

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

**REAL ESTATE PROFESSIONAL**  
**SERVICES CONTRACT**

**RELEASE OF RFP PART 2**  
**TO THE**  
**REQUEST FOR PROPOSALS**  
**RFP-DTS-362614A**

**INSTRUCTIONS TO PRIORITY-LISTED**  
**OFFERORS**

**ISSUED: May 19, 2011**

**QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:**  
**DIVISION OF PURCHASING**  
**530 SOUTH KING STREET, ROOM 115**

**HONOLULU, HAWAII, 96813**  
**[transitmailbox@honolulu.gov](mailto:transitmailbox@honolulu.gov)**

**Honolulu High-Capacity Transit Corridor Project**

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**REQUEST FOR PROPOSALS  
RFP-DTS-362614A**

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

**REAL ESTATE PROFESSIONAL SERVICES CONTRACT  
INSTRUCTIONS TO PRIORITY-LISTED OFFERORS  
RFP PART 2**

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 June 30, 2011**, in the office of the Division of Purchasing, Department of Budget and Fiscal Services, City Hall, 530 South King Street, Room 115, Honolulu, Hawai'i, 96813.

**WENDY K. IMAMURA**  
Purchasing Administrator  
For Director of Budget and Fiscal Services  
By order of Peter Carlisle, Mayor  
City and County of Honolulu

Honolulu High-Capacity Transit Corridor Project

INSTRUCTIONS TO PRIORITY-LISTED OFFERORS  
RFP PART 2  
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### **EXHIBITS (PROPOSAL FORMS)**

Exhibit 1	RFP Comment Form
Exhibit 2	Form of Proposal
Exhibit 3	Certification Regarding Conflict of Interest
Exhibit 4	Named Subcontractors
Exhibit 5	[Reserved]
Exhibit 6	Certificate Regarding Ineligible Subcontractors
Exhibit 7	[Reserved]
Exhibit 8	Certification Regarding Lobbying
Exhibit 9	Non-Collusion Affidavit
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Exhibit 11	Single Point of Contact
Exhibit 12	Commitment to Assign Identified Resources to Project
Exhibit 13	[Reserved]
Exhibit 14	Key Personnel Information
Exhibit 15	Cost Proposal Pricing Form

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

## Honolulu High-Capacity Transit Corridor Project

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### 1.0 GENERAL OVERVIEW

This Request for Proposals No. **RFP-DTS-362614A, RFP Part 2** is issued by the City and County of Honolulu Department of Transportation Services, Rapid Transit Division to contract for Real Estate Professional Services (the "Project") from a single provider for all services necessary for the Honolulu High-Capacity Transit Corridor Project ("HHCTCP"). These services will include but are not limited to title report preparation and closing services, appraisals and appraisal services, property negotiation, property acquisition, relocation assistance services and property management services, as required. Legal review for real estate transactions and issues will be the responsibility of the City or its representatives. The awarded Contractor will be expected to comply with all Federal, State and local laws, rules, regulations, policies and procedures. The City's Real Estate Acquisition Management Plan (RAMP) for the HHCTCP, which defines roles and responsibilities for the City and the awarded Contractor, and consolidates applicable policies, procedures, and strategies, will be made available to the awarded Contractor.

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. The City reserves the right to alter these dates.

#### PROCUREMENT SCHEDULE RFP PART 2

Procurement Activity	Date
Issue RFP Part 2	May 19, 2011
RFP Part 2 - Informational Meetings	TBD
Deadline for Receipt of Clarification Requests	June 2, 2011
Issue Final Addendum	June 8, 2011
RFP Part 2 Proposal Due Date	June 30, 2011
Award of Contract (Tentative)	July 12, 2011
Execution of Contract (Tentative)	July 29, 2011
Notice to Proceed (Tentative)	July 29, 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

## Honolulu High-Capacity Transit Corridor Project

The City and County of Honolulu Department of Transportation Services, Rapid Transit Division (the "City") is requesting Proposals for the Real Estate Professional Services Contract from a single Contractor for all services necessary for the acquisition of rights of way for the HHCTCP. Property acquisition and relocation assistance will be conducted in accordance with: the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, codified in 42 U.S.C. 4601, *et seq.*; regulations set forth in 49 C.F.R. Part 24; the Federal Transit Administration (FTA) Circular 5010.1D; Hawaii Revised Statutes; the City's RAMP and other policies and procedures as directed. The general scope of services for this Real Estate Professional Services Contract is limited to:

- A) Acquisition and Negotiation Services;
  - 1) Title and Closing Services (combined);
  - 2) Appraisal Services; and
  - 3) Appraisal Review Services; and,
  - 4) Negotiation Services
- B) Relocation Assistance Services;
- C) Property Management Services;
- D) Project Administration Services; and
- E) Impacts to Public, Contractors, the City and other Stakeholders.

