an understanding of the risk sharing and the teaming relationship between the DFIM Contractor and HART.
- B) Requirements and information to be provided in Section 3 of the Qualifications Proposal:

Elevators & Escalators DFIM Contract

- 1) List and briefly describe the ten (10) most significant issues and risks (e.g., management, technical, and maintenance of equipment) facing the selected Offeror and/or HART, and the benefits and responsibilities associated with a DFIM Contract;
- 2) Briefly describe how the Offeror will use its organization, key personnel availability and expertise to ensure a successful DFIM Contract (considering HART's DFIM Contract goals);
- 3) Offeror's unique approach to identifying and implementing DFIM Contract requirements (HART and FTA); and
- 4) Briefly describe how the Offeror will deal with the unique logistical challenges and the limited local resources—both materials and labor, posed by the location of the DFIM Contract.

7.6.7 Team Organizational Structure (Section 4)

- A) Objective:
 - 1) To identify Offerors with a project organizational structure that accounts for all activities that are necessary to complete the DFIM Contract successfully;
 - 2) To identify the Offerors' single point of contact for the DFIM Contract; and
 - 3) To identify Offerors with the required technical and management experience and expertise to plan, organize, execute the design and construction, and ensure the quality and safety of the DFIM Contract.
- B) Requirements and information to be provided in Section 4 of the Qualifications Proposal:
 - 1) An organizational chart identifying participating firms responsible for major functions to be performed in designing, constructing, and providing construction QA and PI services for the Offeror's organization. All Principal Participants, the Designer, QC engineering firm, and known Subcontractors and subconsultants must be identified on the chart. Provide a brief description of the significant functional relationships among these firms. The critical support elements of DFIM Contract management, contract administration, construction management, design management, and QC shall be identified.

7.6.8 Financial Capacity (Section 5)

- A) Objective:

To identify Offerors with demonstrated capability to undertake the financial responsibilities associated with a projected \$45 – \$60 Million DFIM Contract (whether locally or federally funded), including bonding and guaranty requirements.
- B) Requirements and information to be provided in Section 5 of the Qualifications Proposal:
 - 1) The Qualifications Proposal shall include the following information separately for each entity specified. If an Offeror or Principal Participant (or a member of a joint venture that is a Principal Participant) is privately held or owned and it wishes to protect its financial information from disclosure, it must mark its financial information as confidential and justify such designation per the requirements of Section 7.1. All financial figures shall be expressed in US dollars. Indicate exchange rates used, if applicable:
 - a) Submit complete financial statements for the last three (3) fiscal years (and the semi-annual report, if available) for the Offeror and each

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Principal Participant and Guarantor, audited by an independent certified public accountant, or equivalent. Provide a letter from each of the entity's independent auditors identifying all off-balance sheet liabilities; if none, so state. Provide English translations, where appropriate. Complete financial statements do not count toward the page count limitation.

- b) Submit copies of the three (3) most recent annual reports for the Offeror and each Principal Participant and Guarantor to the extent such reports are available. Provide English translations, where appropriate. Annual reports do not count toward the page count limitation.
- c) Provide a statement indicating any change in owner/stockholder equity within the past three (3) years. Provide English translations, where appropriate.
- d) Provide a letter of interest from one (1) or more Guarantors or third party financial institutions (or describe alternative sources of financing) indicating the Offeror's capacity to obtain financing to cover costs incurred, including pending resolution of potential contract modifications, Offeror's cost overruns or other unforeseen circumstances. This is not a requirement to provide financing for the Project.
- e) To demonstrate the financial capacity of each Offeror and its Principal Participants to successfully complete the Contract, provide information indicating the liquid net assets of each Principal Participant and any Guarantor. See Exhibit 12. Table A below reflects the minimum liquid net assets levels necessary to pass the Responsive/Non-Responsive criteria of Section 8.2.1 and to receive at least forty-one percent (41%) of available points for this criterion. Higher liquid net asset levels will likely result in higher ratings. If a Principal Participant is itself a joint venture, the liquid net assets is the sum of the liquid net assets of the members of that joint venture. The Offeror shall submit an Exhibit 12 for each of the members of a joint venture that make up an individual Principal Participant.

