

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

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

**NOTICE OF ADDENDUM NO. 7
TO THE
REQUEST FOR PROPOSALS**

NO. RFP-HRT- 547415

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
1099 ALAKEA STREET, SUITE 1700
HONOLULU, HAWAII 96813
transitmailbox@honolulu.gov**

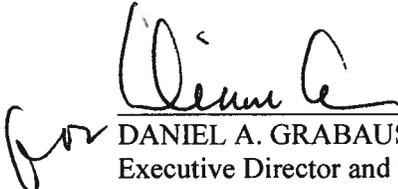
Honolulu Rail Transit Project

**NOTICE OF ADDENDUM 7
TO THE
REQUEST FOR PROPOSALS
FOR
ELEVATORS & ESCALATORS DESIGN-FURNISH-INSTALL-MAINTAIN CONTRACT
HONOLULU RAIL TRANSIT PROJECT
REQUEST FOR PROPOSAL NO. RFP-HRT-547415
HONOLULU AUTHORITY FOR RAPID TRANSPORTATION (HART)**

INSTRUCTIONS TO PRIORITY-LISTED OFFERORS

This Solicitation is being conducted in two parts. SEALED PROPOSALS responding to Part 2 will be accepted up to 2:00 p.m. Hawai'i Standard Time (HST) on February 8, 2013, addressed to the HART Executive Director and CEO, Honolulu Authority for Rapid Transportation, 1099 Alakea Street, Suite 1700, Honolulu, Hawai'i 96813.

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.

 12/18/12

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

**INSTRUCTIONS TO PRIORITY-LISTED OFFERORS
TABLE OF CONTENTS**

1.0 GENERAL OVERVIEW 1

1.1 PROCUREMENT SCHEDULE 1

 1.1.1 Schedule 1

 1.1.2 Proposal Due Date 1

1.2 SCOPE OF WORK 2

1.3 REQUEST FOR PROPOSALS PART 2 2

 1.3.1 Documents in the RFP Part 2 2

 1.3.2 Technical Proposal 2

 1.3.3 Price Proposal 2

 1.3.4 Required Exhibits 2

 1.3.5 Property of HART 2

 1.3.6 Errors 2

 1.3.7 Cancellation of Solicitations and Rejection of Offers 2

1.4 INFORMATIONAL MEETINGS 2

 1.4.1 Attendees 3

 1.4.2 Questions and Responses 3

1.5 IMPROPER CONDUCT 3

 1.5.1 Prohibited Activities 3

 1.5.2 Non-Collusion Affidavit (Exhibit 9) 3

1.6 LANGUAGE REQUIREMENT 3

1.7 CERTIFICATE OF VENDOR COMPLIANCE 3

1.8 CHANGES TO THE PRIORITY-LISTED OFFEROR’S ORGANIZATION 3

1.9 INELIGIBLE FIRMS 4

1.10 PROTESTS 4

1.11 HART’S RIGHTS AND DISCLAIMERS 4

 1.11.1 HART’s Rights 4

 1.11.2 HART Disclaimers 5

2.0 PROCUREMENT PROCESS RFP PART 2 7

2.1 METHOD OF PROCUREMENT 7

2.2 RECEIPT OF THE RFP PART 2 DOCUMENTS AND OTHER INFORMATION 7

 2.2.1 HART Designated Point of Contact 7

 2.2.2 Rules of Contact 7

2.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS 8

2.4 ADDENDA AND RESPONSES TO QUESTIONS 8

 2.4.1 Addenda 8

 2.4.2 Correspondence and Information 8

 2.4.3 Responses to Questions 8

 2.4.4 Date for Issuance of Final Addendum and Responses to Questions 8

2.5 COMPLIANT PROPOSAL 8

2.6 CONFIDENTIAL PROPRIETARY PROCESS 9

2.7 PROPOSAL OWNERSHIP 10

2.8 [NOT USED] 10

2.9 [NOT USED] 10

2.10 SUBMISSION OF PROPOSALS 10

 2.10.1 Submission of a Proposal 10

 2.10.2 Modifications to or Withdrawal of a Proposal 10

 2.10.3 Late Proposals 10

 2.10.4 Public Inspection 10

2.11 EXAMINATION OF RFP PART 2 AND WORK SITE 11

Honolulu Rail Transit Project

3.0	PROPOSAL REQUIREMENTS	12
3.1	LICENSE AND PERMIT REQUIREMENT	12
3.2	CURRENCY	12
3.3	BID SECURITY (SECURITY DEPOSIT); PERFORMANCE AND PAYMENT BONDS	12
3.3.1	Rights Reserved and Proposal Validity Period	12
3.4	ESCROWED PROPOSAL DOCUMENTS (EPD)	13
3.4.1	Delivery of EPDs	13
3.4.2	Review of EPDs	13
3.4.3	Return of EPDs	13
3.4.4	HART's Acknowledgment	14
3.5	SIGNATURES REQUIRED	14
3.6	NUMBERS OF DOCUMENTS	14
3.6.1	Bid Security	14
3.6.2	Technical Proposal	14
3.6.3	Price Proposal	14
3.6.4	Cost of Preparing Proposal	14
3.6.5	Obligation to Award	14
3.6.6	Additional Submittals Prior to DFIM Contract Award	14
3.7	RESOURCE AVAILABILITY	14
4.0	TECHNICAL PROPOSAL INSTRUCTIONS	16
4.1	GENERAL INSTRUCTIONS	16
4.2	ORGANIZATIONAL AND FINANCIAL INFORMATION	17
4.2.1	Organizational Information for Volume 1 of the Technical Proposal	17
4.2.2	Organizational Information for Appendix A to the Technical Proposal	17
4.2.2.1	Notarized Power(s) of Attorney	17
4.2.2.2	Non-Collusion Affidavit	17
4.2.2.3	Organizational Documents	17
4.2.2.4	Certificate Regarding Ineligible Contractors (Exhibit 10)	18
4.2.3	Financial information for Appendix A to the Technical Proposal	18
4.2.3.1	Letter of Commitment of Surety	18
4.2.3.2	Surety Financial Requirements	18
4.3	PROPOSAL RESPONSIVENESS (RESPONSIVE OR NON-RESPONSIVE)	18
4.4	MANAGEMENT APPROACH INFORMATION	18
4.4.1	Management Approach Information for Volume 2 of the Technical Proposal	18
4.4.1.1	Organization	18
4.4.1.2	Construction Management	19
4.4.1.3	Quality Management	19
4.4.1.4	Safety & Security	19
4.5	TECHNICAL SOLUTIONS INFORMATION	19
4.5.1	Technical Solutions Information for Volume 3 of the Technical Proposal	20
4.5.1.1	Project Interface	20
4.5.2	Maintenance Information for Volume 3 of the Technical Proposal	20
4.5.2.1	Comprehensive Maintenance Plan	20
4.5.2.2	Maintenance Staffing Plan	20
4.6	SCHEDULE AND TIME INFORMATION	20
4.6.1	Schedule and Time information for Volume 4 of the Technical Proposal	20
4.6.1.1	Proposed Completion Time	20
4.6.1.2	Proposed Baseline Schedule	21
4.7	KEY PERSONNEL AND EXPERIENCE INFORMATION	22
4.7.1	Key Personnel and Experience Information for Volume 5 of the Technical Proposal	22
4.7.2	Key Personnel and Experience Information for Appendix A to the Technical Proposal	22

