

4. PROPOSAL

The Proposal shall describe in detail the Proposer's ability and availability of services to meet the goals and objectives of this RFP as stated in *Section 3.0, Scope of Work*.

The Proposer shall submit a Proposal that includes an overall strategy, timeline and plan for the work proposed as well as expected results and possible shortfalls.

4.1. GENERAL REQUIREMENTS

- A. All costs incurred by a Proposer in preparing and submitting a Proposal and conducting discussions, if any, shall be at the Proposer's sole expense and sole responsibility. This includes the cost of any visits to references, and HDOT locations by a Proposer, but does not include any costs incurred by the HDOT or its representatives for Proposer demonstrations or site visits.
- B. Before submitting a proposal, each Proposer must examine the solicitation documents thoroughly. Solicitation documents include this RFP, any attachments and any other relevant documentation. The Proposer shall also be familiar with State, local, and Federal laws, statutes, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work required.
- C. Proposers are charged with presumptive knowledge of all requirements of all cited authorities. Proposer shall become familiar with State, local, and federal laws, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work before submitting a proposal. Submission of a valid executed proposal by any prospective Proposer shall constitute admission of knowledge on the part of such Proposer.
- D. The Scope of Work, Minimum Contract Provisions, General Conditions and other documents referenced in or attached to the proposal shall be considered a part of the proposal submitted, whether or not attached to the proposal at the time of submission. Such documents shall not be altered in any way; any alterations so made by the Proposer may result in rejection of the proposal.
- E. Submission of a proposal shall constitute an incontrovertible representation by the Proposer of understanding, acceptance, and compliance with every requirement of this RFP. In addition, the RFP documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of performance of the work.
- F. Any proposal may be withdrawn at any time prior to but not after the hour fixed by public notice as the deadline for receipt of offers. The Proposer shall request in writing, executed by the Proposer or the duly authorized representative, and is filed with the Contracts Office. The withdrawal of a proposal shall not prejudice the right of a Proposer to submit a new proposal, but any such new proposal shall still be received before the stated deadline.
- G. A proposal that contains any omission, erasure, addition not called for, conditional offer or irregularity of any kind may be rejected. Corrections, if necessary, shall be made by lining out the materials to be corrected and by inserting the correction as

close to the line-out as possible. Every such correction must be initiated by authorized individual signing the Proposal Identification and Information Form.

4.2. CONFIDENTIAL INFORMATION IN PROPOSAL

The contents of any proposal shall not be disclosed during the review, evaluation, or discussion process. Once the notice of the award is posted, all proposals (both successful and unsuccessful) become available for public inspection.

Price is not confidential and will not be withheld. If a Proposer believes that any other portion of the proposal contains information that should be withheld as confidential, then the Contracts Office should be so advised in writing. Proposer shall request in writing nondisclosure of designated trade secrets or other proprietary data to be confidential. Such data shall accompany the Proposal, be clearly marked, and shall be readily separable from the Proposal in order to facilitate eventual public inspection of the non-confidential portion of the Proposal.

Whether those parts shall remain confidential will be determined under §3-122-58(b), HAR and Chapter 92F, HRS. Pursuant to §3-122-58, HAR, if a person requests to inspect the portions of a proposal designated as confidential, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination in accordance with Chapter 92F, Hawaii Revised Statutes (HRS). If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with Section 92F-42(12), HRS.

4.3. PROPOSAL PREPARATION

One of the objectives of this RFP is to make the Proposal preparation easy and efficient, giving Proposers ample opportunity to highlight their Proposals. The evaluation process must also be manageable and effective. When a Proposer submits a proposal, it shall be considered a complete plan for accomplishing the tasks described in this RFP. Also, included is any supplemental tasks the Proposer has identified as necessary to successfully meet the obligations outlined in this RFP.

The proposal shall describe in detail the Proposer's ability and availability of services to meet the primary project goal of this RFP as stated herein. Proposals shall be prepared in a straightforward and concise manner, in a format that is reasonably consistent and appropriate to the purpose of this RFP. Emphasis shall be on completeness and clarity of content. If any additional information is required by the HDOT regarding any aspect of a Proposer's proposal, such information shall be provided within two (2) business days of the HDOT's request unless otherwise stated or directed by HDOT.

4.4. PROPOSAL SECURITY

A bid bond is only required when submitting a Price Proposal for Step 2.

Performance and payment bonds for the project will be required for the successful Proposer; see *Section 1.20* and *Appendix C*.

4.5. PROPOSAL SUBMISSION AND FORMAT

This section prescribes the standard format for a proposal submitted in response to this RFP.



