

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

**HONOLULU HIGH-CAPACITY TRANSIT
CORRIDOR PROJECT**

**SECTION 106 - PROGRAMMATIC AGREEMENT
PROJECT MANAGER (KAKO'O)
PROFESSIONAL SERVICES CONTRACT**

RELEASE OF RFP PART 2

**TO THE
REQUEST FOR PROPOSALS
RFP-DTS-406803**

INSTRUCTIONS TO PRIORITY-LISTED OFFERORS

ISSUED: July 27, 2011

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:
HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
1099 ALAKEA STREET, SUITE 1700
HONOLULU, HAWAII, 96813
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Honolulu High-Capacity Transit Corridor Project

NOTICE OF ADDENDUM 4
TO THE
REQUEST FOR PROPOSALS
RFP-DTS-406803

CITY AND COUNTY OF HONOLULU
HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

SECTION 106 PROGRAMMATIC AGREEMENT PROJECT MANAGER (KAKO'O)
PROFESSIONAL SERVICES CONTRACT
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., HST on September 2, 2011**, in the office of the Honolulu Authority for Rapid Transportation, Ali'i Place, 1099 Alakea Street, Suite 1700, Honolulu, Hawai'i, 96813.



Kenneth Hamayasu
Interim Executive Director
For Honolulu Authority for Rapid Transportation

Honolulu High-Capacity Transit Corridor Project

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Exhibit 1	RFP Comment Form
Exhibit 2	Form of Proposal
Exhibit 3	Certification Regarding Conflict of Interest
Exhibit 4	Named Subcontractors
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Exhibit 6	Certificate Regarding Ineligible Subcontractors
Exhibit 7	[Reserved]
Exhibit 8	Certification Regarding Lobbying
Exhibit 9	Non-Collusion Affidavit
Exhibit 10	Certificate Regarding Ineligible Contractors
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Exhibit 13	[Reserved]
Exhibit 14	Key Personnel Information
Exhibit 15	Cost Proposal Pricing Form
Exhibit 16	Letter of Subcontract Intent
Exhibit 17	[Reserved]

Note: Exhibits will be provided in Word format as separate documents.

ATTACHMENTS

- Attachment A - Scope of Services
- Attachment B – Section 106 Programmatic Agreement
- Attachment C – Programmatic Agreement Major Milestones

Honolulu High-Capacity Transit Corridor Project

1.0 GENERAL OVERVIEW

This Request for Proposals Part 2 is issued by the Honolulu Authority for Rapid Transportation (HART) to contract for Section 106 Programmatic Agreement Project Manager (Kako'o) Professional Services from a single provider (individual or firm) for all, and not less than all, services necessary for the Honolulu High-Capacity Transit Corridor Project (HHCTCP). These services will include but are not limited to: compliance with all Federal, State and City laws, regulations, and requirements; providing the capacity to accomplish the work, as defined in Attachment A (Work) in the required time while meeting the Secretary of Interior's Professional Qualification Standards set forth in 36 C.F.R. Part 61; meeting the Project's Section 106 Programmatic Agreement requirements; developing a best practices manual and lessons learned case study that will be valuable to this and other projects; and establishing lines of communication and working relationships with all consulting parties and stakeholders that become invaluable to the Project.

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 Proposal Part 1.

1.1 PROPOSAL SCHEDULE

1.1.1 Schedule

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

Activity	Month	Day	Year
Issue RFP Part 1	May	19	2011
RFP Part 1 Deadline for Receipt of Clarification Requests	June	2	2011
RFP Part 1, Proposal Due Date	June	20	2011
Issue RFP Part 1 Final Addendum	July	25	2011
Determination of Priority-Listed Offerors	July	25	2011
Activity	Month	Day	Year
Issue RFP Part 2	July	27	2011
RFP Part 2 Deadline for Receipt of Clarification Requests	August	5	2011
Issue RFP Part 2 Final Addendum	August	16	2011
RFP Part 2 Proposal Due Date	September	2	2011
Award of Contract (Tentative)	September	16	2011
Execution of Contract (Tentative)	October	7	2011
Notice to Proceed (Tentative)	October	7	2011

1.1.2 Proposal Due Date

The completed Proposal shall be delivered to the addressee at the address specified in Section 2.9.1, no later than 2:00 pm HST, on the date specified in Section 1.1.1 (the "Proposal Due Date").