Honolulu Rail Transit Project

4.8	FORMAT AND ORGANIZATION OF THE TECHNICAL PROPOSAL.....	22
5.0	PRICE PROPOSAL INSTRUCTIONS	25
5.1	PROPOSAL PRICE SUBMITTAL	25
5.2	SCHEDULE OF PRICES (EXHIBIT 16).....	25
5.2.1	Preliminaries and General Requirements (Exhibit 16a)	26
5.2.2	Project-Wide Engineering & Design Activities (Exhibit 16b)	27
5.2.3	Proposal Periodic Payment Schedule (Exhibit 18).....	27
5.2.3.1	General Requirements	27
5.2.3.2	Developing the PPS-P.....	27
5.2.4	Price Item Descriptions (Exhibit 20)	27
5.2.5	Bid Security	27
5.3	ESCROWED PROPOSAL DOCUMENTS	27
5.4	SUPPLEMENTAL PRICING INFORMATION	28
5.5	FORMAT FOR SUBMITTAL OF PRICING DOCUMENTS	28
5.5.1	Price Proposal	28
5.5.2	Supplemental Pricing Information.....	28
6.0	PROPOSAL EVALUATIONS.....	30
6.1	EVALUATION FACTORS AND CRITERIA	30
6.1.1	“Responsive/Non-Responsive” Criteria	30
6.1.1.1	Legal	30
6.1.1.2	Financial	30
6.1.1.3	Responsiveness to RFP Requirements.....	30
6.1.2	Quality Criteria	31
6.1.2.1	Management Approach (300 available points).....	31
6.1.2.2	Technical Solutions (600 available points).....	31
6.1.2.3	Schedule and Time (300 available points).....	31
6.1.2.4	Key Personnel and Experience (300 available points)	31
6.1.3	Price (500 available points)	32
6.2	EVALUATION SCORING.....	32
6.2.1	Communications	32
6.3	DISCUSSIONS	33
6.3.1	Purpose	33
6.3.2	Procedures	33
6.4	BEST AND FINAL OFFERS	33
6.5	SELECTION	33
6.6	BUY AMERICA ADJUSTMENT	34
6.7	DBE REQUIREMENTS	34
7.0	DFIM CONTRACT AWARD AND EXECUTION.....	35
7.1	DFIM CONTRACT AWARD	35
7.2	EXECUTION OF DFIM CONTRACT.....	35

Honolulu Rail Transit Project

EXHIBITS (PROPOSAL FORMS)

Exhibit 1	Offeror's Clarification Request
Exhibit 2	Form of Proposal
Exhibit 3	Certification Regarding Conflict of Interest
Exhibit 4	Named Subcontractors
Exhibit 5	[Not Used]
Exhibit 6	Certificate Regarding Ineligible Subcontractors
Exhibit 7a-b	Buy America Certificate
Exhibit 8	Certification Regarding Lobbying
Exhibit 9	Non-Collusion Affidavit
Exhibit 10	Ineligible Contractors
Exhibit 11	Single Point of Contact
Exhibit 12	Commitment of Resources
Exhibit 13	Design Units
Exhibit 14	Key Personnel
Exhibit 15	Price Proposal Cover Sheet
Exhibit 16	Schedule of Prices Form
Exhibit 16a-b	Schedule of Prices
Exhibit 17	Schedule of Values
Exhibit 18	Proposal Periodic Payment Schedule
Exhibit 19	Letter of Subcontract Intent
Exhibit 20	Price Item Descriptions
Exhibit 21	Escrowed Proposal Documents
Exhibit 22	Schedule of Milestones
Exhibit 23	Acknowledgement of Liquidated Damages

Honolulu Rail Transit Project

1.0 GENERAL OVERVIEW

This Addendum No. 7 to the Request for Proposals No. RFP-HRT-547415 is issued by the Honolulu Authority for Rapid Transportation (HART) in accordance with Hawai‘i Revised Statute (HRS) Section 103D-303 to seek competitive Proposals for the Elevators & Escalators Design-Furnish-Install-Maintain Contract (DFIM Contract) for the Honolulu Rail Transit Project (HRTTP). Proposals are only invited from and will only be considered from those parties who have been notified of their inclusion on the Priority List (“Priority-Listed Offerors”).

In the preparation of the Technical and Price Proposal (hereinafter referred to as the “Proposal”), Priority-Listed Offerors should address and/or consider the Project Goals identified in the Instructions to Offerors Request for Proposals (RFP) Part 1, Section 4.2. Definitions of terms can be found in Special Provisions (SP) Section SP-1.1.

1.1 PROCUREMENT SCHEDULE

1.1.1 Schedule

The following is the procurement schedule. HART reserves the right to alter these dates.

PROCUREMENT SCHEDULE (SUBJECT TO CHANGE)

RFP Part 2 Release Date	Dec 18, 2012
Informational Meetings (if applicable)	Jan 8-9, 2013
Deadline for Receipt of Clarification Requests	Jan 18, 2013
Date for Final Addendum	Jan 25, 2013
Proposal Due Date	Feb 8, 2013
Escrowed Proposal Documentation Due Date	Feb 13, 2013
Notice of Award	Mar 8, 2013
Execution of DFIM Contract	May 10, 2013
Notice to Proceed	May 17, 2013

1.1.2 Proposal Due Date

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

1.2 SCOPE OF WORK

Refer to SP-1.5, Attachment “A,” Abbreviated Scope of Work and Responsibilities Between HART and the DFIM Contractor. The Scope of Work is further detailed in the Contract Documents, attached to these Instructions. Contract Parts 6 and 7, noted below in Section 1.3.1(B), provide the Basic Project Configuration.

1.3 REQUEST FOR PROPOSALS PART 2

1.3.1 Documents in the RFP Part 2

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

- A) Instructions to Priority-Listed Offerors and Exhibits 1 – 23;
- B) Contract Documents Parts 1, 2, 3, 6, and 7;
- C) Reference Documents (if any); and
- D) Additional Documents issued by Addenda to this RFP Part 2.

1.3.2 Technical Proposal

These documents are the successful DFIM Contractor’s Technical Proposal as detailed in Section 4.8 and designated as Contract Document Part 9.

1.3.3 Price Proposal

These documents are the successful DFIM Contractor’s Price Proposal as detailed in Section 5.5 and designated as Contract Document Part 9.

1.3.4 Required Exhibits

Failure to provide a completed appropriate Buy America Certification (Exhibit 7, a) or b)) may render a Proposal to be non-responsive and may result in rejection of the entire Technical and Price Proposal.

Any failure to provide all the information and all completed Exhibits in the format specified in Sections 4.0 and 5.0 may result in HART’s rejection of the Proposal or giving it a lower score. All blank spaces in the RFP Part 2 Exhibits must be filled in as noted, and no change shall be made in the phraseology of the RFP Part 2 Exhibits or in the items mentioned therein.

1.3.5 Property of HART

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

1.3.6 Errors

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

1.3.7 Cancellation of Solicitations and Rejection of Offers

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

1.4 INFORMATIONAL MEETINGS

Honolulu Rail Transit Project

HART may hold informational meetings with individual Priority-Listed Offerors at any time prior to the specified Proposal Due Date. If individual informational meetings are offered to one (1) or more Priority-Listed Offerors, they will be offered to all Priority-Listed Offerors. Costs incurred by Priority-Listed Offerors to attend any informational meeting will not be reimbursed by HART.

1.4.1 Attendees

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

1.4.2 Questions and Responses

If any individual informational meeting is held, questions asked by any Priority-Listed Offeror where response is expected will be recorded and those questions and responses may be provided in writing to all Priority-Listed Offerors in accordance with Section 2.4.

1.5 IMPROPER CONDUCT

1.5.1 Prohibited Activities

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

1.5.2 Non-Collusion Affidavit (Exhibit 9)

The Priority-Listed Offerors shall provide, as part of the supporting information, the Non-Collusion Affidavit (Exhibit 9). (See Section 4.2.2.2.)

1.6 LANGUAGE REQUIREMENT

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

1.7 CERTIFICATE OF VENDOR COMPLIANCE

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

1.8 CHANGES TO THE PRIORITY-LISTED OFFEROR'S ORGANIZATION

If the Priority-Listed Offeror wishes to change the organization represented in its Qualifications Proposal by adding, deleting or substituting a firm, it must receive written permission to do so from HART. If a request is made to add to the organization, the Priority-Listed Offeror shall submit with its request that information specified in the RFP Part 1, including legal and financial data as well as the information for quality evaluation. If a firm is being deleted, the Priority-Listed Offeror shall submit such information as may be required by HART to show that the changed team still meets criteria set forth in RFP Part 1.

Honolulu Rail Transit Project

Any request to change the Priority-Listed Offeror's organization must be received by HART not later than **thirty (30) days** prior to the Proposal Due Date. Requests shall be delivered to the HART Designated Point of Contact as specified in Section 2.2.1.

1.9 INELIGIBLE FIRMS

The Priority-Listed Offeror is responsible to be aware of the requirements of the FTA Circular C 4220.1F, Chapter VI, paragraph 2.a(4)(h), and include a full disclosure of all potential organizational conflicts of interest in its Proposal in Exhibit 10 Certificate Regarding Ineligible Contractors. In addition, any firm that is rendered ineligible due to any state or federal action is ineligible to participate in any HART contract.