Proposer shall submit a Proposal using the exact forms or reproductions of such forms as provided and as otherwise instructed by this RFP. ~~Failure to comply may result in a determination that the proposal is non-responsive.~~

The standard format will facilitate the HDOT's review, comparison, evaluation of proposals, and verification as to whether the minimum requirements are met by each Proposer and the Proposer's Proposal. The format is not intended to limit the content of a proposal in any way. The Proposer may include any additional data or information that is deemed pertinent to this RFP.

Unless otherwise noted, proposal shall be submitted as follows:

4.5.1. Copies

Proposer shall submit ten (10) hard copies of the Qualification Proposal for Step 1 and ten (10) hard copies of the Price Proposal for Step 2. Evaluations will be based on the contents of the written proposal.

4.5.2. Packaging

Proposer shall submit the signed proposal in a sealed envelope, package or container, together with the required offer security, if any. The envelope, package or container shall be clearly identified with the RFP number and the name and address of the Proposer.

4.6. STEP 1 - SUBMISSION OF QUALIFICATION PROPOSAL

Each Proposer interested in being considered for this project is required to submit a Qualifications Proposal, limited to 100 pages, no later than 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.

4.6.1. QUALIFICATIONS PROPOSAL ITEMS

The Qualification Proposal shall contain the following:

- a. Proposer, key subcontractors, and key consultants' experience and qualifications relevant to the Project and to the Design Build process. Key personnel shall include, but may not be limited to, Project Manager, Design Lead, Construction Lead, QC Manager, Design QC Manager, Construction QC Manager, Quality Testing Supervisor, and Public Information Specialist. All Proposers shall either be licensed in the State of Hawaii at the time of the Qualification Proposal Submittal and include a statement citing the appropriate Contractor's and Subcontractor's license(s), or demonstrate the ability to obtain the appropriate Contractor's and Subcontractor's license(s) in the State of Hawaii prior to award and obtain said license(s) prior to award.

Include documentation showing 2 years experience by prime or sub-contractor in bridge construction completed within the last 10 years. Documentation shall include, as a minimum, a list of relevant projects and a short description of each project including project scope, construction cost and date of completion; the name of the owner, point of contact, point of contact's telephone number and email address.

- b. Past performances on bridge projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiency. Indicate which projects, if any, were design-build. Specify that no projects were conducted that had any bridge projects of similar scope for public agencies or the private industry if there were none.
- c. Capacity to accomplish the work in the required contract completion date (Proposer's proposed staffing plan showing the organizational structure proposed to accomplish the management, design, permitting, construction, quality control, and administrative services).
- d. Proposer's understanding of the project scope of work and the Proposer's proposed approach to accomplishing the work. The Proposer shall indicate any innovative, unique or alternative methods that would be used to perform the required services. Include anticipated concepts or construction methods to complete the project and present any modern, cost effective methods or techniques that would benefit the project.
- e. Demonstration of financial capability. This may include a certification or letter from a financial institution attesting that the Proposer is financially capable of undertaking the project. If balance sheets, consolidated statements of income, or consolidated statements of cash flow are included, the Proposer shall enclose one copy of these documents in a separate sealed envelope marked "CONFIDENTIAL". The financial documents in the separate sealed envelope will not be counted towards the 100 page qualification proposal limitation.

Submit ten (10) hard copies of the Qualification Proposal. To facilitate HDOT's review, the Proposer shall include a Table of Contents and separate each of the above five items clearly.

In addition to the items contained in the five categories above, a completed CONFLICT OF INTEREST (COI) DISCLOSURE FORM shall be included as a separate tabbed Appendix to the Qualification Proposal. A blank form is provided after the Technical Provisions. All known potential conflicts of interest shall be disclosed in the COI Disclosure Form. The Proposer may include a conflict mitigation plan as described in the COI disclosure form. If the Proposer was aware of an organizational COI as defined in the COI form prior to award of the contract and did not disclose the conflict or potential COI to HDOT, HDOT may delay contract execution or rescind the award or may terminate the contract for default if discovery is made after contract execution and the COI is not addressed.

The COI forms shall be used throughout the term of the contract to disclose any conflicts that may arise (i.e. new contract awards, replacement of subcontractors/subconsultants, etc.).

Submit a pdf copy of the Qualification Proposal, including the COi disclosure forms, on CD-ROM or DVD.

