

REQUEST FOR QUALIFICATIONS

HOUSEHOLD INTERVIEW TRAVEL SURVEY AND TRAVEL DEMAND FORECASTING MODEL REFRESH

Statement of Qualifications Due:

3:00 p.m., Hawaii Standard Time

Wednesday, October 6, 2010



Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813-4623
(808) 587-2015

www.OahuMPO.org

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II. NOTICE TO PROVIDERS OF PROFESSIONAL SERVICES

(Chapter 103D, Hawaii Revised Statutes)

The Oahu Metropolitan Planning Organization (OahuMPO) is soliciting statements of qualifications (SOQs) from qualified firms for professional transportation planning and engineering services for a Household Interview Travel Survey and Travel Demand Forecasting Model Refresh Project. SOQs will be received at OahuMPO, 707 Richards Street, Suite 200, Honolulu, Hawaii 96813-4623, until 3:00 p.m. Hawaii Standard Time, on Wednesday, October 6, 2010. Four (4) bound copies of the SOQ, as well as a digital copy in PDF format on compact disc, are required. **SOQs submitted by facsimile or e-mail will not be accepted.**

The project involves collecting travel data for Oahu residents, visitors, and university students, and refreshing the current OahuMPO Travel Demand Forecasting Model (TDFM) so that it adequately reflects the travel behavior revealed in the survey. The last Oahu household interview travel survey was conducted in 1995, and consisted of approximately 4,000 households. Visitors were last surveyed in 1991. This data was used to develop the MINUTP version of the TDFM. The MINUTP TDFM was updated in 2005 with a system-wide on-board transit rider survey. The current TransCAD version of the TDFM is based upon this data.

A Request for Qualifications (RFQ) is available to all interested firms. The RFQ provides the specifications and instructions for submitting the SOQs and other required information. Interested firms must fully respond to and comply with the specifications and instructions contained in the RFQ. The RFQ is available for pick up at OahuMPO's office or may be downloaded from its website at www.OahuMPO.org.

OahuMPO, a subrecipient of Federal Highway Administration and Federal Transit Administration metropolitan planning funds via the Hawaii Department of Transportation (HDOT), has adopted HDOT's Disadvantaged Business Enterprises (DBE) Program in its entirety, and follows HDOT's contract provisions. OahuMPO hereby notifies all *Providers* that it will affirmatively ensure that, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252 U.S.C. 2000d to 2004d-4 and Title 49 Code of Federal Regulations (CFR), United States Department of Transportation (USDOT), Subtitle A, Office of the Secretary Part 21, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation*, issued pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit SOQs in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, age, or handicap/disability in consideration for an award. Refer to the *Title VI Assurance – Supplemental Notice* contained in Attachment H of the RFQ, which is made an integral part of this request.

The Equal Employment Opportunity Regulations of the Secretary of Labor Implementing Executive Order 11246, as amended, shall be complied with on this project.

The USDOT regulations entitled *Participation by Disadvantaged Business Enterprise in Department of Transportation Programs*, 49 CFR Part 26 is applicable to this project. The contract DBE goal for this project is indicated in Attachment C, *Requirements for Participation by DBEs*, of the RFQ.

Questions concerning the RFQ must be submitted in writing, and received by OahuMPO no later than 3:00 p.m., Hawaii Standard Time, on Wednesday, September 15, 2010. Refer to the RFQ for complete instructions.

The budget for the project is \$1,000,000, inclusive of Hawaii General Excise Tax.

OahuMPO reserves the right to reject any or all submittals and to waive any defects in said submittals if it is deemed to be in the best interest of the public.

For additional information, contact Lori Arakaki at (808) 587-2015.

BRIAN GIBSON
Executive Director
Oahu Metropolitan Planning Organization

Internet Posting Date: August 24, 2010

III. INTRODUCTION AND BACKGROUND

OahuMPO is soliciting statements of qualifications (SOQs) from qualified firms for professional transportation planning and engineering services for a Household Interview Travel Survey and Travel Demand Forecasting Model Refresh Project.

The project involves collecting travel data for Oahu residents and visitors, and refreshing the current OahuMPO Travel Demand Forecasting Model (TDFM) so that it adequately reflects the travel behavior revealed in the survey. The last Oahu household interview travel survey was conducted in 1995, and consisted of approximately 4,000 households. Visitors were last surveyed in 1991. This data was used to develop the MINUTP version of the TDFM. The MINUTP TDFM was updated in 2005 with a system-wide on-board transit rider survey. The current TransCAD version of the TDFM is based upon this data. A land use model, based on UrbanSim, is currently being developed. It is anticipated that this model will be integrated with the TDFM by the summer of 2011. The final TDFM refresh cannot occur prior to the land use model being successfully integrated. Proposed project approaches should take this into account.

IV. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The work shall include, at minimum, the following Tasks. It is anticipated that the project will be completed within two and one-half years of issuing a Notice to Proceed.

It is envisioned that the updated TDFM will be used for the development of the Oahu Regional Transportation Plan 2040. It is likely that the request for consultant services for the development of the Oahu Regional Transportation Plan 2040 will be advertised in the summer of 2013. Therefore, the goal is to have a calibrated TDFM based on the Household Interview Travel Survey by that time.

1. Household Interview Travel Survey

- a. Design travel surveys for Oahu households, university students, and visitors. The survey instruments should be designed to collect the data necessary to update the TDFM.
- b. Develop a sampling plan for the surveys. The end result should be a representative and statistically valid sample of each subgroup (i.e., Oahu households, visitors, and university students).
- c. Survey targeted populations using the latest in surveying techniques, process data, and document the survey results.
- d. Expand the data to represent the total population.

