

1. OVERVIEW OF PROCUREMENT PROCESS

1.1. REQUEST FOR PROPOSALS ORGANIZATION

This RFP is organized as follows:

- Section 1. Overview of Procurement Process. Provides Proposers with a general overview of the Request for Proposals (RFP) process.
- Section 2. RFP Purpose and Overview. Provides Proposers with general information about the objectives of this project and RFP, and critical success factors.
- Section 3. Scope of Work and Requirements. Provides Proposers with a general description of the tasks to be performed, delineates the Hawaii Department of Transportation's (HDOT) and Proposer's responsibilities, stipulates Proposer qualifications, and defines deliverables.
- Section 4. Proposal. Describes the required format and content for the Proposer's submittal, and establishes requirements for the Price Proposal.
- Section 5. Proposal Evaluation. Describes how proposals will be evaluated by HDOT.

- Appendix A. Offer Form, OF-1
- Appendix B. Offer Form, OF-2
- Appendix C. Performance and Payment Bond Forms
- Appendix D. Contract Forms and AG General Conditions
- Appendix E. Contract Minimum and Special Conditions
- Appendix F. Special Provisions
- Appendix G. Certificate for Performance of Services
- Appendix H. Conflict of Interest (COI) Disclosure Form

1.2. PROCUREMENT AUTHORITY

This procurement is being conducted as a competitive sealed proposals procurement in accordance with the procedures set forth in §103D-303 of the Hawaii Revised Statutes (HRS) and Title 3, Subtitle 11, Chapter 122, Subchapter 6 of the Hawaii Administrative Rules (HAR). The relevant provisions of §103D, HRS, and their associated HAR, are incorporated by reference and made a part of this RFP.

1.3. ISSUING OFFICE AND CONTACT PERSON

The following person from the issuing office listed below is the sole point of contact for this RFP. Communication with any other contact person from the date of release of this RFP until the selection of the successful Proposer(s) without approval, may result in disqualification.

1.3.1. Issuing Office

State of Hawaii
Department of Transportation
Contracts Office
869 Punchbowl Street, Room 105
Honolulu, HI 96813

1.3.2. RFP Point of Contact

Holly Yuen

State of Hawaii Department of Transportation
Highways Division, Technical Design Services Office, Room 688
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Ph.: (808) 692-7548

Email: Holly.Yuen@hawaii.gov

1.4. TERMS AND ACRONYMS USED THROUGHOUT THE SOLICITATION

GET	= General Excise Tax
HAR	= Hawaii Administrative Rules
HCE	= Hawaii Compliance Express
HDOT	= Hawaii State Department of Transportation, Highways Division
HRS	= Hawaii Revised Statutes
HST	= Hawaii Standard Time
Proposer	= Any individual, partnership, firm, corporation, joint venture, or representative or agency
Procurement Officer	= The contracting officer; Director of the State of Hawaii, Department of Transportation
RFP	= Request for Proposals
State	= State of Hawaii, including each department and political subdivisions
USPS	= United States Post Office

1.5. PROCUREMENT TIMETABLE

The schedule represents the HDOT's best estimate of the schedule that will be followed. All times indicated are Hawaii Standard Time (HST). If a component of this schedule, such as "Proposal Due date/time" is delayed, the rest of the schedule will likely be shifted by the same number of days. The approximate schedule is presented in *Table 1*.

Table 1: Significant Dates (subject to change)

Release of Request for Proposals (RFP)	June 15, 2020
Pre-proposal Tele-Conference (non-mandatory)	July 17, 2020
Deadline for submission of written questions for Step 1	July 24, 2020
HDOT's response to written questions	July 31, 2020
Step 1 Qualification Proposals Due date/time at: Department of Transportation Contracts Office 869 Punchbowl Street, Room 105 Honolulu, HI 96813 There are no exceptions to this proposal due date unless the date is amended in writing by the Department of Transportation	August 19, 2020 2:00 pm (HST)
Selection of Top Three Proposers	September 4, 2020
Deadline for submission of written questions for Step 2	November 4, 2020
HDOT's response to written questions	November 11, 2020
Step 2 Design & Price Proposal Due date/time at: Department of Transportation Contracts Office 869 Punchbowl Street, Room 105 Honolulu, HI 96813 There are no exceptions to this proposal due date unless the date is amended in writing by the Department of Transportation	November 25, 2020, 2:00 pm (HST)
Contractor Selection and Notice of Award	December 29, 2020
Contract Design Notice to Proceed	March 1, 2021

1.6. CANCELLATION

The Request for Proposals (RFP) may be cancelled and any or all proposals rejected in whole or in part, without liability to the State, when it is determined to be in the best interest of the State.