1.2 SCOPE OF SERVICES

The HART is requesting Proposals for the Section 106 Programmatic Agreement Project Manager (Kako'o) Professional Services Contract from a single Contractor (individual or firm) for all, and not less than all, services necessary for the for the design and construction of the HHCTCP.

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The Section 106 Programmatic Agreement Project Manager (Kako'o) detailed Scope of Services can be found in Attachment A. However, a final determination of levels of effort, Work, scope responsibilities and schedule will be negotiated with the selected Offeror pursuant to Hawai'i Revised Statutes (HRS) §103D-304(h).

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/Exhibits; and
- B) Attachment A – Scope of Services;
- C) Attachment B – Section 106 Programmatic Agreement;
- D) Attachment C – Programmatic Agreement Schedule of Milestones
- E) Draft Sample of Agreement and Special Provisions

1.3.2 Technical Proposal

The Priority-Listed Offeror's Technical Proposal shall be submitted in the format as detailed in Section 4.8. The selected Contractor's Technical Proposal shall become part of the official Contract.

1.3.3 Price Proposal

The Priority-Listed Offeror's Price Proposal shall be submitted in the format as detailed in Section 5.4. The selected Contractor's Price Proposal shall become part of the official Contract.

1.3.4 Required Exhibits and Attachments

Failure to provide completed Exhibits and/or Attachments may render a Proposal to be non-responsive and may result in rejection of the entire Technical and Price Proposal.

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.

1.3.7 Cancellation of Solicitations and Rejection of Offers

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

1.4 INFORMATIONAL MEETINGS AND TELECONFERENCES

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

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1.4.1 Attendees

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

1.4.2 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 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 will immediately disqualify the Priority-Listed Offeror, the Priority-Listed Offeror shall forfeit its Proposal Bond, if applicable, 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. (See Section 4.3.2.2)

1.6 LANGUAGE REQUIREMENT

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

1.7 CERTIFICATE OF VENDOR COMPLIANCE

Under HRS § 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://www.honolulu.gov/wps/portal/main/business>

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, it must receive written approval to do so from HART.

Any request to change the Priority-Listed Offeror's organization must be received by HART not later than **ten (10) days** prior to the Proposal Due Date. Requests shall be delivered, in written form, to the following address:

Kenneth Hamayasu
Interim Executive Director
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813

1.9 INELIGIBLE FIRMS

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

The Priority-Listed Offeror is expected to examine carefully proposed Work (Attachment A), Scope of Services expectations (Section 1.2) and the complete RFP Part 2 requirements. The Priority-Listed Offeror is also expected to review the information and requirements as stated in RFP Part 1.

1.10 PROTESTS

Protests shall be made in accordance with HRS § 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 will 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;

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- 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 Principal Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts;
 - 2) Default on the part of a Principal Participant under previous contracts;
 - 3) Unsatisfactory performance of previous work by the Priority-Listed Offeror, or Principal Participant;
 - 4) Issuance of a notice of debarment or suspension under City, State, or Federal regulations to the Priority-Listed Offeror, or Principal Participant;
 - 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 Principal Participant) and other Priority-Listed Offeror(s) (or Principal Participants) in the preparation of a Proposal, or a proposal or bid for any HART project; and/or
 - 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Priority-Listed Offeror or a Principal Participant is responsible, which in the judgment of HART might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

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

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2.0 PROCUREMENT PROCESS RFP PART 2

2.1 METHOD OF PROCUREMENT

The Contractor will be selected based on both responsive/non-responsive criteria and a combined evaluation of Technical and Price 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 are made available to 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 Designated HART Point of Contact

Kenneth Hamayasu
Interim Executive Director
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813

2.2.2 Rules of Contact

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

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

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

2.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

2.3.1 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 (i.e., the Interim Executive Director of HART) 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.

2.3.2 Distribution

HART will notify the contact named in Qualifications Proposals (Exhibit 11).

2.3.3 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 bound into and included as part of the Contract. HART is responsible for providing Addenda only to the Priority-Listed Offerors. The Proposal shall include written acknowledgement of receipt of all Addenda (Exhibit 2).

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 procurement 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 within the date specified in Section 1.1.1.

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.