1.10 PROTESTS

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

1.11 HART'S RIGHTS AND DISCLAIMERS

1.11.1 HART's Rights

HART may investigate the qualifications of any Priority-Listed Offeror under consideration, may require confirmation of information furnished by a Priority-Listed Offeror, and may require additional evidence of qualifications to perform the Work described in this RFP Part 2. Without limiting any other rights, HART reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all Proposals;
- B) Issue a new RFP Part 2;
- C) Cancel, modify or withdraw the entire RFP Part 2;
- D) Issue Addenda, supplements and modifications to this RFP Part 2;
- E) Modify the RFP Part 2 process (with appropriate notice to Priority-Listed-Offerors by Addenda);
- F) Solicit subsequent Best and Final Offers (BAFOs) from the Priority-Listed Offerors;
- G) Appoint an Evaluation Committee and evaluation teams to review Proposals, and seek the assistance of outside technical experts in Proposal evaluation;
- H) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in Qualifications Proposals;
- I) Perform initial and periodic debarment checks;
- J) Require similar assurance measures found in ISO 9001 requirements and in FTA QA/QC Guidelines (FTA-IT-90 5001-02.1);
- K) Require pre-approval of all Subcontractors;
- L) Revise and modify, at any time before the Proposal Due Date, the criteria it will consider in evaluating Proposals and to otherwise revise or expand its evaluation methodology provided that such revisions or modifications do not significantly change the nature of the procurement. If such revisions or modifications are made, HART shall circulate an Addendum to all Priority-Listed Offerors setting forth the changes to the evaluation criteria or methodology. HART may extend the Proposal Due Date;

Honolulu Rail Transit Project

- M) Hold meetings and communications with the Priority-Listed Offerors responding to this RFP Part 2 to seek an improved understanding and evaluation of the Proposals;
- N) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the Proposals;
- O) Waive weaknesses, informalities and minor irregularities in Proposals;
- P) Disqualify any Priority-Listed Offeror that changes its organization (as represented in its Qualifications Proposal) without written HART approval;
- Q) Hold the Proposals under consideration for a maximum of one hundred eighty (180) days after the specified Proposal Due Date until the final Award is made; and/or
- R) Refuse to issue an RFP Part 2 to a prospective Priority-Listed Offeror and refuse to consider a Proposal, once submitted, or reject a Proposal if such refusal or rejection is based upon, but not limited to, the following:
 - 1) Failure on the part of a firm to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts;
 - 2) Default on the part of a firm under previous contracts;
 - 3) Unsatisfactory performance of previous work by the Priority-Listed Offeror or firm;
 - 4) Issuance of a notice of debarment or suspension under HART, State, or Federal regulations to the Priority-Listed Offeror or firm;
 - 5) Submittal by the Priority-Listed Offeror of more than one Proposal for the same Work under the Priority-Listed Offeror's own name or under a different name;
 - 6) Evidence of collusion between a prospective Priority-Listed Offeror (or any firm) and other Priority-Listed Offeror(s) (or firms) in the preparation of a Proposal, or a proposal or bid for any HART construction project;
 - 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Priority-Listed Offeror or a firm is responsible, which in the judgment of HART might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded; and/or
 - 8) Failure to submit Bid Bond as required in Section 3.3.

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

1.11.2 HART Disclaimers

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

- A) Any liability or commitment to provide tax or other revenues to assist in carrying out any and all phases of the Project; and
- B) Any obligation to reimburse a Priority-Listed Offeror for any costs it incurs under this procurement.

Honolulu Rail Transit Project

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

2.0 PROCUREMENT PROCESS RFP PART 2

2.1 METHOD OF PROCUREMENT

The DFIM Contractor will be selected based on both responsive/non-responsive criteria and a combined evaluation of price and other factors, as more fully described below in Section 6.0.

2.2 RECEIPT OF THE RFP PART 2 DOCUMENTS AND OTHER INFORMATION

The RFP Part 2 and other information may be obtained by Priority-Listed Offerors who have been notified of their inclusion on the Priority List from the person designated as HART Point of Contact in Section 2.2.1.

2.2.1 HART Designated Point of Contact

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

2.2.2 Rules of Contact

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

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

2.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

- A) **Clarification.** Priority-Listed Offerors shall carefully review this solicitation for defects and questionable matter. Comments concerning defects and questionable matter must be made in writing to the Chief Procurement Officer not later than the date listed in Section 1.1.1 as Deadline for Receipt of Clarification Requests. Exhibit 1 should be utilized for inquiry submittal. Inquiries received later than the Deadline for Receipt of Clarification Requests will not be responded to unless the Chief Procurement Officer determines that it is in the best interest of HART to respond to any inquiry submitted after the deadline.
- B) **Distribution.** HART will notify the Contact named in Offeror's Qualifications Proposal.
- C) **Amendments.** HART will issue responses to inquiries and any other corrections or amendments it deems necessary in written Addenda issued prior to the Date for Final Addendum. Additional background material or modifications to RFP requirements, where necessary, will be communicated to all Priority-Listed Offerors by written Addenda issued by HART. Addenda will be incorporated as part of the RFP. Priority-Listed Offerors should not rely on representations, statements, or explanations other than those made in this RFP or in formal written Addenda.

2.4 ADDENDA AND RESPONSES TO QUESTIONS

2.4.1 Addenda

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

2.4.2 Correspondence and Information

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

2.4.3 Responses to Questions

HART will provide written responses to questions received from Priority-Listed Offerors as specified in Section 2.4.1.

2.4.4 Date for Issuance of Final Addendum and Responses to Questions

HART does not anticipate issuing any Addenda and/or responses to questions later than the date specified in Section 1.1.1.

2.5 COMPLIANT PROPOSAL

The Priority-Listed Offeror shall submit a Proposal that provides all the information required by the RFP Part 2. If the Proposal does not fully comply with the instructions and rules contained in the RFP Part 2, it may be considered non-responsive.

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

Proposals may be considered non-responsive and may be rejected for, but not limited to, any of the following reasons:

Honolulu Rail Transit Project

- A) If the Proposal is submitted in a format other than that furnished or specified under this RFP Part 2; if it is not properly signed; if Exhibit 2 is altered except as contemplated herein; or if any part thereof is deleted from the Proposal;
- B) If the Proposal is illegible or contains any omission, erasures, alterations, or items not called for in the RFP Part 2 or contains unauthorized additions, conditional Proposals, or other unacceptable irregularities;
- C) If the Priority-Listed Offeror adds any provisions reserving the right to accept or reject an Award or to enter into the DFIM Contract following Award;
- D) If requested information deemed material by HART is not provided;
- E) If the Priority-Listed Offeror fails to sign and submit the appropriate Buy America Certification in Exhibit 7, a or b; and
- F) Any other reason HART determines the Proposal to be non-responsive.

2.6 CONFIDENTIAL PROPRIETARY PROCESS

HART will maintain a non-public process for the duration of this procurement to the extent permitted by law. Pursuant to HAR §§ 3-122-46 (9) and 3-122-58, HART shall not release to a third party, or otherwise make public, trade secret or proprietary information submitted and designated as such by a Priority-Listed Offeror as part of any Proposal, or other submission to HART or any records created during the evaluation and selection process containing such Offeror designated trade secret or proprietary information, subject to the limitations of HRS Chapter 92F.

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

- A) Specifically identify and clearly mark all trade secret, proprietary, or confidential commercial and financial information in its Proposal at the time the Proposal is submitted and include a cover sheet identifying each section and page which has been so marked. Blanket-type identification by designating whole pages or sections as containing proprietary information, trade secrets or confidential commercial and financial information shall not be permitted and shall be invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such;
- B) The material designated as confidential shall be readily separable from the Proposal in order to facilitate inspection of the nonconfidential portion of the Proposal;
- C) Include a statement with its response justifying the Priority-Listed Offeror's determination that certain records should be protected from disclosure in accordance with HRS Chapter 92F; and
- D) Defend any action seeking release of the records it believes to be protected from disclosure and indemnify, defend, and hold harmless HART, its agents, and its employees from any judgments awarded against HART in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives HART's cancellation or termination of this procurement or Award and subsequent execution of the DFIM Contract.

Unless otherwise provided by law, Offeror designated trade secrets or proprietary information provided to HART by any Priority-Listed Offeror is not subject to inspection at any time by third persons.