Legal review for real estate transactions and issues will be the responsibility of the City or its representatives.

The initial estimation of the number of properties and specific services is summarized in the table below:

	TOT	1ST SECT	2ND SECT	3RD SECT	4TH SECT
FULL ACQUISITIONS	40	14	5	6	15
PARTIAL ACQUISITION	144	16	7	33	88
EASEMENTS	12	6	0	1	5
RELOCATIONS	88	22	9	8	46

The properties and specific needs may change.

Refer to Exhibit 1 to the Special Provisions for further details of the Scope of Services.

### 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;

## Honolulu High-Capacity Transit Corridor Project

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- B) Agreement; and
- C) Special Provisions and Exhibits and Attachments
  - 1) Exhibit 1 - Scope of Services;
  - 2) Exhibit 2 - Federally Required Clauses and Attachments 1.6a) and 1.6b); and
  - 3) Exhibit 3 - General Terms and Conditions for Goods and Services for the City and County of Honolulu (01/18/2008)..

### 1.3.2 Proposal

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

### 1.3.3 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 Proposal.

### 1.3.4 Property of the City

All documents submitted by the Priority-Listed Offeror in response to this RFP Part 2 shall become the property of the City 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 the City.

### 1.3.5 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 the City, the Priority-Listed Offeror shall have a duty to notify the City of the recommended correction in writing in accordance with Section 2.3.

### 1.3.6 Cancellation of Solicitations and Rejection of Offers

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

## 1.4 INFORMATIONAL MEETINGS AND TELECONFERENCES

The City 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 the City.

### 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.

## Honolulu High-Capacity Transit Corridor Project

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### 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 the City, including agents or anyone representing the City at any time during this procurement process, the City 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 the City 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 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 named members of the organization, it must receive written approval to do so from the City.

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

Wendy K. Imamura  
Purchasing Administrator  
Division of Purchasing  
Department of Budget and Fiscal Services  
City and County of Honolulu  
530 South King Street, Room 115  
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.

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### 1.10 PROTESTS

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

### 1.11 THE CITY'S RIGHTS AND DISCLAIMERS

#### 1.11.1 The City's Rights

The City 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, the City 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 Quality Assurance and Quality Control (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, the City will circulate an Addendum to all Priority-Listed Offerors setting forth the changes to the evaluation criteria or methodology. The City may extend the Proposal Due Date;
- M) Hold meetings and communications with the Priority-Listed Offerors responding to this RFP Part 2 to seek an improved understanding and evaluation of the Proposals;
- N) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the Proposals;
- O) Waive weaknesses, informalities and minor irregularities in Proposals;
- P) Disqualify any Priority-Listed Offeror that changes its organization (as represented in its Qualifications Proposal) without written City approval;

## Honolulu High-Capacity Transit Corridor Project

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- 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 Federal, State, or City 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 City 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 the City might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

### 1.11.2 City Disclaimers

In issuing this RFP Part 2 and undertaking the procurement process contemplated hereby, the City 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 the City to enter into a Contract, nor does it obligate the City 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.

## 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 the City Point of Contact in Section 2.2.1.

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### 2.2.1 City Designated Point of Contact

Wendy K. Imamura  
Purchasing Administrator  
Division of Purchasing  
Department of Budget and Fiscal Services  
City and County of Honolulu  
530 South King Street, Room 115  
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 City sponsored informational meetings);
- B) The Priority-Listed Offerors shall correspond with the City regarding this RFP Part 2 only through the City's and Priority-Listed Offeror's designated representatives;
- C) The Priority-Listed Offerors shall not contact City employees, including City elected officials, administrators, members of the evaluation committee(s), or any official who will participate in the decision to award the Contract regarding the Project, except through the process identified 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 the City, may result in disqualification;
- F) Any official information regarding the Project will be disseminated via Addenda or notice on City 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 City designated or authorized representative; 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

### 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 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 the City to respond to any inquiry submitted after the deadline.

## Honolulu High-Capacity Transit Corridor Project

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### 2.3.2 Distribution

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

### 2.3.3 Amendments

The City 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 the City. 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

The City 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. The City 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 the City or anyone representing the City 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

The City 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

The City 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 format which is specified in Section 4.9. The Priority-Listed Offeror's authorized official shall sign each copy of the Proposal submitted to the City.