4.7. QUALIFICATIONS PROPOSAL EVALUATION CRITERIA

HDOT's Review Committee will review the Qualifications Proposal and a Qualifications Score will be based on the following criteria items tabulated below:

	CRITERIA ITEM	MAXIMUM POINTS	ACTUAL POINTS
1	Experience and qualifications of the Proposer's staff	30	
2	Past performance on roadway projects of similar scope for public agencies or private industry.	30	
3	Capacity to accomplish the work	20	
4	Proposer's understanding of the project scope of work and approach to accomplishing the work	10	
5	Demonstration of financial capability	10	
	QUALIFICATIONS PROPOSAL SCORE:	100 Max.	

Total Qualification Points Possible = 100 Points

The total number of pages including the introductory letters, evaluation criteria items, exhibits, and references shall not exceed 100 pages. Tabs will not be counted as a page. A penalty of five points will be deducted from the total score for each page exceeding the 100 page total limit. If double-sided pages are used, each printed face will count as one page. (Example, 2 sheets of paper with one sheet double-sided print and one sheet single-sided print will count as three pages). All pages shall be sequentially numbered.

All information required for HOOT to properly evaluate the Proposer for each criteria item contained in the five categories identified shall be submitted in the Qualifications Submittal for HOOT to assign a credible score. Failure to provide complete information in the Qualifications Proposal may automatically result in a reduced score for a given Criteria Item where complete information is not provided. If no information is provided for a given criteria item, this will automatically result in a score of zero points for the criteria item. In addition, HOOT, at its sole discretion, may deem the Qualifications Submittal as **unqualified nonresponsive** if the information submitted is incomplete and HOOT is unable to assign a credible Qualifications Proposal score due to the incomplete submittal.



The maximum Qualifications Proposal score is 100 points. Any score of 60 points or less will be considered as non-qualified for the project.

In the event only one qualified Proposer remains after all Qualifications Proposals are evaluated, HOOT reserves the right to cancel this Request for Proposals and re-advertise the project.

4.8. DETERMINATION OF TOP THREE QUALIFIED PROPOSERS

HDOT will use the three highest Qualifications Proposal Scores to determine the top three qualified Proposers who will be invited to submit Step 2 - Design and Price Proposals. In the event of a tie, the Proposer with the higher combined score under criteria 3 plus 4 will prevail.

Scoring Example:

Proposer	Qualifications Proposal Score	Total Sum of 3 and 4	Rank
Proposer A	75	25	3*
Proposer B	75	20	4
Proposer C	78	25	2*
Proposer D	80	30	1*

*Proposers invited to submit Design and Price Proposal

When HDOT's determination of the top three qualified Proposers is made, HDOT will notify the selected and non-selected firms in writing within the time frame outlined in the Notice to Design-Build Contractors Request for Proposals. HDOT will invite the top three qualified Proposers to submit a Design and Price Proposal as described in Section 4.9 below.

Non-selected Proposers and Debriefing. Non-selected Proposers will be notified and may submit a written request for debriefing to the Director of Transportation, or designee, within three (3) working days after notification of non-selection. Thereafter, the Director or designee, shall provide a debriefing, to the maximum extent practicable, within seven (7) working days. A written protest may be filed with the Director, or designee, within (5) working days after the debriefing. (For protest requirements see HRS 103D-701 and HAR 3-126, Legal and Contractual Remedies)

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 electronic pdfs of the required documents by the date and time specified in Section 1.5, Table 1.

4.9. STEP 2 – SUBMISSION OF DESIGN CONCEPT DOCUMENTS AND PRICE PROPOSAL

The top three invited qualified Proposers interested in being considered for this project is required to submit Design Concept Documents and Price Proposal, no later than 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.

4.9.1. Proposal Organization and Content

Sections of the proposal shall be separated using index dividers. Proposals shall provide all information requested in this RFP in the order specified:

Table of Contents: The table of contents shall clearly identify the material by section and by page number.

Section 1:	Signed Offer Form OF-1 and Subcontractor Statements
Section 2:	Executive Summary
Section 3:	Experience and Capabilities
Section 4:	Work Plan
Section 5:	Pricing (Offer Form OF-2)
Section 6:	Exceptions to the RFP
Appendix A:	Resumes
Appendix B:	Financial Condition

4.9.2. **Section 1: Signed Offer Form and Subcontractor Statements**

This section includes the following:

i. Signed Offer Form

Found in *Appendix A*, Offer Form OF-1, is required to be completed using the Proposer's exact legal name as registered with the State of Hawaii's Department of Commerce and Consumer Affairs, if applicable, in the appropriate space. Failure to do so may delay proper execution of the Contract. The Proposer's authorized signature on OF-1 shall be an original signature in ink, which shall be required before an award, if any can be made. It shall also include the mailing address, e-mail address, telephone number, and fax number of the person the HDOT should contact regarding the Proposer's Proposal. The submission of the Proposal shall indicate the Proposer's intent to be bound.

ii. Tax Liability

Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS 238. The Proposer is advised that they are liable for the Hawaii General Excise Tax (GET) at the current 4.5% for sales made on Oahu, and at the 4% rate for the islands of Hawaii, Maui, Molokai, and Kauai. If, however, a Proposer is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, the Proposer shall state its tax exempt status and cite the HRS chapter or section allowing the exception.