1.7. REQUIRED REVIEW / WRITTEN QUESTIONS

It is the Proposer's responsibility to carefully review this solicitation for defects and questionable or objectionable matter. Solicitation documents include this RFP, any attachments, plans referred to herein, and any other relevant documentation.

Comments concerning defects, discrepancies, omissions, questionable or objectionable matter, or questions related to this RFP must be made in writing to allow issuance of any necessary amendments to the RFP. It will also help prevent exposure of Proposer's proposal prepared in response to a defective or inaccurate solicitation upon which award could not be made.

Comments related to this solicitation shall be communicated in writing to the RFP contact person identified by the date and time established for submission of written questions to ensure an official response. The HDOT will not respond to verbal or informal questions.

Such comments shall contain pertinent information to identify the prospective Proposer, its telephone number, e-mail address, the RFP number, as well as reference to the specific page, section, and/or paragraph as applicable.

The response to the prospective Proposers' written questions received by the scheduled date shall be compiled, shall omit reference to the source(s) of the questions, shall be issued as an addendum to the RFP and shall become a part of the RFP. The HDOT will publish the questions as they are submitted, including any background information provided with the question. The HDOT at its sole discretion may omit questions which may be combined or paraphrase questions and background content for clarity.

The HDOT's responses shall be communicated in writing via published addenda to this RFP. Proposers who have submitted a *Notice of Intent to Offer (Section 1.9)* will receive notification of any addenda from the date the Notice is received. The HDOT is not responsible for delays or non-receipt of such responses or any communications by the prospective Proposers.

If a Proposer submits a question after the scheduled date, the HDOT may answer the question but does not guarantee that the answer will be provided prior to the Proposal due date.

1.8. RFP ADDENDA

The HDOT reserves the right to amend this RFP at any time prior to the proposal due date. All addenda issued shall be incorporated into the resulting contract. Failure of any Proposer to complete and submit a *Notice of Intent to Offer (Section 1.9)* or receive any such addenda or interpretations shall not relieve the Proposer of any obligation under this solicitation.

1.9. NOTICE OF INTENT TO OFFER (LETTER OF INTENT)

Persons interested in submitting a Proposal in response to this RFP should submit a non-binding letter of intent to the HDOT. Failure to submit a letter of intent does not preclude a Proposer from submitting a Proposal in response to this RFP. However, answers to written questions, modifications, amendments, addenda, and clarifications to the RFP, and other official communications relating to the RFP will be to persons and entities that have submitted a letter of intent

A letter of intent should be filed as soon as possible. The Notice may be submitted to the RFP Contact Person specified in *Section 1.3.2*.

1.10. PRE-PROPOSAL CONFERENCE

A non-mandatory pre-proposal web or telephone conference will be held. Refer to the *Procurement Timetable* in *Section 1.5*.

1.11. DEADLINE FOR PROPOSALS

Offers shall be received at the Contracts Office, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Room 105, Honolulu, Hawaii 96813, no later than the date and time stated in *Section 1.5, Procurement Timetable*, or as amended. Proposals received after the deadline shall be rejected and returned unopened. Timely receipt of offers shall be evidenced by the date and time registered by the Contracts Office's time stamp clock.

If the Proposer chooses to deliver its offer by United States Postal Service (USPS), please be aware that the USPS does not deliver directly to the State of Hawaii, Department of Transportation, Contracts Office, but rather to a central mailroom. This may cause a delay in receipt by the Contracts Office and the offer may reach the Contracts Office after the deadline, resulting in automatic rejection.

1.12. DISQUALIFICATION OF OFFERS

The HDOT reserves the right to consider as acceptable only those proposals submitted in compliance with all the requirements set forth in this RFP and which demonstrate an understanding of the issues involved and the scope of work.