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;

## Honolulu High-Capacity Transit Corridor Project

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- 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 the City determines the Proposal to be non-responsive.

### **2.6 CONFIDENTIAL PROPRIETARY PROCESS**

The City 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, the City 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 the City 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
- D) Defend any action seeking release of the records it believes to be protected from disclosure and indemnify, defend, and hold harmless the City, its agents, and its employees from any judgments awarded against the City in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the City's 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 the City 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**

## Honolulu High-Capacity Transit Corridor Project

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By submitting a Proposal in response to the RFP Part 2, the Priority-Listed Offeror acknowledges that the City 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 the City.

### **2.8 PROPOSAL STIPEND**

The City 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 Proposal shall be sealed in a container clearly marked as "Proposal – Real Estate Professional Services Agreement." (*see* Section 4.0);
- B) The Proposal shall be delivered to:  
  
Wendy K. Imamura  
Purchasing Administrator  
Division of Purchasing  
Department of Budget and Fiscal Services  
City and County of Honolulu  
530 South King Street, Room 115  
Honolulu, Hawai`i 96813
- C) 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
- D) Proposals will not be opened publicly, but will be opened in the presence of two or more City officials.

#### **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**

The City 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 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

## Honolulu High-Capacity Transit Corridor Project

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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).

### **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 Title 16, Chapter 77, HAR § 16-77-89, Contractors, of the State Department of Commerce and Consumer Affairs, requiring a place of business in the State.

#### **3.2 CURRENCY**

The Price 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 the City 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 the City.

#### **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 five (5) 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 Proposal**

One (1) original and five (5) certified copies of the Proposal shall be provided. Copies should be labeled (i.e. "Copy X of 5", etc.). Provide two (2) electronic copies of the Proposal by Volume on CD in "pdf" searchable format. Do not include company brochures or other marketing materials on the CD.

## Honolulu High-Capacity Transit Corridor Project

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### 3.6.3 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.

### 3.6.4 Obligation to Award

The City 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.

### 3.6.5 Additional Submittals Prior to Contract Execution

Following final negotiations and prior to Contract Execution the selected Priority-Listed Offeror shall submit an original (1) and five (5) 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.

## 4.0 PROPOSAL INSTRUCTIONS

### 4.1 GENERAL INSTRUCTIONS

This Section 4.0 describes the specific instructions for preparing Proposals.

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

Proposals shall be submitted in one binder with tabbed sections (*see* Section 4.9, Table A – Outline for Submittal of Proposal), comprising the following information:

- A) Executive Summary (Section 4.2.1);
- B) Organizational and Financial Information (Section 4.3);
- C) Proposal Responsiveness (Section 4.4);
- D) Management Approach (Section 4.5);
- E) Technical Solutions (Section 4.6);
- F) Key Personnel and Experience (Section 4.8); and
- G) Appendix Information:
  - 1) Legal (Section 4.3.2);
  - 2) Financial (Section 4.3.3); and
  - 3) Key Personnel / Experience Resumes (Section 4.8.2).

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All 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, 12 point height minimum. Pages shall be 8-½ 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 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.

Proposal page limit must not exceed fifty (50) pages (excluding any pre-printed information submitted).

### 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 the City 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 the City.
- 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; and
  - 2) Proposed management plan to ensure successful and satisfactory completion of the Work.
- D) **Key Personnel and Experience:** Summary of key personnel.

## Honolulu High-Capacity Transit Corridor Project

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

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

The Executive Summary will not be evaluated or scored.

### 4.3 ORGANIZATIONAL AND FINANCIAL INFORMATION

#### 4.3.1 Organizational Information for Volume 1 of the Proposal

The Priority-Listed Offeror shall submit:

- A) Exhibit 2, Form of Proposal, which shall constitute a firm offer to the City 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 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 the City 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 the City.