2. TDFM Refresh

- a. Run the TDFM to provide a model database consistent with the survey year. OahuMPO will provide the consultant with base-year roadway and transit networks.
- b. Summarize data in forms compatible with the current TDFM and calibrate the TDFM. Compare estimated versus observed travel patterns, and make adjustments to the TDFM such that it matches observed data within reasonable tolerances. The TDFM should be calibrated to use U.S. Department of Commerce Bureau of Economic Analysis (BEA) data, which takes into account multiple jobs per person. The current TDFM is calibrated to accept employment data that includes a person's main occupation. The U.S. Census collects information on each person's primary job. Because a number of people have multiple jobs, the difference between the BEA counts and the Census counts is often large.
- c. Ensure that the model validates to traffic counts and transit boardings.

3. Documentation

- a. Document the surveys, procedures, and data, as well as the TDFM calibration and validation results, in the form of technical reports.

B. COORDINATION

1. OahuMPO Staff

The Consultant shall take primary direction from the OahuMPO Project Manager. File copies of all correspondence, technical memoranda, and reports should be delivered to the OahuMPO Project Manager in hard copy and on compact disc in Word and/or Excel 2003. All data, maps, and other materials prepared or collected under this contract are the property of OahuMPO.

2. OahuMPO Technical Advisory Committee

The OahuMPO Technical Advisory Committee (TAC) is responsible for ensuring the technical competency of the planning process. Its members are the high-level technical staff of the City and State transportation and planning agencies. The Hawaii Transportation Association Managing Director, a University of Hawaii faculty member, and representatives from the Federal Highway, Transit, and Aviation Administrations are non-voting members of the TAC. TAC meetings are held on an as-needed basis.

The Consultant shall solicit input from the TAC throughout the project as appropriate. At a minimum, the draft surveys, survey procedures, survey results, and TDFM results should be reviewed by the TAC.

C. BUDGET AND PAYMENT

No more than \$1,000,000, inclusive of Hawaii General Excise Tax, has been budgeted for this project. The Consultant is expected to indicate its ability to complete the work described

herein for \$1,000,000 or less. The funds for this project are a combination of funds provided by OahuMPO and the U.S. Department of Transportation.

The selected consultant will be paid based on a fixed fee for each deliverable received. The Consultant will submit invoices based on deliverables completed and accepted by OahuMPO. An amount equivalent to five percent (5%) of each invoice will be deducted and retained by OahuMPO until all of the work required under the contract is completed in an acceptable manner.

V. SOQ REQUIREMENTS

A. GENERAL

The SOQ should be concise and well organized, and demonstrate the Consultant's qualifications and experience applicable to the project. The SOQ shall contain sufficient information to enable OahuMPO to fully evaluate and determine the Consultant's capability to comply with (i.e., meet or exceed) all the requirements identified in the solicitation.

The Consultant shall respond to all of the requirements in this solicitation clearly and completely; the SOQ shall not require additional explanation, clarification, or interpretation. Promotional or marketing brochures submitted by the Consultant will not be evaluated. Consultants who fail to respond adequately may be determined to be non-responsive and, therefore, may be eliminated without future discussion.

The Consultant shall be responsible for fully, carefully, and thoroughly examining and familiarizing itself with: (1) this Request for Qualifications (RFQ); and (2) all applicable Federal, State, and City laws, ordinances, resolutions, rules, regulations, codes, circulars, guidelines, and other standards or requirements.

B. FORMAT

The SOQ shall be limited to seventy-five (75) one-sided pages (8.5 inches by 11 inches), inclusive of resumes, graphics, forms, pictures, photographs, dividers, front and back covers, etc.; but not of letters of commitment from subcontractors, DBE documentation, or the transmittal letter.

Type size and margins for text pages should be in keeping with accepted standard formats for desktop publishing and processing, and should result in no more than five hundred (500) words per page.

C. CONTENTS

The SOQ should be organized in the following manner:

1. Transmittal Letter

The transmittal letter should be signed by an official authorized to bind the consultant contractually. Include the following in the letter:

a. Exceptions to this RFQ

The Consultant shall certify that it takes no exception(s) to this RFQ. If the Consultant does take exception(s) to any portion of the RFQ, the specific portion to which exception(s) is taken must be identified and explained. Failure to make exceptions to the RFQ will be deemed a waiver of any objection. Exceptions will be considered during the SOQ evaluation process.

b. Revisions to this RFQ

The Consultant shall confirm the receipt of all revisions that may have been issued to this RFQ.

c. Statement of Impartiality

This project requires an impartial and unbiased approach on the part of the consultant team. Include a statement declaring that the Consultants and Subconsultants are not currently participating, and will not participate, during the performance of these services, in any other similar work involving a third party with interests currently in conflict with or likely to be in conflict with OahuMPO's interests.

d. Corrective Actions and Responses to Notices of Deficiencies

Include a statement declaring whether the Consultant and/or Subconsultants have received any Corrective Actions or Notices of Deficiencies from any government agency or private entity.

If a Corrective Action(s) or a Notice(s) of Deficiency has been received, include a list of projects detailing each Corrective Action or Notice of Deficiency received, and the response provided by the Consultant or Subconsultant(s) to each. The list shall note whether the proposed Project Manager participated in any or all of the listed projects.

e. Litigation

The Consultant shall disclose any pending litigation to which the Consultant (and/or Subconsultants) is a party, including the disclosure of any outstanding judgment. If applicable, include an explanation.