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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 format which is specified in Section 4.8. The Priority-Listed Offeror's authorized official 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:

- 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, Form of Proposal, 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 a Contract following Award; and
- D) 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 by a Priority-Listed Offeror as part of any Proposal, or other submission to HART or any records created during the evaluation and selection process containing such trade secret or proprietary information.

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

- A) Specifically identify and clearly mark all trade secret, proprietary, or confidential commercial and financial information in its Proposal at the time the Proposal is submitted and include a cover sheet identifying each section and page which has been so marked. Blanket-type identification by designating whole pages or sections as containing proprietary information, trade secrets or confidential commercial and financial information shall not be permitted and shall be invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such;
- B) The material designated as confidential shall be readily separable, and if possible, printed on colored paper, from the Proposal in order to facilitate a timely inspection of the nonconfidential portion of the Proposal;
- C) Include a statement in the proprietary information cover sheet justifying the Priority-Listed Offeror's determination that certain records should be protected from disclosure and where the records are located in the Proposal; and

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- 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 the cancellation or termination of this procurement or Award and subsequent execution of a Contract.

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

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

2.7 PROPOSAL OWNERSHIP

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

2.8 PROPOSAL STIPEND

HART does not intend to provide a stipend.

2.9 SUBMISSION OF PROPOSALS

2.9.1 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 – Section 106 Programmatic Agreement Project Manager (Kako'o) Professional Services Agreement." (See Section 4.0);
- B) The Price Proposal shall be separately sealed within a container and clearly marked as "Price Proposal Section 106 Programmatic Agreement Project Manager (Kako'o) Professional Services Agreement." (See Section 5.0);
- C) The Proposal shall be delivered to:
- Kenneth Hamayasu
Interim Executive Director
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.

Honolulu High-Capacity Transit Corridor Project

2.9.2 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.

2.9.3 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.

2.9.4 Public Inspection

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

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

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 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. 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

There are no Bid Security (Security Deposit) or Performance and Payment Bonds required for this Contract.

3.3.1 Rights Reserved

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

Honolulu High-Capacity Transit Corridor Project

3.4 ESCROWED PROPOSAL DOCUMENTS (EPD)

Escrowed Proposal Documents (EPD) are not required for this Contract.

3.5 SIGNATURES REQUIRED

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 Executive Summary

One (1) original and **four (4)** copies of the Executive Summary, required under Section 4.2.1 herein below, shall be provided before Volume 1 on CD and hard copy.

3.6.2 Technical Proposal

One (1) original and **four (4)** certified copies of the Technical Proposal shall be provided. Provide **two (2)** electronic copies of the Technical Proposal by Volume on CD 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 **four (4)** certified copies of the Price Proposal shall be provided in hard copy and by CD clearly marked as the Priority-Listed Offeror's Confidential Price Proposal package.

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 Contract to the Priority-Listed Offeror submitting the lowest priced Proposal or to any other Priority-Listed Offeror or to award the Contract at all.

3.6.6 Additional Submittals Prior to Contract Execution

Following final negotiations and prior to Contract Execution the selected Priority-Listed Offeror shall submit **one (1)** original and **four (4)** certified copies of the Final Proposal, Insurance Certificates, and any other item needed for inclusion in the Contract. See also Contract Award and Execution, Section 7.0.

3.7 RESOURCE AVAILABILITY

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

The Priority-Listed Offeror shall affirmatively state that, if the Priority-Listed Offeror is awarded the 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.

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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 Proposal shall be submitted in one binder with tabbed sections (*See* Section 4.8, Table A – Outline for Submittal of Technical Proposal), comprising the following information:

- A) Executive Summary (Section 4.2.1);
- B) Organizational and Financial (Section 4.3);
- C) Proposal Responsiveness (Section 4.4);
- D) Management Approach (Section 4.5);
- E) Schedule and Time (Section 4.6);
- F) Key Personnel and Experience (Section 4.7); and
- G) Appendix Information:
 - 1) Legal (Section 4.3.2);
 - 2) Financial (Section 4.3.3); and
 - 3) Key Personnel / Experience Resumes (Section 4.7.2).

All Technical Proposal Information submitted will be used for evaluating and determining the successful Priority-Listed Offeror and will be incorporated into the Contract.