##### 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.

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### 4.3.2.3 Organizational Documents

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

### 4.3.2.4 Certificate Regarding Ineligible Contractors (Exhibit 10)

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

### 4.3.3 Financial information for Appendix A to the 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 Proposal

#### 4.5.1.1 Organization / Communication Structure

Prepare and submit the proposed management approach, resources and experience that the Priority-Listed Offeror will employ in the performance of the work: the proposed organizational structure, the identification of all Principal Participants, subcontractors and key personnel roles and other plans to organize and execute the services, oversight and administration required under the Real Estate Professional Services Contract. Include the following:

- 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.
- D) Prepare and submit:
  - 1) An organization chart showing the Key Personnel;
  - 2) An organizational chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors (development and implementation);
  - 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;

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- 4) Exhibit 4, Named Subcontractors, described in Section 4.3.1(C) and provided in Volume 1;
  - 5) Plans and procedures for management of Subcontractors, if applicable;
  - 6) Organization chart showing all other proposed members, organization hierarchy, and responsibilities and organization of the staff;
  - 7) City and state where assigned staff will be located; and
  - 8) Address of office(s) where specific Work will be done.
- E) Summarize management plans and processes that will provide quality assurance and quality control (QA/QC) for all aspects of the contracted services to ensure quality of services to be preformed, timeliness, effectiveness and how the Priority-Listed Offeror will integrate the different parts of the organization collectively and together with the City and its agents and representatives.

### 4.6 TECHNICAL SOLUTIONS INFORMATION

#### 4.6.1 Technical Solutions Information for Volume 3 of the Proposal

In the Proposal provided in response to each of Sections 4.6.1.1 through 4.6.1.6, the Priority-Listed Offeror shall prepare and submit a narrative describing the Priority-Listed Offeror's approach in the performance of the specific services required for the Real Estate Professional Services. The narrative shall describe the staffing and resources required and how the Priority-Listed Offeror will use its organization, expertise and unique approach to identify and implement the Real Estate Professional Services, and comply with Federal, State and City requirements.

The Priority-Listed Offeror shall identify and describe the technical challenges and significant issues and risks facing the Priority-Listed Offeror and the City in the performance of the following services and propose how to minimize Project delays, claims, or otherwise mitigate Project risk.

##### 4.6.1.1 Acquisition and Negotiation Services

Prepare and submit a narrative describing the Priority-Listed Offeror's Project approach regarding acquisition and negotiation services indicating total staffing required, risks regarding title reports, inspection of properties, valuations, and negotiations. Prepare and submit a detailed Acquisition Work Plan for commercial, residential, and non-profit properties and for full takes, partial takes, and easements in which the Priority-Listed Offeror will participate in and/or perform the required services. Include the following topics:

- A) Preparation of Title Reports;
- B) Securing of Title Insurance (only if directed by the City);
- C) Title and Closing Services;
- D) Inspection of Properties;
- E) Investigations and Studies;
- F) Negotiations; and
- G) Documentation and recordation of all transactions both written and oral.

Also, include the following:

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### **4.6.1.2 Appraisal Services**

- A) Appraisal Reports and Services;
- B) Appraisal Valuations and Market Value (just compensation);
- C) Easement Valuations
- D) Appraisal Review Services;
- E) Expert Testimony (as required);

### **4.6.1.3 Relocation Assistance Services**

Prepare and submit a narrative describing the Priority-Listed Offeror's Project approach regarding relocation assistance services. Indicate total staffing required, risks, comparable replacement housing, personal property inventory and advisory assistance. Prepare and submit a detailed Relocation Services Work Plan for commercial, residential, and non-profit properties (in accordance with the Uniform Relocation Act, 49 C.F.R. Part 24, the Federal Transit Administration Guidelines, FTA Circular 5010.1D, State and local laws, and the City's RAMP) in which the Priority-Listed Offeror will participate in and perform the services. The Priority-Listed Offeror will perform a full range of services needed to successfully relocate the displacees, including, but not limited to the following:

- A) All Information Notices;
- B) Search for appropriate replacement properties;
- C) Certify that replacement properties meet URAA standards;
- D) All payment determinations;
- E) Rights of and Procedures for appeal of payments and advisory services; and
- F) Coordinate with other state and local agencies as required.

### **4.6.1.4 Property Management Services**

Prepare and submit a narrative describing the Priority-Listed Offeror's Project approach regarding property management. Indicate total staffing required, risks regarding parcel turnover, temporary lease agreements, property maintenance and providing entry to properties. Prepare and submit a detailed Property Management Work Plan (in accordance with Federal, State and local laws, regulations, policies and procedures) in which the Priority-Listed Offeror will perform property management services. Include the following topics as a minimum:

- A) Property Management Services;
- B) Acquisition to Turnover;
- C) Temporary Lease Agreements; and
- D) Property Maintenance.