2. Identification

Include the following on the title sheet or equivalent:

- a. Name of project;
- b. Names and business address(es) of the firm(s) that will conduct the work; and
- c. Name, title, mailing address, telephone number, fax number, and e-mail address for the contact person.

3. Table of Contents

Include a table of contents.

4. Executive Summary

Include a 1-2 page overview of the entire SOQ, highlighting the most important elements.

5. Identification of Consultant

Provide information on the Consultant in the same format as Sample Table 1.

Sample Table 1: Consultant

| Firm Name and Principal Place of Business | Age of Firm (Years) | Average Number of Employees Over the Past Five Years | Location of Offices |
|---|---------------------|--|---------------------------|
| Prime Consultant Firm [address] | 10 | 5 | Honolulu, HI Miami, FL |
| Subconsultant Firm #1 [address] | 5 | 10 | Tucson, AZ |

6. Proposed Work Plan and Schedule

- a. Provide a Work Plan that addresses the tasks in Section IV.A. (Project Description). The task description should be presented in sufficient detail (tasks, subtasks, etc.) to show a clear understanding of the work and the proposed approach. Indicate if OahuMPO staff is expected to provide support for any of the tasks. The tasks should focus on deliverables demonstrating completion of the task. Include the estimated cost for each deliverable. As discussed in IV.B.C. (Budget and Payment), the Consultant will be paid based on a fixed fee for each deliverable submitted and accepted.

Respondents are encouraged to provide a detailed description of their proposed project approach, deliverables, and outcomes that are consistent with OahuMPO's needs and budget. In the realm of transportation modeling, more data and having more confidence in that data is almost always better. However, cost structures are

unique to each consulting firm, and are not known to OahuMPO. OahuMPO has purposely avoided defining a detailed scope of work within this RFQ to provide maximum flexibility for respondents to describe what is possible, based on each firm's experience, expertise, and costs. Respondents are strongly encouraged to provide the best recommended project approach possible for their firm that meets the needs of the TDFM and that fits within the project budget. For example:

- Can your firm provide statistically valid survey results for all three sub-groups (i.e., Oahu residents, university students, and visitors)? If not, where do you propose spending more resources? Why?
- At what geographic scale are you prepared to provide statistically valid survey results (e.g., islandwide, by planning area, by transportation analysis zone, or by some other geographic unit)?
- Are there additional sub-groups that you would recommend be surveyed? Why? Can you provide that data within the budget for this project?
- What form of survey would you recommend (e.g., telephone survey, trip diaries, on-line submissions, Global Positioning System (GPS) unit or transponder tracking, etc.)? Why?
- How do you propose to identify the sample group? What are the advantages and disadvantages of that method?

Describe what your firm can do for OahuMPO.

OahuMPO is currently studying the possibility of conducting GPS tracking of a sub-group of Household Interview Travel Survey participants in order to collect data on under-reported trips, route choice, average travel speeds, and other data. Funding for this work element has not yet been identified. Respondents are encouraged to provide details within their submittal regarding how they would address this work element if funding is secured. For example:

- How many GPS volunteers would the firm seek? What reasoning led to that recommended number?
- If the number of GPS volunteers sought is a function of budget, what do you estimate the average cost per GPS volunteer to be?
- Would you recommend GPS units for vehicles, or personal units that can be carried by an individual? Why?
- What kind of data would you seek from the GPS data, and how would it augment or improve the Household Interview Travel Survey data?
- Would the prime consultant firm carry out this work, or would you seek a subconsultant?

- How would the GPS volunteer sub-group be identified?
- Other relevant information

Respondents should provide the cost of including this potential work element in the budget proposal, but as an “optional” work element that can easily be added or subtracted from the total budget proposal.

- b. Provide a proposed project schedule, in the same format as Sample Table 2, to illustrate activity and duration for each task. The schedule should show the expected sequence of tasks, subtasks, etc. Describe the timing and phasing of accomplishments and the methods for organizing and controlling the effort. Discuss how and what lines of communication will be implemented to maintain the project schedule.

Sample Table 2: Schedule

| | Months | | | | | | | | | |
|--------------------------------|--------|---|-----|--|--|--|--|--|--|----|
| | 1 | 2 | ... | | | | | | | 30 |
| Task 1: Project Administration | | | | | | | | | | |
| 1.1 – Monthly Progress Reports | | | | | | | | | | |
| Task 2: xx | | | | | | | | | | |
| 2.1 – xx | | | | | | | | | | |
| etc. | | | | | | | | | | |

7. Project Organization and Key Personnel

- a. Describe the proposed project organization, and identify the responsibilities of key personnel. Indicate the roles and responsibilities of the prime Consultant and all Subconsultants, including DBE Subconsultants. OahuMPO’s evaluation of the SOQ will consider the Consultant’s entire team.
- b. Provide the team’s organizational chart. Include key personnel and identify the Project Manager.
- c. Provide a table, in the same format as found in Sample Table 3, summarizing the percentage of work that each team office is expected to receive. Units should be shown in terms of percent of work.

**Sample Table 3: Project Management Plan
Estimated Percent of Work by Firm, Location, and Task**

| Task | Prime Consultant Firm | | Subconsultant | | Total |
|-----------------|-----------------------|----------------|-----------------|------------------|-------|
| | | | Firm 1 | Firm 2 | |
| Office Location | Honolulu, Hawaii | Miami, Florida | Tucson, Arizona | Honolulu, Hawaii | N/A |
| DBE | No | No | Yes | No | N/A |
| Task 1 | 10% | 2% | | 3% | 15% |
| Task 2 | 5% | | 20% | | 25% |
| etc. | | | | | |
| Total | | | | | 100% |

- d. Provide a table in the same format as found in Sample Table 4. Units in this table should be represented as hours.