Text shall be in English in Times New Roman font, 11 point height minimum. Pages shall be 8½ inch x 11-inch white paper, with simple lettered/numbered dividers for each section/subsection. Single sided pages shall be used except for any pre-printed information.

If applicable, drawings or sketches shall be submitted on 11-inch x 17-inch and/or 8½-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.

Proposal page limit must not exceed **Seventy-Five (75)** pages (excluding any pre-printed information submitted).

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4.2 EXECUTIVE SUMMARY

Proposals shall include an Executive Summary.

4.2.1 Executive Summary

The Executive Summary shall contain sufficient information to familiarize reviewers with the Priority-Listed Offeror's Project approach and its ability to satisfy the legal requirements of the Contract. Limit the Executive Summary to no more than five (5) pages inclusive of text, selected photographs and/or sketches. Highlight those items which, in the opinion of the Priority-Listed Offeror, represent significant value to HART and which may distinguish its Proposal from those of others.

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

- A) **Legal:** A summary of the legal structure of the Priority-Listed Offeror, agreements among the Priority-Listed Offeror team members and the legal commitments to HART.
- B) **Financial:** Summary of the Priority-Listed Offeror's financial strength and structure for undertaking and completing the Work.
- C) **Management Approach:** Summary of the management approach and concepts to be utilized in connection with the work. Specifically address:
 - 1) The proposed organizational structure, identifying all Principal Participants and other key firms, describing their roles on the Priority-Listed Offeror's team;
 - 2) Proposed management plan to ensure successful and satisfactory completion of the Work; and
 - 3) Proposed quality management plan and processes that independently perform QA/QC services.
- D) **Schedule and Time:** Calendar days needed to complete the Work within ten (10) years and a summary schedule with major milestones.
- E) **Key Personnel and Experience:** Summary of key personnel.
- F) **Project Support:** Summary of the Project support concepts to be addressed in connection with the Work. Specifically address:
 - 1) HHCTCP Project Completion;
 - 2) Stakeholder Support;
 - 3) Project Office Location and Staff; and
 - 4) State and Federal Compliance.

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

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

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4.3 ORGANIZATIONAL AND FINANCIAL INFORMATION

4.3.1 Organizational Information for Volume 1 of the Technical Proposal

The Priority-Listed Offeror shall submit:

- A) Exhibit 2, Form of Proposal, which shall constitute a firm offer to HART valid for **one hundred eighty (180) calendar days** after the Proposal Due Date. Exhibit 2 shall be executed by the Priority-Listed Offeror or by its legally authorized representative.
- B) Exhibit 3, Certification Regarding Conflict of Interest.
- C) Exhibit 4, Named Subcontractors, including the percentage of the Proposal price that represents anticipated Subcontractor and Supplier participation (not specific dollar value of participation).
- D) Exhibit 6, Certificate Regarding Ineligible Subcontractors, for each Subcontractor listed on Exhibit 4.
- E) Exhibit 8, Certification Regarding Lobbying, for the Priority-Listed Offeror and all Principal Participants.
- F) Licensing information.

4.3.2 Legal Information for Appendix A to the Technical Proposal

4.3.2.1 Notarized Power(s) of Attorney

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

4.3.2.2 Non-Collusion Affidavit

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

4.3.2.3 Organizational Documents

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

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4.3.2.4 Certificate Regarding Ineligible Contractors (Exhibit 10)

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

4.3.3 Financial information for Appendix A to the Technical Proposal

Submit evidence of capability to meet the financial responsibilities of the Contract.

4.4 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.

4.5 MANAGEMENT APPROACH INFORMATION

4.5.1 Management Approach Information for Volume 2 of the Technical Proposal

4.5.1.1 Organization / Communication Structure

- A) Single Point of Contact. Designate a single point of contact and provide the information requested in Exhibit 11. The single point of contact shall be the Priority-Listed Offeror's nominated Project Manager.
- 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 Project if the Priority-Listed Offeror is Awarded the Contract, to the extent such assignment remains within the control of the Priority-Listed Offeror.
- C) Organizational Charts and Staff and Office Locations.
 - 1) Prepare and submit:
 - 2) An organizational chart showing the Key Personnel;
 - 3) An organizational chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors (development and implementation);
 - 4) 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;
 - 5) Exhibit 4, Named Subcontractors, described in Section 4.3.1(C) [reference to Exhibit 4 provided in Volume 1];
 - 6) Plans and procedures for management of Subcontractors, if applicable;
 - 7) Organizational chart showing all other proposed members, organization hierarchy, and responsibilities and organization of the staff;
 - 8) City and state where assigned staff will be located; and
 - 9) Address of office(s) where specific Work will be done.