### **4.6.1.5 Project Administration Services**

Prepare and submit a narrative describing the Priority-Listed Offeror's Project approach regarding Project administration. Indicate total staffing required, risks regarding updated information, databases, progress updates, detailed file records and documentation regarding communications with property owners and tenants. Prepare and submit a detailed Project Administration Work Plan in which the Priority-Listed Offeror will perform. Include the following as a minimum:

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- A) Real Estate Administration Database (READ);
- B) Progress Updates; and
- C) Records Management.

### 4.6.1.6 Impacts to Public, Contractors, City, and other Stakeholders

Provide a narrative discussion and Priority-Listed Offeror's Work Plan to minimize all major impacts to Public, Contractors, City, and other Stakeholders. Indicate total staffing required, description of potential impacts, risks, mitigation strategies, public and neighborhood meeting support and other. Rank major impacts in table format by schedule delay or schedule cost, or other criteria.

## 4.7 KEY PERSONNEL AND EXPERIENCE INFORMATION

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

Submit Exhibit 14, Key Personnel Information.

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

Submit resumes of Key Personnel and license number(s), if applicable.

## 4.8 FORMAT AND ORGANIZATION OF THE PROPOSAL

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

**TABLE A  
OUTLINE FOR SUBMITTAL OF PROPOSAL**

PROPOSAL VOLUME/SECTION No.	VOLUME/SECTION TITLE & REQUIRED INFORMATION (High Overview of Above Sections)	REFERENCE
	EXECUTIVE SUMMARY	4.2.1 & 4.2.2
VOLUME 1	ORGANIZATIONAL AND FINANCIAL INFORMATION	4.3
Section 1	<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 8</u> , Certification Regarding Lobbying; and Licensing information.	
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	Key Personnel organization chart; An organization chart reflecting the roles and responsibilities of the Principal Participants and Named Subcontractors; Description of self-performed and subcontracted Work; Plans and procedures for managing subcontractors; Organization chart showing proposed members in organization; Organization chart showing the planned Quality organizations (design, 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	

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**TABLE A  
OUTLINE FOR SUBMITTAL OF PROPOSAL**

<b>PROPOSAL VOLUME/SECTION No.</b>	<b>VOLUME/SECTION TITLE &amp; REQUIRED INFORMATION (High Overview of Above Sections)</b>	<b>REFERENCE</b>
	vicinity.	
<b>VOLUME 3</b>	<b>TECHNICAL SOLUTIONS INFORMATION</b>	<b>4.6</b>
Section 1	ACQUISITION AND NEGOTIATION SERVICES and APPRAISAL SERVICES Detailed Work Plan	4.6.1.1 and 4.6.1.2
Section 2	RELOCATION ASSISTANCE SERVICES Detailed Work Plan	4.6.1.3
Section 3	PROPERTY MANAGEMENT SERVICES Detailed Work Plan	4.6.1.4
Section 4	PROJECT ADMINISTRATION SERVICES Detailed Work Plan	4.6.1.5
Section 5	IMPACTS TO PUBLIC, CONTRACTORS, CITY, AND OTHER STAKEHOLDERS Detailed Work Plan	4.6.1.6
<b>VOLUME 5</b>	<b>KEY PERSONNEL AND EXPERIENCE INFORMATION</b>	<b>4.7</b>
Section 1	<u>Exhibit 14</u> , Key Personnel Information	4.7.1
<b>APPENDIX A</b>	<b>LEGAL, FINANCIAL, KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A</b>	
Section 1	LEGAL INFORMATION FOR APPENDIX A	4.3.2
	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 Financial Capability Evidence	4.3.3
Section 3	KEY PERSONNEL AND EXPERIENCE INFORMATION FOR APPENDIX A Resumes of Key Personnel and license number(s), if applicable.	4.7.2 4.7.2
Electronic Note:	PDFs should be saved separately by Volume Number/Name. Executive Summary and Summary Statement should precede volume sections.	

**5.0 PRICE**

Exhibit 15 contains a list of positions that may be used to complete the Work. 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) adjacent to the position. It is not mandatory that all cells be populated. Do not add or change any position description. Insert the average 5-year bill rate calculated for each position description and calculate the average for each year. The average 5-year rate of all positions 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.

### **6.0 PROPOSAL EVALUATIONS**

The Proposals shall be submitted as directed in the RFP and in the format specified in Section 4.8, Table A.

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 Proposal. The Evaluation Committee will evaluate the quality scores and price information submitted in Exhibit 15, and make a recommendation to the Chief Procurement Officer indicating which Proposal represents the Best Value Proposal.

The City reserves the right to reject any or all Proposals, to waive technicalities, or to advertise for new Proposals, if deemed by the City 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, Sections 4.2 and 4.3.