**Sample Table 4: Proposed Project Staffing Plan
Estimated Hours by Firm, Key Personnel, Location, and Task**

| Task | Prime Consultant Firm | | | | Subconsultant | | | Total |
|-----------------|-----------------------|--------------|--------------|-----------|---------------|--------------|--------------|-------|
| | | | | | Firm 1 | Firm 2 | | |
| Staff | Alex A.* | Bill B. | Carrie C. | Dee D. | Erin E. | Frank F. | Guy G. | |
| Office Location | Honolulu, HI | Honolulu, HI | Honolulu, HI | Miami, FL | Tucson, AZ | Honolulu, HI | Honolulu, HI | |
| Task 1 | 5 | 5 | | 2 | | 3 | | 15 |
| Task 2 | 3 | | 2 | | 15 | | 5 | 25 |
| etc. | | | | | | | | |
| Total | | | | | | | | |

*Alex A. is the project manager for this project.

8. Qualifications and References

- a. Include references for projects similar to this one on which the Consultant Firm has worked. List no less than three (3) and no more than five (5) successfully completed projects of a similar nature. If the proposing entity consists of more than one (1) firm, provide this information for the prime Consultant firm and each Subconsultant firm. For each completed project, provide the following information:
- i. Name of the project;
 - ii. Start and end dates;
 - iii. The name and address of the client;

- iv. Name and current telephone number(s) for the client's project manager; *(Note: A director of a government agency should not be listed as the project manager (and the point of contact) if he/she was not the project manager for the project.)*
- v. The type of work performed;
- vi. The dollar value of the contract; and
- vii. Key consulting staff who worked on the project.

A project currently being performed may be submitted for consideration as one of the references. It is OahuMPO's policy to contact the Consultant's references.

- b. Include references for projects similar to this one on which the Project Manager has worked. List no less than three (3) and no more than five (5) successfully completed projects of a similar nature. At least two (2) of these projects should be projects where the proposed Project Manager's role was that of consultant project manager. A project currently being performed may be submitted for consideration as one of the references. For each completed project, provide the same information as in 8.a. above. It is OahuMPO's policy to contact the Project Manager's references.

9. Resumes

Provide resumes of key personnel, limited to one page per employee.

10. Subconsultant Letters of Commitment

Provide Subconsultant letters of commitment.

11. Disadvantaged Business Enterprise (DBE)

OahuMPO has adopted a 100% Race-Neutral DBE Overall Goal for federal fiscal years 2011 through 2013. **A 3% DBE contract goal has been set for this contract.** OahuMPO encourages prospective Consultants to take all necessary and reasonable steps to ensure that DBEs have an equal opportunity to compete for and perform on this contract, which is financed in whole or in part with federal funds.

OahuMPO has adopted the Hawaii Department of Transportation's (HDOT's) DBE program in its entirety. Refer to Attachments A through F for information on HDOT's DBE program. Complete and submit the following:

- Attachment D: DBE program requirements acknowledgement,
- Attachment E: List of all subcontractors (DBE and non-DBE), and
- Attachment F: Subcontractor confirmations for each DBE subcontractor listed.

Attachments A through C are provided for information only. In accordance with current federal regulations, DBEs must be certified for eligibility by HDOT. The Consultant must be reasonably sure that listed firms claiming DBE status are in fact certified as such by HDOT.

VI. SOQ SUBMITTAL

1. Submit four (4) bound copies of the SOQ, along with a digital file(s) in PDF format on compact disc. **SOQs submitted by facsimile or email are not acceptable and will not be considered.**
2. The SOQ and any required certifications shall be signed by an individual or individuals authorized to execute legal documents on behalf of the Consultant.
3. Submit the SOQs in a sealed package(s) with the following information clearly marked on the outside of each package:
 - a. Name of Consultant
 - b. "OahuMPO Household Interview Travel Survey and Travel Demand Forecasting Model Refresh Project "
 - c. Package Number (e.g., 1 of __, 2 of __, etc.)
4. The SOQ must be received no later than 3:00 p.m., Hawaii Standard Time, on Wednesday, October 6, 2010. SOQs should be mailed or delivered to:

Brian Gibson, Executive Director
Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813-4623

Postmarks indicating the deadline will not be accepted in lieu of this requirement. SOQs received subsequent to the hour and date specified above will not be considered.

Failure to comply with the requirements of the RFQ may result in disqualification. OahuMPO is not responsible for finding, correcting, or seeking clarification regarding ambiguities or errors in SOQs. If an SOQ is found to contain ambiguities or errors, it may receive a lower score during the evaluation process.

VII. PRE-SUBMITTAL ACTIVITIES

A. QUESTIONS CONCERNING REQUEST FOR QUALIFICATIONS

All questions relating to the RFQ must be received in writing via mail, facsimile, e-mail, or hand-delivery no later than 3:00 p.m., Hawaii Standard Time, on Wednesday, September 15, 2010, and should be addressed to:

Lori Arakaki, Project Manager
Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813-4623
Facsimile: (808) 587-2018
E-mail: Lori.Arakaki@OahuMPO.org

Inquiries must include the name of the person and consulting firm that is posing the question(s), as well as his/her telephone and e-mail contact information. All responses and all timely questions received concerning this RFQ will be posted on the OahuMPO webpage devoted to this RFQ by Wednesday, September 22, 2010. It is the responsibility of the Consultant to check the website for questions and responses concerning this RFQ.