Honolulu Rail Transit Project

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

2.7 PROPOSAL OWNERSHIP

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

2.8 [NOT USED]

2.9 [NOT USED]

2.10 SUBMISSION OF PROPOSALS

2.10.1 Submission of a Proposal

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

- A) The Technical Proposal shall be sealed in a container clearly marked as “Technical Proposal – Elevators & Escalators DFIM Contract.” (*See* Section 4.0); and
- B) The Price Proposal shall be separately sealed within a container and clearly marked as “Price Proposal – Elevators & Escalators DFIM Contract.” (*See* Section 5.0).
- C) The Proposal shall be delivered to:

HART Executive Director and CEO
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai‘i 96813

- D) In accordance with HAR § 3-122-51, Proposals will be time-stamped upon receipt and held in a secure place by the Chief Procurement Officer until the Proposal Due Date; and
- E) Proposals will not be opened publicly, but will be opened in the presence of two or more HART officials.

2.10.2 Modifications to or Withdrawal of a Proposal

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

2.10.3 Late Proposals

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

2.10.4 Public Inspection

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

Honolulu Rail Transit Project

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

2.11 EXAMINATION OF RFP PART 2

The Priority-Listed Offeror is expected to examine carefully the complete RFP Part 2.

HART-furnished information does not abrogate the Priority-Listed Offeror's responsibility for further verifications and inquiries as are necessary in the preparation of the Proposal.

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

3.0 PROPOSAL REQUIREMENTS

3.1 LICENSE AND PERMIT REQUIREMENT

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

3.2 CURRENCY

The Price Proposal shall be in US\$ currency.

3.3 BID SECURITY (SECURITY DEPOSIT); PERFORMANCE AND PAYMENT BONDS

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

- A) If a Priority-Listed Offeror fails to accompany its Price Proposal with the security deposit, the 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 security requirements of this Section, the Proposal will be deemed non-responsive, unless the failure to comply is determined by the Chief Procurement Officer to be non-substantial where:
 - 1) Only one Proposal is received and there is insufficient time to resubmit Proposals for the DFIM Contract;
 - 2) The amount of the security deposit submitted, although less than the amount required by the RFP Part 2, is equal to or greater than the difference in the price stated in the next acceptable Proposal plus an amount to cover reasonable administrative costs and expenses, including the cost of re-procuring the DFIM Contract resulting from the failure of the bonded Priority-Listed Offeror to enter into a DFIM Contract for the Work; or
 - 3) The security deposit becomes inadequate as a result of the correction of a mistake in the Proposal or Proposal modification if the Priority-Listed Offeror increases the amount of security to required limits within the time specified by the Chief Procurement Officer. [HAR § 3-122-223].
- C) Security deposits, under subsections (A) and (B) above, of the Priority-Listed Offerors, will be retained until execution of a DFIM Contract and deposit of the proper performance and payment bonds by the successful DFIM Contractor, after which time the security deposits of the remaining Priority-Listed Offerors will be returned.

3.3.1 Rights Reserved and Proposal Validity Period

Each Priority-Listed Offeror understands and agrees, by submitting its Proposal, that HART reserves the right to reject any and all Proposals, or part of any Proposal, and that the Proposal may not be withdrawn

Honolulu Rail Transit Project

for a period of **one hundred eighty (180) days** subsequent to the Proposal Due Date, without written consent of HART.

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

The Priority-Listed Offeror understands that any material alteration of documents specified in this Section 3.3 or any of the material contained on the Bid Security (Exhibits), other than that requested, will render the Proposal non-responsive and non-compliant.

3.4 ESCROWED PROPOSAL DOCUMENTS (EPD)

3.4.1 Delivery of EPDs

Each Priority-Listed Offeror shall assemble and deliver its EPDs containing information regarding the Priority-Listed Offeror's assumptions made in calculating the Price Proposal, including assumptions regarding the scope of the Work, and meeting all requirements in SP-5.9, to a designated escrow agent.

The EPDs shall include detailed information from all Subcontractors identified in the Proposal and any other potential Subcontractors that provided data upon which the Price Proposal is based. Each Priority-Listed Offeror shall deliver its EPDs, together with two executed originals of the escrow instructions (Exhibit 21), into escrow at an escrow agent of its choosing in Honolulu, HI, not later than the Escrowed Proposal Documentation Due Date identified in Section 1.1.1. Each Priority-Listed Offeror shall deliver a third executed original of the escrow instructions, Exhibit 21, to HART at the address specified in Section 2.10.1.

3.4.2 Review of EPDs

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

HART has the right to retain a copy of the EPD index. If, following the initial organization, HART determines that the EPDs are incomplete, HART may require the Priority-Listed Offeror to supply data to make the EPDs complete. Incomplete EPDs may render the Proposal non-responsive.

Following Award of the DFIM Contract, the EPDs of the selected Priority-Listed Offeror will be available for joint review as specified in SP-5.9.

3.4.3 Return of EPDs

The EPDs submitted by unsuccessful Priority-Listed Offerors will be returned to them after the DFIM Contract has been executed and delivered, after HART rejects all of the Proposals, or after HART terminates its procurement.

3.4.4 HART's Acknowledgment

HART acknowledges that each Priority-Listed Offeror considers that the EPDs constitute trade secrets or proprietary information. This acknowledgment is based upon HART's understanding that the information contained in the EPDs is not known outside each Priority-Listed Offeror's business, is known only to a limited extent and by a limited number of employees of the Priority-Listed Offeror, is safeguarded while in the Priority-Listed Offeror's possession, and may be valuable to the Priority-Listed Offeror's business strategies, assumptions, and intended means, methods, and techniques. Except as set forth in the DFIM Contract or as required by applicable law, HART acknowledges that the EPDs will remain in the possession of the escrow agent at all times and will at no time be received by, or become the property of, HART.

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

3.5 SIGNATURES REQUIRED

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

3.6 NUMBERS OF DOCUMENTS

3.6.1 Bid Security

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

3.6.2 Technical Proposal

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

3.6.3 Price Proposal

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

3.6.4 Cost of Preparing Proposal

The cost of preparing the Proposal and any costs incurred at any time before or during the Proposal process, including costs incurred for any interviews, shall be borne by the Priority-Listed Offeror.

3.6.5 Obligation to Award

HART shall be under no obligation to award the DFIM Contract to the Priority-Listed Offeror submitting the lowest priced Proposal or to any other Priority-Listed Offeror or to award the DFIM Contract at all.

3.6.6 Additional Submittals Prior to DFIM Contract Award

Following final negotiations and prior to DFIM Contract Award the selected Priority-Listed Offeror shall submit an original and three (3) certified copies of the Final Proposal for inclusion in the DFIM Contract.

3.7 RESOURCE AVAILABILITY

Honolulu Rail Transit Project

The Priority-Listed Offeror's resources in terms of people, equipment, Material and supplies planned to be used on the DFIM Contract (if awarded to the Priority-Listed Offeror) shall be available and not also be committed to other projects. *See, Exhibit 12*.

The Priority-Listed Offeror shall affirmatively state that, if the Priority-Listed Offeror is awarded the DFIM Contract, the resources shown or indicated in the Proposal will be available, to the extent within the Priority-Listed Offeror's control. The Priority-Listed Offeror shall affirmatively commit to undertake all reasonable efforts to provide all the Key Personnel identified in its Proposal on a full-time basis for the periods necessary to fulfill their responsibilities. *See, Exhibit 12*.

4.0 TECHNICAL PROPOSAL INSTRUCTIONS

4.1 GENERAL INSTRUCTIONS

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

Submit the information required by this Section 4.0 in the organization and format specified herein.

Technical Proposals shall be submitted in separate volumes (*See* Section 4.8, **Table A** – Outline for Submittal of Technical Proposal), comprising the following information:

- A) Organizational and Financial;
- B) Management Approach;
- C) Technical Solutions;
- D) Schedule and Time;
- E) Key Personnel and Experience; and
- F) Appended Information.

All Technical Proposal Information submitted in Volumes 1 through 5, and Appendix A Section 1 will be used for evaluating and determining the successful Priority-Listed Offeror and Volumes 1 through 5 will be incorporated into the DFIM Contract as Part 9, DFIM Contractor's Proposal.

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

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

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

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

Priority-Listed Offerors should present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

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

Volumes 2 through 5 are limited to a combined total of 50-pages, exclusive of tabs, cover letters, calculations, specifications and drawings. The Quality Plan is also excluded from the page count.