A Proposer shall be disqualified, and the Proposer's Proposal shall be rejected for any one (1) or more of the following non-exclusive reasons, as solely determined by the HDOT:

- A. Proposal received after specified deadline.
- B. Proposal not properly completed as required herein or containing any unauthorized additions or deletions, defects including but not limited to irregularities of any kind, which may make the Proposal incomplete, indefinite, or ambiguous as to its meaning (e.g., un-initialed erasures, prices which are obviously unbalanced, etc.)
- C. A Proposal which is incomplete or conditional proposals, including but not limited to a Proposal which includes any other set of terms and conditions, or any terms or conditions contradictory to those included in this RFP.
- D. A Proposal signed by other than an authorized individual, or a Proposal not containing an original signature in ink.
- E. A faxed or electronically submitted proposal will not be accepted or acknowledged.
- F. More than one (1) Proposal from an individual firm, corporation, or joint venture under the same or different names (Proposer), whereby all proposals from the Proposer shall be rejected.
- G. Evidence to the HDOT's sole satisfaction of collusion among Proposers, lack of responsibility and cooperation to HDOT requests during the RFP process or as

shown by past work, being in arrears on existing contracts with the State of Hawaii, or defaulting on previous contract(s).

H. Failure to possess the proper licenses, facilities, equipment or sufficient experience to provide the proposed solution or to perform the work contemplated.

I. Evidence of any noncompliance with any applicable law or rule.

1.13. PROPOSAL EVALUATION

The HDOT will conduct a comprehensive, fair, and impartial evaluation of the proposals it receives in response to this RFP. Refer to *Section 5* of this RFP for specific requirements and details of the process.

1.14. PROPOSAL AS PART OF THE CONTRACT

This RFP as well as the successful Proposal will be incorporated into the contract.

1.15. OFFER ACCEPTANCE PERIOD

The HDOT's acceptance of a proposal, if any, will typically be made within ninety (90) calendar days after the opening of proposals. Prices quoted by the Proposer shall therefore remain firm for ninety (90) calendar days from the receipt of the Proposer's Proposal or Best and Final Offer or upon mutual agreement. The Proposer's price quote shall remain firm until the contract is executed.

1.16. CONTRACT; CONTRACT AND PERFORMANCE PERIOD

1.16.1. Contract

The HDOT will issue a contract for the services described herein.

1.16.2. Contract Term

The contract shall commence upon full execution of the contract by the HDOT. The duration of this contract shall be **1095 calendar days** from the date specified in the Notice to Proceed. Unless terminated, the Proposer and the State may extend the term for **180 calendar days** without the necessity of resoliciting. The Proposer's price quote shall remain firm until the contract is executed.

The State of Hawaii reserves the right to terminate the contract for lack of funding after each State fiscal year, which ends on the 30th of June every year. Refer to HAR 3-2-122-149 for multi-term contracts.

1.17. CONTRACT AWARD

The HDOT will utilize a two-step procurement process to select a design-build team. Attention is directed to Section 4.6 Step 1 – Submission of Qualification Proposal and Section 4.9 Step 2 – Submission of Design Concept Documents and Price Proposal of these Provisions.

Step 1 – Submission of Qualification Proposal – Submit the Qualification Package by the date and time specified in Section 1.5, Table 1. It is the Proposer’s responsibility to ensure that the HDOT receives the Qualification Proposal on time.

Step 2 – Submission of Design Concept Documents and Price Proposal – The top three Proposers shall submit the Design Concept Documents and Price Proposal to the HDOT. Submit the required documents by the date and time specified in Section 1.5, Table 1.



Award, if any, shall be made to the ~~responsive and~~ responsible Proposer who meets or exceeds the minimum number of evaluation criteria points. Also, the Proposal will be the Proposal HDOT deems most beneficial in accordance with the evaluation criteria specified and in case of a tie, in the opinion of the reviewers.

Upon award, the HDOT will issue a contract to the Proposer.

1.18. PERFORMANCE BOND AND PAYMENT BOND

At the time of execution of the contract, the successful Proposer shall file a good and sufficient performance bond and a payment bond on the forms furnished by the HDOT (see *Appendix C*) conditioned for the full and faithful performance of the contract according to the terms and intent thereof and for the prompt payment to all others for all labor and material furnished by them to the Contractor and used in the prosecution of the work provided for in the contract. Each bond shall be valued at 50% of the total Program value. The Contractor shall limit the acceptable performance and payment bonds to the following:

- A. Legal tender;
- B. Surety bond underwritten by a company licensed to issue bonds in the State of Hawaii; or
- C. A certificate of deposit; share certificate; cashier’s check; treasurer’s check; teller’s check drawn by or a certified check accepted by and payable on demand to the State by a bank savings institution or credit union insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA).
 - The Proposer may use these instruments to a maximum of \$100,000.
 - If the required security or bond amount totals over \$100,000 more than one instrument not exceeding \$100,000 each and issued by different financial institutions shall be acceptable.