B. REVISION TO THE REQUEST FOR SOQS

OahuMPO reserves the right to revise the RFQ prior to the date that SOQs are due. Revisions to the RFQ shall be posted on the OahuMPO webpage devoted to this RFQ no later than Wednesday, September 8, 2010. It is the responsibility of the Consultant to check the website for any revisions to this RFQ.

VIII. CONSULTANT SELECTION PROCESS / METHOD OF AWARD

A. HAWAII REVISED STATUTES

1. §103D-304 Procurement of Professional Services

OahuMPO is following the procedures outlined in the Hawaii Revised Statutes (HRS), §103D-304 "Procurement of Professional Services" as amended by the Hawaii State Legislature through Act 52 [Session Laws of Hawaii (SLH) 2003] and Act 216 (SLH 2004) and amendments to Chapter 3-122-112 (Interim), Hawaii Administrative Rules (HAR).

HRS §103D-310 subsection (c) states, in part:

"(c) All offerors, upon award of contract, shall comply with all laws governing entities doing business in the State, including chapters 237, 383, 386, 392, and 393, and shall:

Be incorporated or organized under the laws of the State; or

Be registered to do business in the State as a separate branch or division that is capable of fully performing under the contract."

HAR §3-122-112 "Responsibility of Offerors" states, in part:

"The offeror ... upon award of a contract made pursuant to sections 103D-302, 103D-303, 103D-304, 103D-305 or 103D-306, HRS, shall provide:

(1) A tax clearance certificate from the department of taxation and the Internal Revenue Service, subject to section 103D-328, HRS, current within six months of issuance date;

(2) A certificate of compliance for chapters 383, 386, 392, and 393, HRS, from the department of labor and industrial relations, current within six months of issuance date; and

- (3) *A certificate of good standing from the business registration division of the department of commerce and consumer affairs, current within six months of issuance date.*
- (b) *In lieu of the above certificates, offeror may make available proof of compliance through a State Procurement Office designated certification process (Hawaii Compliance Express).*
- (c) *For the purpose of this section, a business registered to do business in the State as a separate branch or division means a business that is required to be registered with the department of commerce and consumer affairs.”*

2. §11-205.5 Campaign Contributions by State and County Contractors

Consultants are hereby notified of the applicability of HRS §11-205.5, which states that it shall be unlawful for State or County government contractors to do the following during the **term of their contracts** if the contractors are paid with funds appropriated by a legislative body:

- “(1) Directly or indirectly make any contribution or to promise expressly or impliedly to make any contribution to any political party, committee, or candidate or to any person for any political purpose or use; or*
- (2) Knowingly solicit any contribution from any person for any purpose during any period.”*

For more information, see the Campaign Spending Commission webpage at www.hawaii.gov/campaign.

B. ORAL DISCUSSIONS

Oral discussions, if deemed necessary, will be conducted by the Selection Committee with the qualifiers, either in person or by teleconference. Costs incurred by Consultants, in responding to this document, shall not be charged to OahuMPO or its member agencies. OahuMPO has no responsibility for expenditures until there is a contract fully executed between the parties.

IX. CONSULTANT SELECTION CRITERIA

Consultants will be evaluated on the following criteria according to the weights assigned below:

1. Experience & Professional Qualifications Relevant to the Project Type (40 points)
2. Past Performance on Projects With a Similar Scope (25 points)
3. Capacity to Accomplish Work in the Required Time (20 points)
4. Approach to the Project (15 points)

A breakdown of each criterion and corresponding number of points assigned is found in Attachment G.

X. SPECIAL CONDITIONS

A. RESERVATIONS

This RFQ does not commit OahuMPO to award a contract; to defray any costs incurred in the preparation of an SOQ, cost proposal, or technical proposal pursuant to this RFQ; or to procure or contract for work. OahuMPO may reject SOQs without providing the reason(s) underlying the declination.

B. PUBLIC RECORDS

All SOQs submitted in response to the RFQ become the property of OahuMPO and public records; as such, they may be subject to public review, with the exception of those portions for which the Consultant has made a written request of confidentiality. A Consultant shall request, in writing, nondisclosure of designated trade secrets or other proprietary data found to be confidential. The confidential data shall be readily separable from the SOQ in order to facilitate eventual public inspection of the non-confidential portion of the SOQ.

C. RIGHT TO CANCEL

OahuMPO reserves the right to cancel or revise, for any or no reason, in part or in its entirety, this RFQ. If OahuMPO cancels the RFQ prior to the deadline for RFQs or revises the RFQ, notification will be placed on OahuMPO's website.

OahuMPO reserves the right to: (1) reject any or all offers if such action is in the public interest, and/or (2) waive informalities and minor irregularities in offers received.

D. ADDITIONAL INFORMATION

OahuMPO reserves the right to request additional information and/or clarification from any or all Consultants on their SOQs, but is under no obligation to do so. OahuMPO also reserves the right to award a contract on the basis of initial SOQs received, without discussions. Therefore, each initial SOQ should contain the Consultant's best offer from a technical standpoint.

E. PUBLIC INFORMATION

Consultants who wish to release information to the public regarding consultant selection, contract award, or data provided by OahuMPO must receive prior written approval from OahuMPO before disclosing such information to the public.

F. TITLE VI ASSURANCE

Consultants are hereby notified that OahuMPO will strictly enforce full compliance with all the requirements of OahuMPO's Title VI Plan with respect to this project. Refer to Attachments H and I.