4.2 ORGANIZATIONAL AND FINANCIAL INFORMATION

4.2.1 Organizational Information for Volume 1 of the Technical Proposal

The Priority-Listed Offeror shall submit:

- A) Exhibit 2, Form of Proposal, which shall constitute a firm offer to HART valid for **one hundred eighty (180) calendar days** after the Proposal Due Date. Exhibit 2 shall be executed by the Priority-Listed Offeror or by its legally authorized representative;
- B) Exhibit 3, Certification Regarding Conflict of Interest;
- C) Exhibit 4, Named Subcontractors, including the percentage of the Proposal price that represents anticipated Subcontractor and Supplier participation (not specific dollar value of participation). Show all Major Subcontractors (Subcontractors performing five percent (5%) or more of the value of the Work), and Major Suppliers (Suppliers providing products and Material valued in excess of five percent (5%) of the value of the Work) on Exhibit 4;
- D) Exhibit 6, Certificate Regarding Ineligible Subcontractors, for each Subcontractor listed on Exhibit 4;
- E) The appropriate Buy America Certificate (Exhibit 7, a or b);
- F) Certification Regarding Lobbying (Exhibit 8);
- G) Exhibit 23, Acknowledgement of Liquidated Damages Provision; and
- H) Licensing information.

4.2.2 Organizational Information for Appendix A to the Technical Proposal

4.2.2.1 Notarized Power(s) of Attorney

Provide appropriate evidence that Exhibit 2 has been properly executed or that the representative has bound the Priority-Listed Offeror, so that there is a valid Proposal that HART can accept and constitute a binding DFIM Contract.

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

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

4.2.2.2 Non-Collusion Affidavit

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

4.2.2.3 Organizational Documents

Submit organizational documents in the form of copies of incorporation and bylaws, the joint venture agreement, partnership agreement, limited liability company operating agreement or equivalent

Honolulu Rail Transit Project

organizational documents for the Priority-Listed Offeror, which documents shall be consistent with the responsibilities to be undertaken by the Priority-Listed Offeror under the DFIM Contract.

4.2.2.4 Certificate Regarding Ineligible Contractors (Exhibit 10)

For the Priority-Listed Offeror, submit Exhibit 10.

4.2.3 Financial information for Appendix A to the Technical Proposal

Submit evidence (as described in this Section 4.2.3) of capability to meet the financial responsibilities of the DFIM Contract.

4.2.3.1 Letter of Commitment of Surety

Submit letter(s) of commitment from surety(ies) meeting requirements of Section 4.2.3.2 to provide performance and payment bonds per GCDB Chapter 3 as amended by SP-3.3.

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

4.2.3.2 Surety Financial Requirements

Any bond provided in accordance with this Section 4.2.3 shall be issued by a Surety with an AA-/Aa3 rating by two nationally recognized rating agencies or at least an A-X rating by A.M. Best and Company. The Surety must be listed on Treasury Department Circular 570 and be on the list of companies approved by the State of Hawai'i.

4.3 PROPOSAL RESPONSIVENESS (RESPONSIVE OR NON-RESPONSIVE)

The Proposal will be considered responsive if the Priority-Listed Offeror submits all information requested in the RFP substantially in the specified format.

4.4 MANAGEMENT APPROACH INFORMATION

4.4.1 Management Approach Information for Volume 2 of the Technical Proposal

4.4.1.1 Organization

- A) Single Point of Contact. Designate a single point of contact and provide the information requested in Exhibit 11. The single point of contact shall be the Priority-Listed Offeror's nominated Project Manager (*see* SP-4.8).
- B) Commitment of Resources. Submit Exhibit 12 providing a written commitment, signed by the designated Project Principal or Project Manager, that the resources shown or indicated in the Proposal, including Key Personnel and other staff identified by name, equipment, Material, supplies and facilities, will be available and assigned to the DFIM Contract if the Priority-Listed Offeror is Awarded the DFIM Contract, to the extent such assignment remains within the control of the Priority-Listed Offeror.
- C) Organization Charts and Staff and Office Locations. Prepare and submit:
 - 1) An organization chart showing the Key Personnel (as defined in SP-4.7 and 4.8);
 - 2) An organization chart reflecting the roles and responsibilities of the firms and Named Subcontractors (design and construction);
 - 3) Description of those categories of Work which the Priority-Listed Offeror anticipates will be performed by the Priority-Listed Offeror's own forces and those categories which will be performed by subcontractors;

Honolulu Rail Transit Project

- 4) Exhibit 4, Named Subcontractors, described in Section 4.2.1(C) and provided in Volume 1. Failure to provide the documentation required in Exhibit 4 may render a Proposal non-responsive;
- 5) Plans and procedures for management of subcontractors;
- 6) Organization chart(s) showing proposed installation organization indicating responsibilities and organization of the installation staff, including the engineering support staff during installation;
- 7) An organization chart showing the planned Quality organization (design, fabrication and installation), including names of independent sampling and testing laboratory(ies), and to whom the Quality staff report within the Priority-Listed Offeror's (DFIM Contractor's) organization;
- 8) An organization chart showing the planned safety and security organization and its relationship to the Priority-Listed Offeror's organization. Indicate roles and responsibilities of safety and security staff;
- 9) City and state where assigned staff will be located; and
- 10) Address of office(s) where Work will be done in the DFIM Contract vicinity.

4.4.1.2 Construction Management

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

- A) Construction Staging Plan as specified in SP-20. For each stage and phase, include the following information at a minimum: approximate duration, areas of active construction including ingress and egress.

4.4.1.3 Quality Management

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

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

4.4.1.4 Safety & Security

Submit a brief narrative description of Priority-Listed Offeror's proposed approach to HART's Construction Safety and Security Program and HART's Safety and Security Certification Program as defined in SP-16.

4.5 TECHNICAL SOLUTIONS INFORMATION

4.5.1 Technical Solutions Information for Volume 3 of the Technical Proposal

4.5.1.1 Project Interface

Prepare and submit your approach to coordination between the Transit Core Systems Contractor and the Station Design and Construction Contractors to assure greatest efficiency to the overall Project, maintain individual construction milestones for each contractor, and to mitigate conflicting requirements between contractors.

4.5.2 Maintenance Information for Volume 3 of the Technical Proposal

The following specifies the required proposal contents of the Priority-Listed Offeror's Maintenance Information.

The Priority-Listed Offeror's Maintenance Information to be included in the Technical Proposal shall cover all the services specified in the Maintenance Agreement. The Priority-Listed Offeror's Services shall include all labor, including, any engineers, first line supervisors, technicians, and management of all subcontractors; the supply of all spare parts; care and replacement or refurbishment of vertical circulation equipment and maintenance equipment and tools; and consumables to be required for all maintenance activities.

The Priority-Listed Offeror's Maintenance Information shall be based on the following criteria:

- A) Period of service: For the Intermediate, Full, and Optional Maintenance Periods;
- B) Organization and staffing: In accordance with the Staffing Plan, Section 4.5.2.2 below; and
- C) Supply of maintenance equipment, tools and spare parts: To include the replacement or refurbishment of machinery, tools, spare parts and consumables that are to be used for the operations and maintenance of the System for the specified Maintenance periods.

Priority-Listed Offerors shall provide Maintenance Information for each of the following topics.

4.5.2.1 Comprehensive Maintenance Plan

Describe Priority-Listed Offeror's approach to the Comprehensive Maintenance Plan as specified in the Maintenance Agreement.

4.5.2.2 Maintenance Staffing Plan

Describe Priority-Listed Offeror's approach to the Staffing plan that supports the Comprehensive Management Plan and the Maintenance Agreement.

Priority-Listed Offerors are encouraged to submit copies of actual maintenance plans from representative projects that are similar in scope and nature to this Contract. Such examples plans will not be counted in the page-count.

4.6 SCHEDULE AND TIME INFORMATION

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

4.6.1.1 Proposed Completion Time

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

4.6.1.2 Proposed Baseline Schedule

The term “Proposed Baseline Schedule” as used herein means the time-scaled, critical path network depicting DFIM Contract, Price Items and subordinate activities and their respective durations, sequences and inter-relationships that represent the Priority-Listed Offeror’s Work plan for fabricating, installing and completing the DFIM Contract.