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4.6 SCHEDULE AND TIME INFORMATION

4.6.1 Schedule and Time information for Volume 3 of the Technical Proposal

4.6.1.1 Proposed Completion Time and Major Work Items

Submit a detailed Work Plan regarding major items that will need to be addressed and finalized by the selected Offeror and HART in the last year of the proposed contract.

4.6.1.2 Programmatic Agreement Major Milestones

Submit a detailed Work Plan and Schedule regarding the Section 106 Programmatic Agreement and Major Milestones and other activities you feel pertinent to the success of this Project. At a minimum include the following:

- A) Plan for mobilizing Key Personnel, equipment, material and supplies, if applicable;
- B) Summary of major risks to the Section 106 Programmatic Agreement and Major Milestones with explanation of planned contingencies and approach to dealing with these risks should they arise;
- C) Description of Section 106 Programmatic Agreement and Major Milestones that propose the most optimal schedule for the Project. Provide innovative ways to accelerate aspects of the Work that yield schedule optimization without affecting your Price. Describe how you will achieve schedule certainty; and
- D) Brief narrative description of the proposed Project controls approach including the Section 106 Programmatic Agreement Major Milestones and a description of the proposed plan to integrate other activities into the scheduling and reporting system, if needed.

4.7 KEY PERSONNEL AND EXPERIENCE INFORMATION

4.7.1 Key Personnel and Experience Information for Volume 4 of the Technical Proposal

Offerors will provide Key Personnel for the positions shown on exhibit 14.

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 and license number(s), if applicable. Additionally, submit at least two (2) professional references for each of the Key Personnel identified.

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:

**TABLE A
OUTLINE FOR SUBMITTAL OF TECHNICAL PROPOSAL**

Honolulu High-Capacity Transit Corridor Project

TECHNICAL PROPOSAL VOLUME/SECTION No.	VOLUME/SECTION TITLE & REQUIRED INFORMATION (High Overview of Above Sections)	REFERENCE
FIRST	EXECUTIVE SUMMARY	4.2.1
VOLUME 1	ORGANIZATIONAL AND FINANCIAL INFORMATION	4.3
Section 1	<ul style="list-style-type: none"> • <u>Exhibit 2</u>, Form of Proposal; • <u>Exhibit 3</u>, Certification Regarding Conflict of Interest; • <u>Exhibit 4</u>, Named Subcontractors and Suppliers; • <u>Exhibit 6</u>, Certificate Regarding Ineligible Subcontractors; and • <u>Exhibit 8</u>, Certification Regarding Lobbying. 	
VOLUME 2	MANAGEMENT APPROACH INFORMATION	4.5
Section 1	ORGANIZATION / COMMUNICATION STRUCTURE	4.5.1.1
Section 1.1	<u>Exhibit 11</u> , Single Point of Contact	
Section 1.2	<u>Exhibit 12</u> , Commitment to Assign Identified Resources to Project	
Section 1.3	<ul style="list-style-type: none"> • Key Personnel organizational chart; • An organizational chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors; • Description of self-performed and subcontracted Work; • Plans and procedures for managing subcontractors; • Organizational chart showing proposed members in organization; • Organizational chart showing the planned Quality organizations (implementation and administration); • City and State where assigned staff will be located; and • Address of office(s) where Work will be done in the Project vicinity. 	
VOLUME 3	SCHEDULE AND TIME INFORMATION	4.6
Section 1	<ul style="list-style-type: none"> • Proposed Completion Time; • Proposed Schedule; • 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 4.6.1.2
VOLUME 4	KEY PERSONNEL AND EXPERIENCE INFORMATION	4.7
Section 1	<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	4.3.2
	<ul style="list-style-type: none"> • Notarized Powers of Attorney; • If consortium or joint venture, evidence of joint and severable liability; • <u>Exhibit 9</u>, Non-Collusion Affidavit; • Organizational documents; and • <u>Exhibit 10</u>, Certificate Regarding Ineligible Contractors. 	4.3.2.1 4.3.2.1 4.3.2.2 4.3.2.3 4.3.2.4
Section 2	FINANCIAL INFORMATION FOR APPENDIX A	4.3.3
	Financial Capability Evidence	
Section 3	KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A	4.7.2