XI. ATTACHMENTS

Attachment A: DBE Program (Supplemental Notice)

Attachment B: General Information Regarding DBEs (HDOT Exhibit III)

Attachment C: Requirements for Participation by DBEs (HDOT Exhibit B)

Attachment D: Statement of Affirmation and Acknowledgment of DBE Requirements

Attachment E: List of All DBE and non-DBE Subcontractors, Manufacturers, Suppliers

Attachment F: Subcontractor Confirmations for each DBE Subcontractor

Attachment G: Selection Criteria Breakdown

Attachment H: Title VI Assurance (Supplemental Notice)

Attachment I: OahuMPO's Title VI Assurance (Attachment 1)

ATTACHMENT A
Disadvantaged Business Enterprise Program
Supplemental Notice

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SUPPLEMENTAL NOTICE

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Bidders are hereby notified that the Oahu Metropolitan Planning Organization will strictly enforce full compliance with all of the requirements of the Department of Transportation's Disadvantaged Business Enterprise (DBE) program with respect to this project.

Bidders are directed to read and be familiar with the *General Information Regarding Disadvantaged Business Enterprises (DBEs) and Regulatory Requirements for Federal Aid Projects Regarding Disadvantaged Business Enterprises*, included herewith, which establishes the program requirements pursuant to Title 49 Code of Federal Regulations Part 26, and, particularly, the requirements of certification, method of award, and evidence of good faith.

Bidder's attention is further directed to the additional form now required to be executed and submitted by the Bidder as part of its bid, entitled "*Statement of Affirmation and Acknowledgement of DBE Requirements*", which is included herewith. By this statement the bidder certifies that the bidder has read and is fully knowledgeable and aware of the requirements and responsibilities with respect to the project's DBE requirements.

All of the above DBE program requirements, including the good faith effort requirements, will be strictly enforced in evaluating the bidder's efforts in obtaining DBE participation in this contract.

A bid that fails to meet these requirements will be considered non-responsive and will be rejected.

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ATTACHMENT B
General Information Regarding DBEs
HDOT Exhibit III

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EXHIBIT III

GENERAL INFORMATION REGARDING DISADVANTAGED BUSINESS ENTERPRISES (DBEs)

- I. **GENERAL** - The following shall be incorporated as part of the contract documents for compliance. If any requirements herein are in conflict with the general provisions, instruction to bidders, or special provisions applicable to this project, the requirements herein shall prevail unless specifically superseded or amended in the special provisions or by addendum.

II. EFFECTS OF THE DECERTIFICATION OF A DBE

- A. Should a DBE become decertified during the term of its subcontract with the prime bidder, for reasons beyond the control of, and through no fault or negligence of the contractor, any incomplete work remaining under the subcontract may be subject to the review by the Department. The prime bidder shall continue to be credited for the work or supplies of the decertified DBE towards the DBE goal, but the Department shall not count the decertified DBE work or supplies towards the accomplishment of its overall goal.
- B. Should a DBE be decertified after the contract award, but before the notice to proceed has been issued by the Department, the contractor shall be required to meet the DBE goal by continuing with the subcontract with the decertified DBE and expending Good Faith Efforts to find other work not already subcontracted out to DBEs in an amount sufficient to meet the DBE goal. The work performed or supplies provided shall not be counted toward the DBE contract goal or the Department's overall goal.

III. BIDDERS LIST

- A. All bidders are requested to register with the Office of Civil Rights, DBE section. All bidders that previously bid on Department federal aid projects after January 1, 2001 and certified DBEs are considered registered with the Department. Registered bidders are posted on the Internet at the Department's home page: <http://www.state.hi.us/dot/>. From the Department's home page, link to the Business Related Information, then to the Office of Civil Rights home page and then link to the Disadvantaged Business Enterprise home page.
- B. New bidders are requested to complete a Bidder Registration form that may be obtained from the Office of Civil Rights, DBE Section. The completed form may be faxed to (808) 587-2025, e-mailed to: melanie.martin@hawaii.gov or mailed to the address on the Bidder's Registration form.

IV. **EVIDENCE OF GOOD FAITH EFFORTS** - The kind of efforts that will be considered demonstrative of "Good Faith Efforts", include but are not limited to the following:

- A. Whether the bidder solicited through all reasonable and available means (e.g. attendance at meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform part or all of the work to be included under the contract. The Hawaii Department of Transportation ("HDOT") will also consider whether the bidder solicited the participation of potential DBEs in sufficient time to allow the DBEs to properly inquire about the project and respond to the solicitation, and will also review whether the bidder took appropriate steps to follow up with interested DBEs in a timely manner to facilitate participation by DBEs in this project;
- B. Whether the bidder identified and broke up portions of work that can be performed by DBEs in order to increase the likelihood that DBEs will be able to participate, and that the DBE goal could be achieved (e.g. breaking out contract items into economically feasible units to facilitate DBE participation, even when the bidder might otherwise prefer to perform these work items with its own forces);
- C. Whether the bidder made available or provided interested DBEs with adequate information about the plans, specifications, and requirements of the project in a timely manner, and assisted them in responding to the bidder's solicitation;
- D. Whether the bidder negotiated in good faith with interested DBEs. Evidence of such negotiations includes documenting: a) the names, addresses, and telephone numbers of DBEs that were contacted by the bidder; b) a description of the information that was provided to DBEs regarding the plans and specifications; and c) detailed explanations for not utilizing individual DBEs in the project;