The Proposer shall submit its current Federal I.D. Number and Hawaii GET License I.D. number in the space provided on the Offer Form, page OF-1, thereby attesting that the Proposer is doing business in the State of Hawaii and that the Proposer shall pay such taxes on all sales made to the State of Hawaii. If the Proposer does not have a GET License I.D. number, the Proposer is required to obtain it prior to contract execution.

iii. Subcontractor(s) Statements

If Subcontractor(s) will be used, append a statement to OF-1 from each Subcontractor, signed by the individual authorized to legally bind the Subcontractor and stating:

- a. The general scope of work to be performed by the Subcontractor.
- b. The Subcontractors' willingness to perform the work for the Proposer.

4.9.3. **Section 2: Executive Summary**

The executive summary shall summarize the contents of the Proposal in a way that gives readers a broad understanding of the entire Proposal and shall also contain the information listed below.

i. Terms and Conditions

A statement that the Proposer understands and shall comply with all terms and conditions of the RFP (including the General Conditions). If a Proposer does not plan to comply with one or more of the terms or conditions of the RFP, this must be stated; all exceptions must be listed and fully described in Section 6, Exceptions, of the Proposer's response.

ii. Assumptions or Constraints

A statement on whether the Proposal contains any assumptions or constraints and must also identify and describe each such assumption and constraint. If neither assumptions nor constraints are included in the Proposal, a statement to that effect must be made.

iii. Deviations

If the Proposal deviates from the specifications or requirements of the RFP, a statement must be included referencing the RFP section where the deviation is taken, a description of each such deviation, and the proposed alternative, if any. If no deviations are included in Proposer's Proposal, a statement to that effect must be made.

iv. Taxable Transaction

Work to be performed under this solicitation is a business activity taxable under Chapter 237, HRS, and vendors are advised that they may be liable for payment of the Hawaii General Excise Tax (GET). If a Proposer is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, Proposer shall state its tax exempt status and cite the HRS chapter or section allowing the exemption.

v. Pending Litigation and Summary of Judgments

Provide a summary listing of judgments or pending lawsuits or actions against Proposer and Subcontractors; adverse contract actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling contractual obligations against your firm and Subcontractors. If none, the Proposer shall state so. If applicable, explain how litigation may materially impact the Proposer or the Proposer's ability to fully perform and complete the contract.

vi. Other Notable Items

The Proposer shall disclose any other items of note that may have material impact the Proposer or the Proposer's ability to fully perform and complete the contract.

4.9.4. Section 3: Experience and Capabilities

i. Proposer Experience

For each reference, include the following information:

- a. Client name;
- b. Contact person from the client with personal knowledge of the Proposer's work for that client, their phone number and email address;
- c. Start and end dates of the Project;
- d. Proposer's role (prime contractor, subcontractor, vendor, etc.) on the project;
- e. Total value of the Project and the Proposer's contract value (if different); and
- f. A brief description of the Project.

ii. Key Personnel and Team Organization

"Key Personnel" is defined as an individual who is considered essential to the Project and will be named in contract documents. Key Personnel shall be the following:

- a. Contractor Project Manager
- b. Quality Control Manager
- c. Design Project Manager
- d. Lead Structural Engineer
- e. Lead Geotechnical Engineer

f. Lead Civil Engineer

Engineers shall be licensed in the State of Hawaii. The Proposer may expand this list of positions. The HDOT reserves the right to amend designated Key Personnel based on the Proposer's Proposal.