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

The information contained in the Proposal will not be disclosed to the public or any Priority-Listed Offeror until after Contract Award.

### **6.1 EVALUATION FACTORS AND CRITERIA**

#### **6.1.1 “Responsive/Non-Responsive” Criteria**

The following criteria will be evaluated as responsive or nonresponsive.

##### **6.1.1.1 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.

##### **6.1.1.2 Financial**

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

##### **6.1.1.3 Responsiveness to RFP Requirements**

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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 Proposal to be eligible to receive further consideration. Failure to comply with this requirement may result in the Proposal being deemed “non-responsive.”

### **6.1.2 Evaluation Criteria**

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

Evaluation of Proposals will be scored based on a total of 1,500 available points as follows:

- A) Management Approach (300 points);
- B) Technical Solutions (500 points);
- C) Key Personnel and Experience (500 points); and
- D) Price (200 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.

#### **6.1.2.2 Management Approach (300 available points)**

Specific information to be submitted is identified in Section 4.0.

#### **6.1.2.3 Technical Solutions (500 available points)**

- A) In the Proposal provided in response to each of Sections 4.6.1.1 through 4.6.1.7, indicate and describe features of the proposed services and plans offered by the Priority-Listed Offeror that will:
  - 1) Meet or exceed the City Real Estate Professional Services expectations;
  - 2) Minimize Project Contract(s) delays; and
  - 3) Minimize contractor Mitigation.
- B) The Technical Solutions quality criteria are listed in the following categories:
  - 1) Acquisition and Negotiation Services and Appraisal Services (4.6.1.1 and 4.6.1.2);
  - 2) Relocation Services (4.6.1.3);
  - 3) Property Management (4.6.1.4);
  - 4) Project Administration (4.6.1.5); and
  - 5) Impacts to Public, contractors, City, and other Stakeholders (4.6.1.6).

Specific information to be submitted is identified in Section 4.0.

#### **6.1.2.4 Key Personnel and Experience (500 available points)**

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

- A) Key Personnel (4.7.1); and

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- B) Resumes (4.7.2).

Specific information to be submitted is identified in Section 4.0.

### 6.1.3 Price (200 available points)

The Priority-Listed Offeror shall submit its Exhibit 15 in accordance with Section 5.0.

- A) Exhibit 15 shall specify the fully burdened hourly bill rates for which the Work will be performed according to the RFP Part 2; and
- B) The Price shall be evaluated based on the fully burdened hourly bill rates submitted in Exhibit 15.

## 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 technical quality and price is 1,500 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, the City 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 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 the City 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:

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

### 6.4 BEST AND FINAL OFFERS

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

If the City 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 the City 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, the City 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

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

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

### 6.6 DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

The City will disqualify a Priority-Listed Offeror who has failed to comply with the City's DBE or EEO programs on a prior contract.

The City has established a race neutral annual overall DBE goal for Fiscal Year 2010 of 3.83%, but the City has not established a DBE participation goal for this Contract. The Priority-Listed Offeror assures that it will comply with applicable Federal statutes and regulations concerning identification and reporting DBE participation in this Contract.

The Priority-Listed Offeror assures that it will take affirmative steps to use as many of the race-neutral means of achieving DBE participation identified at 49 C.F.R. Section 26.51(b) as practicable to afford opportunities to DBEs to participate in the Contract. A race-neutral measure is one that is, or can be, used to assist small business participation. Nonetheless, DBEs shall have an equal opportunity to participate in this Contract. (*see paragraph 1.6, Exhibit 2 to the Special Provisions, Federally Required Clauses.*)

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### 7.0 CONTRACT AWARD AND EXECUTION

#### 7.1 CONTRACT AWARD

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

Within **ten (10) days** after the City notifies the selected Priority-Listed Offeror of its selection (Notice of Award), the selected Priority-Listed Offeror shall notify the City 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 the City.

Within **fifteen (15) days** after Notice of Award, the selected Priority-Listed Offeror shall deliver to the City 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;
- E) Full details of the authorized representative(s) 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 is secured.

Failure to comply with the above may result in cancellation of the Notice of Award.

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 the City. 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 the City 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 the City 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 the City may decide.

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

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### **7.3 NOTICE TO PROCEED**

The selected Priority-Listed Offeror will receive written notification of all Work being requested. Work will be released on an as needed task order basis. Any Work commenced prior to issuance of a written Notice to Proceed will be at the Contractor's risk. The schedule will be determined and directed by the City..