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

Prepare and submit:

- A) A Proposed Baseline Schedule for the DFIM Contract meeting the following requirements:
 - 1) The Proposed Baseline Schedule shall be in color hardcopy format and Primavera acceptable electronic format. See SP-4.28, for specific requirements and formats, including coding requirements;
 - 2) The Proposed Baseline Schedule shall be consistent with HART’s Project Sections and preferred Price Items listed in Exhibit 20. Except where a Price Item is shown as a mandatory Price Item, the Priority-Listed Offeror may adjust this list to more accurately reflect planned sequences and methods; however, the level of detail shall be similar to that reflected in the list of preferred Price Items. Mobilization shall not be shown as a Price Item. Mobilization shall be shown as an activity under Price Item 1;
 - 3) All Price Items shall be assigned to the DFIM Contract as described in SP-6.1, defined in SP-1.1, “Price Items,” and shown in Exhibit 20; and
 - 4) The Proposed Baseline Schedule shall reflect that Work included in the Proposal Price, but shall not include any price information;
- B) A “stand-alone” narrative in sufficient detail to explain the basis of the Proposed Baseline Schedule. Describe activities, how the activities interrelate, and how activity durations were determined. Include/discuss as a minimum:
 - 1) Basis for and assumptions used in preparing the Proposed Baseline Schedule;
 - 2) Anticipated production rates;
 - 3) Anticipated order and delivery dates of Material and equipment, especially long-lead items;
 - 4) Restraints, risks, and limitations;
 - 5) Critical Path activities;
 - 6) Holidays and other non-work days;
 - 7) Potential problem areas; and
 - 8) Coordination required;
- C) Plan for mobilizing Key Personnel, equipment, Material and supplies. The mobilization plan must be consistent with the Proposed Baseline Schedule;
- D) Summary of major risks to the Proposed Baseline Schedule with explanation of planned contingencies and approach to dealing with these risks should they arise;

Honolulu Rail Transit Project

- E) Description and Baseline Schedule that proposes the most optimal schedule for the DFIM Contract. Delivering the DFIM Contract on schedule is a key objective of the DFIM Contract; and
- F) Brief narrative description of the proposed Project controls approach, including:
 - 1) Description of Priority-Listed Offeror's system for preparing and updating the Baseline Schedule; and
 - 2) Description of the proposed plan to integrate design and subcontract activities into its scheduling and reporting system.

4.7 KEY PERSONNEL AND EXPERIENCE INFORMATION

4.7.1 Key Personnel and Experience Information for Volume 5 of the Technical Proposal

Submit Exhibit 14, Key Personnel Information.

4.7.2 Key Personnel and Experience Information for Appendix A to the Technical Proposal

Submit resumes of Key Personnel.

4.8 FORMAT AND ORGANIZATION OF THE TECHNICAL PROPOSAL

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

Honolulu Rail Transit Project

**Part 9
DFIM CONTRACTOR'S
TECHNICAL PROPOSAL**

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

Technical Proposal Volume/Section No.	Volume/Section Title & Required Information	Reference
VOLUME 1	ORGANIZATIONAL AND FINANCIAL INFORMATION	4.2
Section 1	<ul style="list-style-type: none"> • <u>Exhibit 2</u>; Form of Proposal • <u>Exhibit 3</u>, Certification Regarding Conflict of Interest; • <u>Exhibit 4</u>, Named Subcontractors and Suppliers; • <u>Exhibit 6</u>, Certificate Regarding Ineligible Subcontractors; • <u>Exhibit 7, a or b</u>, Buy America Certificate; • <u>Exhibit 8</u>, Lobbying Certificate; • <u>Exhibit 23</u>, Acknowledgement of Liquidated Damages Provision; • Licensing information. 	
VOLUME 2	MANAGEMENT APPROACH INFORMATION	4.4
Section 1	ORGANIZATION	4.4.1.1
Section 1.1	<ul style="list-style-type: none"> • <u>Exhibit 11</u>, Single Point of Contact 	
Section 1.2	<ul style="list-style-type: none"> • <u>Exhibit 12</u>, Commitment to Assign Identified Resources to DFIM Contract 	
Section 1.3	<ul style="list-style-type: none"> • Key Personnel organization chart; • An organization chart reflecting the roles and responsibilities of the firms and Named Subcontractors; • Description of self-performed and subcontracted Work; • Plans and procedures for managing subcontractors; • Organization chart(s) showing proposed installation organization; • Organization chart showing the planned Quality organizations (fabrication and installation), including names of independent sampling and testing laboratory(ies); • Organization chart for safety organization with roles and responsibilities; • City and state where assigned staff will be located; and • Address of office(s) where Work will be done in the DFIM Contract vicinity. 	
Section 2	CONSTRUCTION MANAGEMENT	4.4.1.2
	<ul style="list-style-type: none"> • Summary of Construction Management Plan 	
Section 3	QUALITY MANAGEMENT	4.4.1.3
	<ul style="list-style-type: none"> • Narrative of Quality Plan Contents; • Explanation of Independence QA/QC; • Integration with HART's Quality Oversight. 	
Section 4	SAFETY & SECURITY	4.4.1.4
	<ul style="list-style-type: none"> • Narrative regarding Safety and Security Program. 	
VOLUME 3	TECHNICAL SOLUTIONS INFORMATION	4.5

Honolulu Rail Transit Project

Technical Proposal Volume/Section No.	Volume/Section Title & Required Information	Reference
Section 1	PROJECT INTERFACE <ul style="list-style-type: none"> • Approach to coordination between the Transit Systems Contractor and the Station Design and Construction Contractors. 	4.5.1.1
Section 2	MAINTENANCE <ul style="list-style-type: none"> • Comprehensive Maintenance Plan; and • Staffing Plan 	4.5.2
VOLUME 4	SCHEDULE AND TIME INFORMATION	4.6
Section 1	<ul style="list-style-type: none"> • Proposed Completion Time • Proposed Baseline Schedule; • Proposed Baseline Schedule in hardcopy and electronic format; • Specified narrative; • Plan for mobilizing Key Personnel, equipment, Material and supplies; • Summary of major risks; • Description and schedule graphic depicting optimal schedule; and • Project controls approach. 	4.6.1.1
VOLUME 5	KEY PERSONNEL AND EXPERIENCE INFORMATION	4.7
Section 1	<ul style="list-style-type: none"> • <u>Exhibit 14</u>, Key Personnel Information 	4.7.1
APPENDIX A	LEGAL, FINANCIAL, KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A	
Section 1	LEGAL INFORMATION FOR APPENDIX A	4.2.2
	<ul style="list-style-type: none"> • Notarized Powers of Attorney; • If consortium or joint venture, evidence of joint and several liability; • <u>Exhibit 9</u>, Non-Collusion Affidavit; • Organizational documents; and • <u>Exhibit 10</u>, Certificate Regarding Ineligible Contractors. 	4.2.2.1 4.2.2.1 4.2.2.2 4.2.2.3 4.2.2.4
Section 2	FINANCIAL INFORMATION FOR APPENDIX A	4.2.3
	<ul style="list-style-type: none"> • Letter of Commitment of Surety 	4.2.3.1 4.2.3.2
Section 3	KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A	4.7.2
	<ul style="list-style-type: none"> • Resumes of Key Personnel 	4.7.2

5.0 PRICE PROPOSAL INSTRUCTIONS

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

The prices submitted shall represent the “unit” costs of representative vertical circulation devices furnished, installed and maintained in the locations indicated on the Contract Documents. In the event that quantities of devices change during the course of the project, adjustment in the total cost of the Contract will be made either up or down depending on whether devices are added or subtracted using these “unit” costs.

Provide a Price Proposal using the Exhibits listed herein. Failure to provide the requested information on the Exhibits and in the format specified may result in HART declaring the Price Proposal non-responsive. Submit all information as specified herein, using the Exhibits and formats specified. Alterations to the Exhibits will only be permitted where specifically allowed.

The Price Proposal of the selected Priority-Listed Offeror will be incorporated into the DFIM Contract as Contract Document Part 9.

Submit the Price Proposal under separate cover, clearly marked by the Proposal Due Date, to the addressee and address specified in Section 2.10.1.

The Price Proposal shall consist of:

- A) Bid Security (GCDB Exhibit “A”);
- B) Exhibit 15; Price Proposal Cover Sheet;
- C) Exhibit 16; Schedule of Prices Form (4 copies);
- D) Exhibit 16a; Preliminaries and General Requirements;
- E) Exhibit 16b; Project-Wide Engineering & Design Activities;
- F) Exhibit 18; Periodic Payment Schedule;
- G) Exhibit 19; Letter of Subcontract Intent;
- H) Copy of Proposed Baseline Schedule (*see* Section 4.6.1.2); and
- I) Exhibit 20; Price Item Descriptions (*see* Section 5.2.4).

5.1 PROPOSAL PRICE SUBMITTAL

Submit Exhibit 16, Exhibit 16a, Exhibit 16b, Exhibit 18, Exhibit 19, the copy of the Proposed Baseline Schedule, and Exhibit 20 in a separate, sealed envelope.