The fact that there may be additional or higher costs associated with finding and utilizing DBEs are not, by themselves, sufficient reasons for a bidder's refusal to utilize a DBE, or the failure to meet the DBE goal, provided that such additional costs are not unreasonable. Also, the ability or desire of a bidder to perform a portion of the work with its own forces, that could have been undertaken by an available DBE, does not relieve the bidder of the responsibility to make good faith efforts to meet the DBE goal, and to make available and solicit DBE participation in other areas of the project to meet the DBE Goal;

- E. Whether the bidder rejected DBEs as being unqualified without sound reasons, based on a thorough investigation of their capabilities. The DBE's standing within the industry, membership in specific affiliation, are not legitimate bases for the rejection or non-solicitation of bids from particular DBEs;

- F. Whether the bidder made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance;
 - G. Whether the bidder made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services; and
 - H. Whether the bidder effectively used the services of available minority/women community organizations, minority/women business groups, contractors' groups, local, state, and federal minority/women business assistance offices, or other organizations to provide assistance in recruitment and placement of DBEs.
 - I. It is the sole responsibility of the bidder to submit any and all documents, logs, correspondence, and any other records or information to the HDOT that will demonstrate that the bidder made good faith efforts to meet the DBE goal. Additionally, for each DBE that was contacted by, but not utilized by the bidder for this contract, the bidder shall submit a detailed written explanation for each DBE of the reasons for the bidder's failure or inability to utilize, or to allow the DBE to participate in this contract. In its good faith evaluation, the HDOT may, but shall not be required to perform the following as part of its evaluation: a) Request additional information and documents from the bidder; b) Compare the bidder's bid against the bids of other bidders, and comparing the DBEs and DBE work areas utilized by the bidder with the DBEs listed in other bids submitted for this contract; c) Verify contacts by bidders with DBEs; and d) Compare the DBE and the categories of DBE work targeted by the bidder for participation in this contract, with the total available pool of DBEs available for each particular subcontract targeted by the bidder.
- V. **RECORDS AND REPORTS** – The bidder shall maintain and keep all records necessary for the HDOT to determine compliance with the bidder's DBE obligations. The records shall be available at reasonable times and places for inspection by the HDOT, and appropriate Federal agencies. The records to be kept by the bidder shall include:
- A. The names of all DBE subcontractors and vendors identified as DBEs (for vendor, indicate also is a supplier or manufacturer);
 - B. The nature of work or each DBE subcontractor and vendor; and
 - C. The dollar amount contracted with each DBE subcontractor and vendor.

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ATTACHMENT C
Requirements for Participation by DBEs
HDOT Exhibit B

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EXHIBIT B

Requirements for Participation by Disadvantaged Business Enterprises (DBEs)

I. General

This federal-assisted project is subject to Title 49, Code of Federal Regulations, Part 26, entitled, "Participation by Disadvantaged Business Enterprise in Department of Transportation Financial Assistance Programs" (49 CFR 26). The following shall be incorporated as part of the contract documents for compliance. If any requirements herein are in conflict with the general provisions or special provisions applicable to this project, the requirements herein shall prevail unless specifically superseded or amended in the special provisions or by addendum.

II. Policy

It is the policy of the HDOT that Disadvantaged Business Enterprises (DBEs), as defined by 49 CFR 26, have an equal opportunity to receive and participate in federally assisted projects. Consequently, the requirements of 49 CFR 26, apply to this project.

III. DBE Obligation

The CONTRACTOR shall take all necessary and reasonable steps in accordance with 49 CFR 26, to ensure that DBEs have an equal opportunity to compete for and perform on contracts. The CONTRACTOR shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of contracts financed in whole or in part with Federal funds.

IV. Contract Assurance

The CONTRACTOR or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in connection with the award or performance of this contract.

The CONTRACTOR agrees to include the above statements in any subsequent contracts that it enters with other contractors, and cause those contractors to include similar statements in further agreements.

V. Failure to Comply with DBE Requirements

All contractors and subcontractors are hereby advised that failure to carry out all DBE requirements specified herein constitutes a material breach of contract that may result in termination of the contract or such other remedy as deemed appropriate by the HDOT.

VI. Prompt Payment Certification

The successful CONTRACTOR shall sign and submit the "Prompt Payment Certification" form concurrently with all its invoices to the Project Manager. The HDOT will not process any invoices without this completed form. Payment shall be dispersed to all subcontractors within 10 (ten) calendar days after receipt of payment from the HDOT, in accordance with the terms of the subcontract.

VII. Final Payment

A completed "Final Report of DBE Participation" (which includes all payments made to DBEs) and "Prompt Payment Certification" must be submitted with the final payment request. Final payment will not be processed without the completed forms.

VIII. DBE Participation

- a. The DBE contract goal percentage shall be calculated as follows: DBE contract Goal Percentage = Contract Dollar Value of the work to be performed by certified DBEs divided by the Total Dollar Amount of the contract.
- b. The CONTRACTOR shall be responsible for meeting the DBE contract goal of 3 % DBE participation, and shall maintain the goal throughout this project. The contract goal shall be met by utilizing the work performed by the CONTRACTOR and/or the joint contractors, subcontractors, suppliers, and manufacturers listed below:

| Name | Nature of Work | DBE Y/N | Dollar Amount |
|------|----------------|---------|---------------|
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- c. All DBEs listed above must be certified by the HDOT.
- d. No substitution of a DBE subcontractor shall be made at any time without the written consent of the HDOT.