Sign Here

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TECHNICAL PROPOSAL VOLUME/SECTION NO.	VOLUME/SECTION TITLE & REQUIRED INFORMATION (High Overview of Above Sections)	REFERENCE
	Resumes and License Information of Key Personnel	4.7.2
Electronic Note:	<ul style="list-style-type: none"> • PDFs should be saved separately by Volume Number & Name; Attachment A by Section 1, 2, 3; and • Executive Summary and Summary Statement should precede Volume Sections and Attachment A, information. 	

5.0 PRICE PROPOSAL INSTRUCTIONS

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

Provide a Price Proposal using the Exhibits listed herein and provided in Exhibits. 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 Contract.

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

5.1 PROPOSAL PRICE CONTENTS

The Price Proposal shall consist of:

- A) Exhibit 15 - Cost Proposal Pricing Form

5.2 PROPOSAL PRICE SUBMITTAL

Submit Exhibit 15, Exhibit 16, Proposed PA Schedule in a separate, sealed envelope. Label the sealed envelope identifying it as the Price Proposal for RFP-DTS-406803.

5.3 COST PROPOSAL PRICING FORM (EXHIBIT 15)

Complete and submit Exhibit 15 in compliance with the following instructions: Exhibit 15 contains a list of positions that may be used to complete the Work for 10 years. The Priority-Listed Offeror will insert their proposed fully burdened hourly bill rate which includes all labor related costs, overhead and profit in the cell(s) below the position.

Total Estimated Other Direct Costs will be used to provide a general a baseline estimate for the allowance to be used in this contract.

On the bottom of Exhibit 15, Offerors will provide the requested data for Year 1 of the contract period, Totals in this table shall match the rates in Table 1. This table will be used to support the data provided by Offerors in the first table.

The Total Yearly Average will be used to evaluate price. This information will also be used to determine task orders pricing for the firm to whom the contract is awarded.

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Provide a Price Proposal using the Exhibits listed herein and provided in Exhibits. Failure to provide the requested information on the Exhibits and in the format specified may result in the City declaring the Price Proposal non-responsive. Submit all information as specified herein, using the Exhibits and formats specified. Alterations to the Exhibit 15 will not be permitted.

The hourly bill rates in Exhibit 15 of the selected Priority-Listed Offeror will be incorporated into the Contract.

Submit Exhibit 15, Cost Proposal Pricing Form.

5.4 FORMAT FOR SUBMITTAL OF PRICING DOCUMENTS

5.4.1 Price Proposal

Organize and submit the Price Proposal in the format shown in Table B-1 by the Proposal Due Date.

TABLE B-1: PRICE PROPOSAL

SECTION	DESCRIPTION	SECTION REFERENCE
Section 1	<u>Exhibit 15</u> . Cost Proposal Pricing Form	5.1

6.0 PROPOSAL EVALUATIONS

The Proposals shall be submitted in two separate parts per the RFP:

- A) The Technical Proposal containing the Proposal Information; and
- B) The Price Proposal containing the Pricing Information. The information contained in the Proposal will not be disclosed to the public or any Priority-Listed Offeror until after Contract Award.

The 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.

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.

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6.1 EVALUATION FACTORS AND CRITERIA

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

6.1.2 “Responsive/Non-Responsive” Criteria

The following criteria will be evaluated as responsive or nonresponsive.

6.1.2.1 Legal

- A) Properly executed Exhibit 2; and
- B) Other Exhibits and information required in Sections 4.3.1 and 4.3.2.

The specific information to be submitted is identified in Sections 4.2 and 4.3.

6.1.2.2 Financial

Financial evidence must show continued capability to meet the financial responsibilities of the Contract.

6.1.2.3 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.”

6.1.3 Evaluation Criteria

Evaluation of Proposals will be scored based on a total of 300 available points as follows:

- A) Management Approach (60 points);
- B) Schedule and Time (20 points); and
- C) Key Personnel and Experience (120 points).
- D) Price (100 points)

The criteria listed in this Section 6.1.2 and listed in Sections 6.1.2.1 through 6.1.2.3 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.