Table A	
Combined Liquid Net Assets of Offeror (Sum of all Principal Participants in Offeror's Organization)	Liquid Net Assets of Individual Principal Participant(s) in Offeror's Organization
US\$ 100 million	US\$ 25 million

- f) In the event that the Offeror does not meet minimum values in Table A, a written commitment from parent companies or third parties to provide guarantees of the Offeror's obligations may be used to satisfy such criteria. If such an Offeror is a joint venture, or if any Principal Participant is a joint venture, the Offeror shall submit parent company guarantees for each of the members of a joint venture that make up an individual Principal Participant and Exhibit 12 for each parent company of the members of such a joint venture. Submit Exhibit 13.
- g) Discuss any material change in the financial condition over the past three

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(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.

- 2) Provide a letter from a surety or insurance company(s) indicating that the Offeror is capable of obtaining bid security, performance, and payment bonds covering the DFIM Contract.
 - a) The bonding/security capacity levels in Table B represent minimum levels necessary to pass requirements;
 - b) The surety or insurance company submitting such letter must be rated AA-/Aa3 by two (2) nationally recognized rating agencies or at least A-X by A.M. Best and Company, and be listed on US Treasury Department Circular 570;
 - c) The letter must specifically state that the surety/insurance company(s) has evaluated the team's backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team's amount of current backlog and utilized bonding capacity; and
 - d) Letters indicating "unlimited" bonding/security capability are not acceptable.

Table B Bonding Capacity Levels		
Bid Security	Payment Bond/Security	Performance Bond/Security
5% of proposed DFIM Contract amount	100% of proposed Construction amount	100% of proposed Construction amount

7.7 AGENCY INVOLVEMENT

HART will be the lead agency for this DFIM Contract. Other agencies may be involved in a resource and review capacity.

7.8 ACCEPTANCE OF TERMS AND CONDITIONS

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

7.9 REVIEW OF RFP

It is the responsibility of all Offerors to examine the entire RFP Part 1 and to seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a Proposal. Negligence in preparing a Proposal confers no right of withdrawal after due date and time.

7.10 NO REIMBURSEMENT

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

7.11 USE AND POSSESSION OF PROPOSAL

HART reserves the right to use any or all ideas presented in the Proposal. Selection or rejection of the Proposal does not affect this right. All materials submitted that have not been clearly designated as

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proprietary become the property of HART and may be returned only at HART's discretion.

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

8.1 OVERVIEW

The RFP is structured in two (2) parts. The objective of Part 1 is to create a Priority List of the most highly qualified Offerors with the general (technical, financial, and management) capability, capacity and experience necessary to successfully undertake and complete the Work. The DFIM Contractor will have primary responsibility to plan, design, manage, and control the DFIM Contract in order to complete the Work on or ahead of schedule and within budget.

8.2 EVALUATION CRITERIA

HART has identified the following Evaluation Criteria. All Evaluation Criteria must be addressed in the Offeror’s Qualifications Proposal in order for HART to deem the Qualifications Proposal to be acceptable or potentially acceptable. Any Qualifications Proposal that does not include complete responses to all of the Evaluation Criteria will result in the Qualifications Proposal being scored down or deemed to be non-responsive, at the sole discretion of HART. All responsible Offerors who submit acceptable or potentially acceptable Qualifications Proposals are eligible for inclusion on the Priority List. If more than five (5) acceptable or potentially acceptable Qualifications Proposals have been submitted, the Priority List will be limited through evaluation and ranking to no more than five (5) Offerors who submitted the highest-ranked Qualifications Proposals.

Detailed Evaluation Criteria Objectives and Requirements are found in Section 7.6 above.

8.2.1 Responsive/Non-Responsive Criteria

Evaluation Criteria (A-C) below are considered to be a responsiveness check and will not be scored. Proposals that are deemed to be non-responsive will not be considered for the Priority List and will not be further evaluated.