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

5.2 SCHEDULE OF PRICES (EXHIBIT 16)

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

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

Honolulu Rail Transit Project

- 1) If the Priority-Listed Offeror plans to request payment for any Material upon delivery to the Site, identify the specific type of Material and the price assigned to the Material in Exhibit 16 as a component of the appropriate Price Item;
 - 2) The PIV shall be the total price to complete all Work in that Price Item, including such planning, management, overhead, use of tools and equipment and other Work as required to complete such Work and such costs necessary to integrate the Work with the Work in other Price Items, except those costs included in other Price Items;
 - 3) The PIV for Price Item 1 shall be between six percent (6 %) and sixteen percent (16%) of the Base Proposal Price. The price of the mobilization activity within Price Item 1 shall not exceed six percent (6%) of the Total Proposal Price;
 - 4) For Price Item 2, provide a lump sum price for each of the components listed in Exhibit 16b;
 - 5) The Price Item titles, contents and limits on Exhibit 16 shall match those shown in Exhibit 20;
 - 6) The sum of the Price Item Values shall be the Proposal Price for the Construction portion of the Work;
 - 7) Payment for Data Submittal will be made on Approval of Standard Equipment Data Submittal;
 - 8) Payment for Station Data Submittal will be made on Approval of that Station Equipment Data Submittal;
 - 9) Payment for Installation Completion will be made after completion, inspection and acceptance of the Installation. This amount plus data submittal cannot be more than ninety percent (90%) of the Station equipment contract price;
 - 10) Payment for Construction Completion will be made after the equipment is satisfactorily completed and the Station is accepted for Operation. This amount plus the amount for installation and submittal data is the Construction Contract Price; and
 - 11) Payment for Maintenance and Repair will be on a monthly basis for the duration specified in the Contract. When all stations are placed in service, this will revert to a single value.
- B) Provide a copy of Exhibit 16 for each of the following options:
- 1) Contractor Option Machine-room less or Roped Hydraulic plus regular shift maintenance.
 - 2) Contractor Option Machine-room less or Roped Hydraulic plus off-shift maintenance.
 - 3) Machine-room less except where it will not fit plus regular shift maintenance.
 - 4) Machine-room less except where it will not fit plus off-shift maintenance.

5.2.1 Preliminaries and General Requirements (Exhibit 16a)

The contents of Price Item 1, Preliminaries and General Requirements are shown in Exhibit 16a. The Priority-Listed Offeror may add (but not delete) activities to Exhibit 16a as appropriate to reflect its plan to carry out the Work. Provide a price for each activity in Exhibit 16a. Do not include costs for insurance premiums that are covered by the OCIP program as described in SP-3.1.

5.2.2 Project-Wide Engineering & Design Activities (Exhibit 16b)

The contents of Price Item 2, Project-Wide Engineering & Design Activities are shown in Exhibit 16b. The Priority-Listed Offeror may add (but not delete) activities to Exhibit 16b as appropriate to reflect its plan to carry out the Work. Provide a price for each activity in Exhibit 16b.

5.2.3 Proposal Periodic Payment Schedule (Exhibit 18)

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

5.2.3.1 General Requirements

Develop and include a PPS-P on Exhibit 18.

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

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

5.2.3.2 Developing the PPS-P

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

In developing the PPS-P, note the requirements for the Contract Periodic Payment Schedule (Exhibit 18) in SP-6.2.

5.2.4 Price Item Descriptions (Exhibit 20)

Complete and submit Exhibit 20a describing the Price Items associated with the Construction portion of the Work. Complete and submit Exhibit 20b describing the Price Items associated with the Maintenance portion of the Work. Completely describe the physical features and activities included in the Price Item and include all Work included in the Price Item Value of each Price Item as reflected in Exhibit 16 and 17.

See SP-6.1, regarding instructions for describing Price Items.

5.2.5 Bid Security

Submit a Bid Security in the sum indicated in Section 3.3.

Submit the Bid Security concurrently with the Price Proposal in a separate, sealed envelope that is clearly marked as “Bid Security” with the project name and DFIM Contract number and the Priority-Listed Offeror’s name.

See also Section 3.6.1.

5.3 ESCROWED PROPOSAL DOCUMENTS

Submit Exhibit 21 to the addressee and address specified in Section 2.10.1, by the time specified in Section 3.4 in accordance with SP-5.9.

Honolulu Rail Transit Project

Submit one (1) signed original of the Escrow Instructions in Exhibit 21. Deliver the EPD and two (2) signed originals of the Escrow Instructions into escrow to the addressee and address specified in Section 3.4.1.

5.4 SUPPLEMENTAL PRICING INFORMATION

The selected Priority-Listed Offeror shall submit the Supplemental Pricing Information specified in this Section 5.4 prior to Contract Execution. The information submitted will be incorporated in Contract Document Part 9.

If the information herein specified is not submitted prior to the date of Contract Award, HART may take action as specified in Section 7.2.

Provide Supplemental Pricing Information, using the Exhibits listed herein and provided in Exhibits.

Submit Exhibit 22a: Schedule of Milestones (*see* SP-6, Section 1.4) for the Construction portion of the Work.

Submit Exhibit 22b: Schedule of Milestones for the Maintenance portion of the Work.

5.5 FORMAT FOR SUBMITTAL OF PRICING DOCUMENTS

5.5.1 Price Proposal

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

Table B-1: Price Proposal

Section	Description	Section Reference
Section 1	• <u>Exhibit 15</u> Price Proposal Cover Sheet	5.1
Section 2	• <u>Exhibit 16</u> Schedule of Prices for DB portion of Work (4 copies); • <u>Exhibit 16a</u> Preliminaries and General Requirements; • <u>Exhibit 16b</u> Project-Wide Engineering and Design Activities; • <u>Exhibit 18</u> Proposal Periodic Payment Schedule; • <u>Exhibit 19</u> Letter of Subcontract Intent; • Copy of Proposed Baseline Schedule; • <u>Exhibit 20a</u> Price Item Descriptions for Construction portion; and • <u>Exhibit 20b</u> Price Item Descriptions for Maintenance portion.	5.1 5.2.1 5.2.2 5.2.3 5.2.4 5.2.5 5.2.5
Section 3	OTHER PRICE PROPOSAL DOCUMENTS • Bid Security	5.2.6

5.5.2 Supplemental Pricing Information

The selected Priority-Listed Offeror only shall organize and submit the Supplemental Pricing Information in the format shown in **Table B-2** prior to Award.

Honolulu Rail Transit Project

Table B-2: Supplement Pricing Information

Description		Section Reference
Exhibit 22a	<ul style="list-style-type: none">• Schedule of Milestones for Construction portion of Work• Schedule of Milestones for Maintenance portion of Work	5.4
Exhibit 22b		5.4

6.0 PROPOSAL EVALUATIONS

The Proposals shall be submitted in two separate parts per the RFP: (1) the Technical Proposal containing the Proposal Information (including the Exhibits and information required in Appendix A); and (2) the Price Proposal containing the Pricing Information. The information contained in the Proposal will not be disclosed to the public or any Priority-Listed Offeror until after DFIM Contract Award. (See section 2.10.4.)

The written Proposal Information will be evaluated on the responsive/non-responsive and quality criteria identified in the RFP. The Evaluation Committee will determine the responsive/non-responsive status and overall quality score of each Technical Proposal before information contained in the Price Proposal is revealed to the Evaluation Committee. The Evaluation Committee will evaluate the quality scores and Pricing Information and prepare a recommendation to the Chief Procurement Officer indicating which Proposal represents the Best Value Proposal in accordance with HRS §103D-303.

HART reserves the right to reject any or all Proposals, to waive technicalities, or to advertise for new Proposals, if deemed by HART to be in the best interests of the public.

In putting together their Proposals, Priority-Listed Offerors should keep in mind and address the Project goals identified in RFP Part 1, Section 4.2.

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

6.1 EVALUATION FACTORS AND CRITERIA

Schedule and Time, Management Approach, Key Personnel and Experience, and Technical Solutions criteria will be scored on a quality basis.

6.1.1 “Responsive/Non-Responsive” Criteria

The following criteria will be evaluated as responsive or nonresponsive.

6.1.1.1 Legal

- A) Properly executed Exhibit 2.

The specific information to be submitted is identified in Section 4.2.