6.1.3.1 Management Approach (60 available points)

The Management Approach quality information and criteria are specified in Section 4.5

6.1.3.2 Schedule and Time (20 available points)

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

- A) Proposed Completion Time and Major Work Items (4.6.1.1); and
- B) Specific information to be submitted is identified in Section 4.0.

6.1.3.3 Key Personnel and Experience (120 available points)

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

- A) Key Personnel (4.7.1);

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- B) Resumes (4.7.2); and
- C) Specific information to be submitted is identified in Section 4.0.

6.1.4 Price (100 available points)

The Priority-Listed Offeror shall submit its Pricing Information in accordance with Section 5.0. Price evaluation will be based on the Total Yearly Average Rate shown in Exhibit 15.

- A) The price shall be evaluated in accordance with HAR § 3-122-52.

6.2 EVALUATION SCORING

Evaluation Committee members will review and score the proposals by a numeric and responsive/non-responsive scoring system based upon the evaluation criteria set forth in Section 6.0.

The total maximum points available when combining the technical and price is 300 per evaluator.

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) Advising the Priority-Listed Offerors of Weaknesses, significant Weaknesses and/or Deficiencies in their Proposals (relative to the RFP Part 2);
- B) Attempting to resolve any uncertainties, obtaining any significant additional understanding concerning the Proposal;
- C) Resolving any suspected mistakes by calling them to the attention of the Priority-Listed Offerors as specifically as possible without disclosing information concerning other competing Proposals or the evaluation process; and
- D) Providing the Priority-Listed Offerors a reasonable opportunity to submit any further technical or other supplemental information to their Proposals.

6.3.2 Procedures

The following specific procedures will apply:

- A) Information disclosed by Priority-Listed Offerors during Discussions will not be made public until after Contract Award;
- B) Discussions may be written and/or oral;

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- C) No indication will be made to any Priority-Listed Offeror of the evaluation status of any other Priority-Listed Offeror or Proposal; and
- D) HART's written requests for clarification and the Priority-Listed Offeror's-responses are included in the Contract.

6.4 BEST AND FINAL OFFERS

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

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

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

6.5 SELECTION

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

HART will not award the Contract to any Priority-Listed Offeror that receives a "non-responsive" rating on any responsive/non-responsive criteria (Section 6.1.2) or receives a quality score of less than 40% of the available points for any quality evaluation criteria (Section 6.1.3). HART will not award the Contract to any Priority-Listed Offeror that HART determines has submitted a non-responsive Technical or Price Proposal.

6.6 DISADVANTAGED BUSINESS ENTERPRISE (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 2010. Therefore, HART has not established a DBE contract goal for this Contract. Nonetheless, DBEs shall have an equal opportunity to participate in the Contract. The selected Priority-Listed Offeror shall submit a DBE Report with their monthly invoice.

7.0 CONTRACT TYPE, AMOUNT, DURATION, AWARD AND EXECUTION

7.1 CONTRACT TYPE, AMOUNT, DURATION AND AWARD

The base term of this Time and Materials Contract (not to exceed \$100,000 per year) unless the Contractor receives notification in writing by HART otherwise, shall be for a period of ten (10) years, with the option to extend for up to two (2) one-year extensions, at the discretion of HART, and subject to availability of funding; or until Section 106 Programmatic Agreement Project Manager (Kako'o) Professional Services for the HHCTCP are complete.

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Unless all Proposals are rejected or this procurement is cancelled, the Contract shall be awarded to the Priority-Listed Offeror offering the Best Value Proposal as determined by HART in accordance 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 one (1) original and four (4) copies the following:

- A) Volumes 1 through 4 of their Conformed Proposal Information in format specified in Section 4.8, Table A;***
- B) All Conformed 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;
- E) Full details of who will sign the Contract, if executed, and evidence as to the authority, power and capacity of said individuals to bind the Priority-Listed Offeror to a Contract; and
- F) Evidence that all appropriate licenses are secured.

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

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

7.2 EXECUTION OF CONTRACT

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

If the Contract is not executed by HART within **thirty (30) days** following receipt from the selected Priority-Listed Offeror of the signed Contract, 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 Contract within the time periods identified above, Award of the 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 Contract will not be effective until it has been fully executed by all of the parties thereto.