- A) Proposal Responsiveness (Responsive or Non-Responsive).** The Offeror submits all information requested in the RFP substantially in the specified format.
- B) Organizational Eligibility (Responsive or Non-Responsive).** The Offeror shows evidence that its organization has the legal ability to enter into and perform the Contract to design and build the DFIM Contract, has complied with state licensing requirements, has clearly identified all Principal Participants, and indicated design and installation experience with elevators and escalators in similar locations and conditions. Offeror shall certify that neither it nor any of its Subcontractors or vendors is listed in the “Lists of Parties Excluded from Federal Procurement or Non-Procurement Program,” and that they are FTA compliant.
- C) Bonding and Liquid Net Assets (Responsive or Non-Responsive).** The Offeror shows evidence of its ability to provide required bonds. The Offeror shows evidence of its ability to meet the minimum Liquid Net Assets specified in Section 7.6.8, subparagraph B, subsection 1e, or satisfies such criteria as described in subsections 1d and 1f.

8.2.2 Evaluation Criteria

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

- A) Experience of the Offeror and Principal Participants (60 Points).** The Offeror and all Principal Participants demonstrate experience relevant to the size, complexity and

composition of the anticipated DFIM Contract and their stated roles on the DFIM Contract. The experience demonstrated by the Offeror and the Principal Participants shows design, installation and maintenance experience for elevators and escalators in similar usage and conditions. The Offeror through its past experience demonstrates the ability to mobilize and provide resources which would enable the construction to be completed on schedule. The Offeror and the Principal Participants have provided complete contact information for references for each projects cited. The Offeror and the Principal Participants have provided dates or performance for each project cited. The Offeror and the Principal Participants have provided initial contract value and final contract value (or final projection) for each project cited. The Offeror and the Principal Participants have provided an explanation for the difference between initial contract value and final contract value for each project cited.

The Offeror and the Principal Participants demonstrate an acceptable record of performance, including completion schedule, quality of work product, completion within budget, claims history, record of terminations for cause and defaults, disciplinary action (including suspension), safety record, client references, and awards, citations, and commendations.

- B) DFIM Contract Understanding (35 Points).** The Offeror demonstrates knowledge and understanding of specific DFIM Contract issues and risks, as well as the issues, benefits, and responsibilities associated with design-build contracts; provides an explanation of how the Offeror will ensure success of the Work and this DFIM Contract; and provides the Offeror's unique approach to identifying and implementing DFIM Contract requirements (as well as meeting or exceeding the DFIM Contract schedule).
- C) Team Organizational Structure (25 Points).** The Offeror demonstrates a project organizational structure that accounts for all of the necessary activities, particularly including Quality Control/Quality Assurance, Project Control, Document Control and Interface Management with other related projects. It is acceptable to provide separate organization structures for different project phases. The Offeror shows a single point of contact for the Offeror and shows technical and management experience and expertise to plan, organize, execute the design and construction, and ensure the quality and safety of the DFIM Contract.
- D) Financial (10 Points).** The Offeror shows acceptable guaranties (if required) and can meet other financial requirements of undertaking and completing the Work.

8.3 EVALUATION OF QUALIFICATIONS PROPOSALS

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

8.4 PRIORITY LIST

In accordance with HAR §3-122-53, a Priority List will be established consisting of up to five (5) Offerors. If more than five (5) 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.

Only prospective Offerors that are capable of completing this DFIM Contract in its entirety will be eligible for the Priority List.

Following the HAR, Title 3, Subtitle 11, Chapter 122, Subchapter 6, HART will not publicly identify the

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Priority-Listed firms eligible to participate in Part 2 of the procurement process until after award of the Contract.

9.0 PROCUREMENT PROCESSES FOR THE RFP PART 2

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

9.1 ISSUANCE OF RFP PART 2

The RFP Part 2 will be issued to the Priority-Listed Offerors on the date shown in Section 6.2 above or as amended by way of an addendum.

9.2 STANDARD SPECIFICATIONS

The Standard Specifications for the Project will be included in the RFP Part 2.

9.3 INQUIRIES REGARDING RFP PART 2

Inquiries will be handled in accordance with RFP Part 2.

9.4 TECHNICAL AND PRICE PROPOSALS

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

9.5 TECHNICAL AND PRICE PROPOSAL-ACCEPTANCE PERIOD

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

9.6 APPLICABLE TAXES

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

9.7 INDEPENDENT PRICE DETERMINATION

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

9.8 BID SECURITY; PERFORMANCE AND PAYMENT BONDS

Priority-Listed Offerors will be required to submit with their Technical and Price Proposal a security deposit or bond in the amount at least five percent (5%) of the total offer. The successful DFIM Contractor will be required to submit with execution of the Contract agreement, bonds for performance and payment in the amounts indicated in RFP Part 2.