6.1.1.2 Financial

Financial evidence must show continued capability to meet the financial responsibilities of the DFIM Contract and updated evidence or reaffirmation of the Priority-Listed Offeror’s continuing capability to secure Performance and Payment Bonds covering the specific terms of the DFIM Contract.

6.1.1.3 Responsiveness to RFP Requirements

All Exhibits shall be completed and all Exhibits and information specified in Sections 4.0 and 5.0 shall be provided in the manner, format and detail specified, without alteration of the Exhibits, for the Technical and Price Proposal to be eligible to receive further consideration. Failure to comply with this requirement may result in the Technical and Price Proposal being deemed “non-responsive.”

Bid Security requirements are provided in Section 3.3 hereinabove.

6.1.2 Quality Criteria

The quality criteria are broken into four subject areas with the total available points for scoring against the quality criteria equaling 1,500 and broken down as follows:

- A) Management Approach;
- B) Technical Solutions;
- C) Schedule and Time; and
- D) Key Personnel and Experience.

The criteria listed in this Section 6.1.2 and listed in Sections 6.1.2.1 through 6.1.2.4 will be evaluated and scored using the scoring guidelines specified in Section 6.2 with special attention given to the desired quality expressed in the statement of each criterion.

6.1.2.1 Management Approach (300 available points)

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

- A) Organization and Communication structure;
- B) Construction Management Plan;
- C) Quality Management Plan; and
- D) Safety and Security Program.

Specific information to be submitted is identified in Section 4.0.

6.1.2.2 Technical Solutions (600 available points)

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

- A) Integration Plan;
- B) Comprehensive Management Plan; and
 - 1) Categorization of maintenance activities; and
 - 2) Service descriptions and hours per task.
- C) Management Staffing Plan.
 - 1) Craft resources; and
 - 2) Named supervisory resources and qualifications.

Specific information to be submitted is identified in Section 4.0.

6.1.2.3 Schedule and Time (300 available points)

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

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

Specific information to be submitted is identified in Section 4.0.

6.1.2.4 Key Personnel and Experience (300 available points)

The Key Personnel and Experience quality criteria are listed in the following categories:

Honolulu Rail Transit Project

- A) Key Personnel; and
- B) Resumes.

Specific information to be submitted is identified in Section 4.0.

6.1.3 Price (500 available points)

The Priority-Listed Offeror shall submit its Pricing Information in accordance with Section 5.0. Unless provided for otherwise, the total price shown in the Pricing Information for the DFIM Contract shall be the Contract Price if the DFIM Contract is awarded.

- A) The total monthly maintenance proposal will be multiplied by 60 and then by an escalation factor to be released in a subsequent addendum to account for escalation.
- B) The calculated maintenance cost will be added to the installation cost.
- C) The lowest price will be awarded maximum points. All other prices will be divided by the lowest price and will receive that fraction of the maximum points.
- D) Each Price Proposal shall specify the sum for which the Work will be performed according to the RFP Part 2.
- E) The price shall be indicated in words and figures. If there is a discrepancy between the amount shown in words and its equivalent amount shown in numerals, the written words may, in the discretion of HART, be considered binding.
- F) The price shall be evaluated in accordance with HAR § 3-122-52.
- G) HART reserves the right to reject any Price Proposal in which any of the prices are significantly unbalanced to the potential detriment of HART.
- H) An unbalanced Price Proposal is considered to be one containing lump sum or unit price items which do not reflect reasonable actual costs plus a reasonable proportionate share of the Priority-Listed Offeror's anticipated profit, overhead costs, and other indirect costs which are anticipated for the performance of the items in question.
- I) The Price Proposal may be deemed non-responsive if HART determines, in its sole discretion, that the Price Proposal:
 - 1) Is significantly unbalanced relative to the Scope of Work;
 - 2) Does not provide all information in conformance with the RFP;
 - 3) Contains a Proposal Periodic Payment Schedule that is significantly inconsistent with the Proposed Baseline Schedule; and/or
 - 4) Contains unrealistic and/or unreasonable prices on Exhibit 16, and/or the prices shown on the Schedule of Values (Exhibit 17).

6.2 EVALUATION SCORING

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

6.2.1 Communications

Communications may be required as part of the Proposal evaluation and selection process. The purpose of communications is to address minor or clerical revisions in a Proposal. During the process of evaluations there may be instances where meaningful evaluation cannot take place or proceed or where an

erroneous evaluation might occur without seeking clarification of a quality issue. In such cases, HART will submit a request for communications in writing to the Priority-Listed Offeror stating the information needed and a date and time by which the information must be provided. The Priority-Listed Offeror shall provide the requested information in writing by the date and time indicated. If communications are not timely received, the Priority-Listed Offeror's ratings may be adversely affected and/or the Technical and Price Proposal may be deemed non-responsive.

6.3 DISCUSSIONS

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

6.3.1 Purpose

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

- A) Promoting understanding of HART's requirements and the Priority-Listed Offerors' proposals; and
- B) Facilitating arriving at a contract that will provide the best value to HART, taking into consideration the evaluation factors set forth in the RFP.

6.3.2 Procedures

The following specific procedures will apply:

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

6.4 BEST AND FINAL OFFERS

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

If HART requests BAFOs, the request for BAFOs will allow adequate time for the Priority-Listed Offerors to revise their Proposals. The process of evaluation will then be repeated. The process will consider the revised information and re-evaluate and revise scores as appropriate. If Discussions are held, HART will attempt to limit the selection process to a single BAFO following Discussions.

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

6.5 SELECTION

HART intends to award the DFIM Contract to the Priority-Listed Offeror that submitted the Proposal that is the Best Value, as determined by HART at its sole discretion in accordance with HAR § 3-122-57. HART may select any of the four requested alternatives submitted.

HART will not award the DFIM Contract to any Priority-Listed Offeror that receives a "non-responsive" rating on any responsive/non-responsive criteria (Section 6.1.1) or receives a quality score of less than 40% of the available points for any quality evaluation criteria (Section 6.1.2). HART will not award the DFIM Contract to any Priority-Listed Offeror that HART determines has submitted a non-responsive Technical or Price Proposal.

6.6 BUY AMERICA ADJUSTMENT

The Priority-Listed Offeror shall comply, as a matter of responsiveness, with the requirements of 49 U.S.C. Section 5323(j)(1), and the applicable regulations in 49 C.F.R. Part 661. Exhibit 7 is the required FTA certification for “Buy America” requirements. The Priority-Listed Offeror shall provide with Exhibit 7 the identity of the location(s) for the Buy America Pre-Award Audit to be conducted by HART-personnel, as described in 49 C.F.R. Part 663.

6.7 DBE REQUIREMENTS

HART will disqualify a Priority-Listed Offeror who has failed to comply with HART’s DBE or EEO programs on a prior contract.

HART has established a fully race neutral annual overall DBE goal for Fiscal Year 2012. Therefore, HART has not established a DBE contract goal for this DFIM Contract. Nonetheless, DBEs shall have an equal opportunity to participate in the DFIM Contract.

7.0 DFIM CONTRACT AWARD AND EXECUTION

7.1 DFIM CONTRACT AWARD

Unless all Proposals are rejected or this procurement is cancelled, the DFIM Contract shall be awarded to the Priority-Listed Offeror offering the Best Value Proposal as determined by HART in accordance herewith. (*See* Section 6.5)

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

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

- A) Volumes 1 through 5 of the Proposal Information in format specified in Section 4.0, Table A;
- B) All Pricing Information (including the Supplemental Price Information, if any) in the format specified in Section 5.0;
- C) Compliance documents pursuant to HRS § 103D-310(c);
- D) Insurance certificates (*See* GCDB, Chapter 3, and Chapter SP-3);
- E) Full details of who will sign the DFIM Contract, if executed, and evidence as to the authority, power and capacity of said individuals to bind the Priority-Listed Offeror to the DFIM Contract; and
- F) Evidence that all appropriate license(s) is secured.

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

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

7.2 EXECUTION OF DFIM CONTRACT

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

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

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

Honolulu Rail Transit Project

If the DFIM Contract is not executed by HART within thirty (30) days following receipt from the selected Priority-Listed Offeror of the signed DFIM Contract and appropriate and satisfactory Payment and Performance bonds, the Priority-Listed Offeror shall have the right to withdraw the Proposal without penalty.

If HART and the selected Priority-Listed Offeror fail to execute the DFIM Contract within the time periods identified above, Award of the DFIM Contract may be made to the Priority-Listed Offeror with the next highest score, or the Work may be re-advertised and completed under a different contract or otherwise, as HART may decide.

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