Such bonds shall also by the terms inure to the benefit of any and all persons entitled to file the claims for labor done or material furnished in the work so as to give them a right of action as contemplated by Section 103D-324, HRS.

1.19. RESPONSIBILITY OF PROPOSERS; HAWAII COMPLIANCE EXPRESS

The Proposer is advised that if awarded a contract under this RFP, the Proposer shall, upon award of contract, furnish proof of compliance with the requirements of HRS §103D-310 and HAR §3-122-112 including:

- ☐ Chapter 237, General Excise Tax Law;
- ☐ Chapter 383, Hawaii Employment Security Law;
- ☐ Chapter 386, Workers' Compensation Law;
- ☐ Chapter 392, Temporary Disability Insurance;
- ☐ Chapter 393, Prepaid Health Care Act; and
- ☐ One of the following:

1. Be registered and incorporated or organized under the laws of the State of Hawaii (hereinafter referred to as a "Hawaii business") or
2. Be registered to do business in the State of Hawaii (hereinafter referred to as a "compliant non-Hawaii business").

The Proposer may demonstrate proof of compliance with the above-referenced requirements by submitting a *Certificate of Vendor Compliance* issued by the Hawaii Compliance Express (HCE) online system to the HDOT, Procurement and Contracts Branch upon award of a contract. The HCE service allows vendors to register online through a simple wizard interface at <http://vendors.ehawaii.gov>. The *Certificate of Vendor Compliance* provides current compliance status as of the issuance date, satisfies requirements of Chapter 103D-310(c), HRS, and is therefore acceptable for contracting purposes. Proposers that elect to use HCE services are required to pay an estimated annual fee of \$12.00 to the Hawaii Information Consortium, LLC (HIC).

Due to the time required to obtain the required HCE *Certificate of Vendor Compliance*, it is highly recommended that the interested Proposer begin the registration process as soon as possible.

1.20. FAILURE TO EXECUTE CONTRACT; TIMELY SUBMISSION OF CERTIFICATES

At time of contract award, the above *Certificate of Vendor Compliance* and any other documentation and certification shall be submitted to the HDOT, Contracts Office as soon as possible or by the deadline established by the HDOT. If a valid certificate or non-compliant documentation is not submitted on a timely basis for award of a contract, award made to a Proposer otherwise ~~responsive and~~ responsible may be annulled.



Failure to execute a contract as required within ten (10) calendar days or such further time as the HDOT may allow after the Awardee has received the contract for execution shall be just cause for the annulment of the award. The HDOT may award the contract to the next responsible Proposer or may call for other Offers, whichever is deemed to be in the best interest of the HDOT.

1.21. NOTIFICATION OF AWARD; NON-SELECTED PROPOSER.

Upon award to the successful Proposer, the HDOT shall post publicly, a notice of award. The HDOT will also provide written notification of the award to any unsuccessful Proposer(s). The HDOT is not responsible for delays or non-receipt of such notification.

1.22. DEBRIEFING

The purpose of the optional debriefing is to inform unsuccessful Proposers of the basis for contract award. A Proposer(s) not selected for contract award shall submit a written request for a debriefing within three (3) working days after the posting of the contract

award. The debriefing shall be held, to the maximum extent possible, within seven (7) working days after the request is received from the Proposer.

1.23. PROTEST

Pursuant to §103D-701, HRS and §3-126, HAR, a protest of the solicitation shall be made prior to proposal opening. A protest of an award or proposed award shall be submitted within five (5) working days after the posting of award of the contract or within five (5) working days following a debriefing. The notice of award letter(s) resulting from this solicitation shall be posted on the Hawaii Awards & Notices Data System (HANDS), which is available on the SPO website: <http://spo.hawaii.gov/>.

Any protest pursuant to §103D-701, HRS and §3-126, HAR shall be submitted in writing to the *Issuing Office* listed in *Section 1.3.1*.