- A) If an Offeror fails to accompany its Price Proposal with the bid security deposit or bond, the Technical and Price Proposal will be deemed non-responsive in accordance with the definition of "responsive Offeror," except as provided by subsection (B) [HAR §3-122-223].
- B) If a Price Proposal does not comply with the bid 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 nonsubstantial where:

- 1) Only one Proposal is received and there is insufficient time to resubmit Proposals for the Contract;
 - 2) The amount of the bid security deposit submitted, although less than the amount required by the RFP, 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 reprocurring the DFIM Contract resulting from the failure of the bonded 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 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 submission of the proper performance and payment bonds by the successful DFIM Contractor, after which time the bid deposits of the remaining Offerors will be returned.

9.9 EVALUATION OF TECHNICAL AND PRICE PROPOSALS

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

9.10 DISCUSSIONS WITH OFFERORS

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

9.11 BEST AND FINAL OFFERS

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

9.12 AWARD OF CONTRACT

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

9.13 CONTRACT TYPE

The Contract will be a fixed price, lump sum Design-Furnish-Install-Maintain Contract.

9.14 PROPOSAL STIPEND

HART does not intend to provide a stipend for Offerors on the Priority List that submit a responsive and responsible Technical and Price Proposal and that are not awarded the Design-Build Contract.

9.15 PAYMENT AND RETAINAGE

In accordance with HRS Sections §103-32.1 and §103-32.2, the Contract will provide for periodic payments with retention as set forth in the Contract.

9.16 CONTRACT NOT BINDING UNLESS FUNDS AVAILABLE

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

Contract.

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

The Contract will include, in part, certain Standard Terms and Conditions required by FTA, whether or not expressly set forth in the Contract provisions. All contractual provisions required by FTA, as set forth in FTA Circular 4220.1F, dated November 1, 2008 (including any changes), will be incorporated by reference. Anything to the contrary notwithstanding, all FTA mandated terms will be deemed to control in the event of a conflict with other provisions contained in the Contract. The DFIM Contractor shall not perform any act, fail to perform any act, or refuse to comply with any City requests which would cause City to be in violation of the FTA terms and conditions. The Contract will be subject to any financial assistance agreement between City and the FTA and all laws, regulations, guidelines, and provisions of the financial assistance agreement will apply to the Contract and will be incorporated by reference as if fully set forth.

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

9.18 INSURANCE

The successful Offeror shall provide the insurance policies and coverage as will be detailed in the RFP Part 2.

9.19 EXECUTION OF CONTRACT AND BONDS

Upon award of a Contract, the DFIM Contractor will cause the Contract and any required bonds to be executed.

9.20 COMMENCEMENT OF WORK

Work will not commence until a Contract has been executed and availability of funds has been certified by the Chief Procurement Officer and written NTPs issued. HART intends to issue multiple NTPs for various activities of the DFIM Contract.

9.21 DEBRIEFING

The purpose of a debriefing is to inform the nonselected Offerors of the basis for the source selection decision and Contract Award.

A written request for a debriefing shall be submitted within three (3) Working Days after the posting of the Award of the Contract.

Debriefing shall be held by the Chief Procurement Officer to the maximum extent practicable within seven (7) Working Days, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

A protest by a requestor submitted pursuant to Section 103D-701, HRS, following a debriefing must be filed within five (5) Working Days, as specified in Section 103D-303(h), HRS.

9.22 AUTHORITY TO DEBAR OR SUSPEND

The Chief Procurement Officer, in accordance with the provisions of Section 103D-702, HRS, and HAR Title 3, Subtitle 11, Chapter 126, Subchapter 2, may debar or suspend a Person for cause from consideration for award of contracts. In accordance with the Budget and Fiscal Services Policy and Procedures Manual, Index 01.10, the Chief Procurement Officer will, prior to Award of the Contract, initiate debarment proceedings against any Offeror who is currently debarred by the Federal Government as listed in the “Lists of Parties Excluded from Federal Procurement or Non-procurement Program” (see Section 4.9).