As a minimum, provide the following:

- a. Names and resumes of Key Personnel for the Contractor, Subconsultants, Subcontractors and support staff that will be assigned to the Project.
- b. Role of each team staff member, where they will be physically located (i.e., identify the City and State in which they will be residing) during the Project, and the percent of their time they will be committed to the Project, by Project Year.
- c. The Project organization chart, identifying all Key Personnel, team members and positions of supporting staff.

iii. Removal and/or Replacement of Key Personnel

- a. Except as the HDOT may otherwise agree, no changes shall be made in the Key Personnel. If, for any reason beyond the reasonable control of the Proposer, it becomes necessary to replace any of the Key Personnel, the Proposer shall provide as a replacement a person of equivalent or better qualifications and approved by HDOT.
- b. If the Proposer (i) finds that any of the Key Personnel have committed serious misconduct or have been charged with having committed a criminal action, or (ii) has reasonable cause to be dissatisfied with the performance of any of the Key Personnel, then the Proposer shall, at the HDOT's written request specifying the grounds therefore, provide as a replacement a person with qualifications and experience acceptable to the HDOT.
- c. The Proposer shall have no claim for additional costs arising out of or incidental to any removal or replacement or both of Key Personnel.

iv. Supplemental Information

Should the Proposer desire, supplemental information may be included. This could include additional descriptions, examples of relevant documentation from other, similar projects, or other material related to this Project. There should be a rationale included for why the information is relevant. (Only relevant information will be considered by HDOT.)

4.9.5. **Section 4: Work Plan**

The Work Plan shall describe the Proposer's methodology to deliver the scope of work and meet Program requirements. It shall be presented in sufficient detail to permit objective evaluation of the Proposal. The following information shall be included:

- i. An itemized, written statement of compliance affirming all technical provisions that the Proposer will comply with.
- ii. An itemized, written statement of all technical provisions that the Proposer will deviate from along with a mitigation description explaining how and why the deviation will add value to the project.
- iii. Any variations from the Scope of Work in this RFP, including Alternative Technical Concepts ("ATC"), shall be identified by the Proposer. ~~Any variations, either perceived or noted by the Proposer or the HDOT shall not cause a proposal to be considered nonresponsive.~~ The HDOT will assess the variations during the evaluation process and score the proposal accordingly.
- iv. 20 or 40 scale schematic drawings showing final shared use path alignment and profile. Other drawings at appropriate scales shall include: conceptual structural plan and elevations, foundation schematic drawings, drainage plans, and other details at a scale and level of detail necessary to effectively present the design concept to the HDOT.
- v. Project Schedule - A critical path method schedule showing the sequence of design, right of way acquisition, permitting, and construction work leading to the completion of the project. The schedule at a minimum shall include the following milestones:
 - a. 50% Design Submittal,
 - b. 100% Design Submittal,
 - c. End of Job Submittal,
 - d. HDOT, C&CH and utility design reviews,
 - e. Permitting activities,
 - f. Right-of-Way Acquisition,
 - g. Public meetings,
 - h. Scheduled public events,
 - i. Start of construction,
 - j. Relocation of utilities,
 - k. Construction phasing plan,
 - l. Retaining walls,
 - m. Bridge,
 - n. Shared-Use Path,
 - o. Lighting,



- p. Landscaping,
 - q. Completion of all work items, and
 - r. 9-month plant establishment period.
- vi. Quality Control Plan containing all material or elements known at the Design Concept stage.

4.9.6. **Section 5: Pricing and Proposal Forms (OF-2)**



~~To be considered responsive,~~ The Proposer's Proposal shall respond to, and include, all items specified in this RFP and any subsequent addendum. Any proposal offering any other set of terms and conditions that conflict with the terms and conditions provided in this RFP or in any subsequent addendum may be rejected without further consideration.

Found in *Appendix B*, pricing shall be submitted on Offer Form OF-2. The price shall be the all-inclusive cost, including Hawaii GET, to the State. No other costs will be honored. Any unit prices shall be inclusive.

By submitting a proposal in response to this solicitation, Proposer certifies as follows:

- a. The costs in this RFP have been arrived at independently, without consultation, communication, or agreement with any other Proposer, as to any matter relating to such costs for the purpose of restricting competition.
- b. Unless otherwise required by law, the unit costs which have been quoted in this RFP have not been knowingly disclosed by the Proposer prior to award, directly or indirectly, to any other Proposer or competitor prior to the award of the contract.
- c. No other attempt has been made or will be made by the Proposer to indicate any other person or firm to submit or not to submit for the purpose of restricting competition.
- d. To the best of his/her knowledge and belief, the cost or pricing data submitted is accurate, complete, and current as of the date the proposal is submitted and will be honored for up to a maximum of 180 days, or until the contract is executed, whichever is sooner.

APPENDIX A: RESUMES

Resumes for all Key Personnel and staff listed in the Proposer's Project organization chart (referenced in *Section 4.9.2, Key Personnel and Team Organization*) shall be provided in this Appendix. One-page resumes are preferred.

APPENDIX B: FINANCIAL CONDITION

Provide a general description of the financial condition of the Proposer and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger, etc.) that may impede the Proposer's or Subcontractors' ability to complete the Project.