IX. Records and Reports

- a. The CONTRACTOR shall keep records as are necessary for the HDOT to determine compliance with the CONTRACTOR'S DBE obligation.
- b. These records shall be available at reasonable times and places for inspection by authorized representatives of the HDOT and appropriate Federal agencies.

Project Title: _____

State Project No.: _____

Amount of Contract: \$ _____

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PROMPT PAYMENT CERTIFICATION

The undersigned hereby certifies that payment shall be dispersed to all subcontractors within 10 (ten) calendar days after receipt of payment from the Department, in accordance with the terms of the subcontract. This clause applies to both DBE and non-DBE subcontractors.

Pursuant to Title 49, Code of Federal Regulations, §26.37, the undersigned also agrees to maintain a running tally of all payments made to DBE subcontractors, and shall furnish these records to the Department, upon request. The records shall be available at reasonable times and places for inspection by the Department or its designee, and appropriate federal agencies.

This declaration is made under penalty of perjury under the laws of the United States, and the Hawaii Penal Code, Section 710-1063, Hawaii Revised Statutes, regarding unsworn falsification to authorities and knowingly rendering a false declaration.

Contractor

By:

Authorized Signature

Title

Date

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**INSTRUCTIONS FOR COMPLETING THE
FINAL REPORT OF DBE PARTICIPATION**

All subcontractors, suppliers and manufacturers should be listed on the FINAL REPORT OF DBE PARTICIPATION in the same order as listed in the proposal.

| | |
|---|---|
| Project Title: | Self Explanatory |
| Project No.: | Self Explanatory |
| Period Covered by this Report: | Same period as invoice period |
| Contractor Name: | Self-Explanatory |
| Contractor No.: | Self-Explanatory |
| Contract Amount (including amendments): | Less Mobilization, Force Account Items and Allowance Items Amendments should be listed separately with an explanation of how it will be allocated to DBEs and non-DBEs |
| Invoice No.: | Self-Explanatory |
| Final Payment Amount: | Self-Explanatory |
| DBE Goal for this Contract: | % Goal stated on Contractor's Goal from Proposal or Bid |
| Total DBE Participation | Total % of DBE Participation |
| Total Payment to DBE | Total \$ amount paid to DBEs |

FINAL REPORT OF DBE PARTICIPATION

This report must be submitted by the Contractor with the final invoice or request for payment under this contract.

Project Title: _____ Contractor Name: _____

Project No.: _____ Contract No.: _____

Period Covered by this Report: _____ Contract Amount (including amendments): \$ _____

Final Payment Amount: \$ _____ Invoice No.: _____

DBE Goal for the Contract: _____% Total DBE Participation: _____% Total Payment to DBE: \$ _____

| All Subcontractors (DBE and non-DBE) & DBE Suppliers or Manufacturers | Type of Service or Materials Provided | Subcontract Amount | Total Payment |
|---|---------------------------------------|--------------------|---------------|
| Name Address Telephone No. | | | |
| Name Address Telephone No. | | | |
| Name Address Telephone No. | | | |
| Name Address Telephone No. | | | |

Note: Payments to DBE supplier or dealer that is not a manufacturer must be adjusted.

Signature _____ Telephone No. _____

Print Name & Title _____

ATTACHMENT D
Statement of Affirmation and Acknowledgement of
DBE Requirements

(Submit the completed attachment with the SOQ.)

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**STATEMENT OF AFFIRMATION AND ACKNOWLEDGEMENT OF
DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS**

The undersigned hereby affirms and acknowledges that he or she has read and fully understands the DBE requirements of this contract, and that full compliance with the DBE program requirements (49 CFR Part 26), is a requirement and condition for award of this project.

The undersigned also affirms and acknowledges that he or she is bound by the requirements of the DBE program in connection with the proposal submitted for the construction of

(Project Title and Number)

The undersigned is also fully aware of the project's DBE goal, certification requirements, awarding procedures, and the requirements and documentation necessary to substantiate "good faith effort."

(Name of Person or Firm)

By _____
(Signature)

(Name and Title)

(Street Address or P.O. Box No.)

(City, State, Zip Code)

Dated: _____

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ATTACHMENT E
List of All DBE and Non-DBE
Subcontractors, Manufacturers, Suppliers

(Submit the completed attachment with the SOQ.)

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LIST OF ALL SUBCONTRACTORS, MANUFACTURERS, SUPPLIERS FOR:
 PROJECT NAME/NUMBER: _____

| | NAME AND ADDRESS OF SUBCONTRACTING FIRM | NATURE OF WORK | DBE YES | PARTICIPATION NO | DOLLAR AMOUNT/1 |
|----|--|-------------------|-------------------------------------|-------------------------------------|--------------------|
| 1) | | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
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* Firms claiming DBE status must be certified by HDOT no later than bid opening date. Prime bidders must reasonably assure themselves that listed firms claiming DBE status are **in fact certified as such by HDOT.**
 * This list must be submitted to the Project Manager listed in the proposal within five (5) working days after bid opening or Request due date.
 1/ Indicate dollar amount for each firm regardless of status. The dollar amount to be entered shall be the amount estimated to be paid to the firm shown. (The listed firm's net lump sum quoted price to the prime bidder.)

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ATTACHMENT F
Subcontractor Confirmations for Each DBE Subcontractor

(Submit the completed attachment with the SOQ.)

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CONFIRMATION BY DBE

The undersigned confirms that it is currently certified by the State Department of Transportation (DOT) as a DBE and therefore considered, as a registered bidder with the DOT. The undersigned is certified to perform work as:

- Licensed Subcontractor Trucker Trucker/Manufacturer
- Supplier Manufacturer Consultant Broker Vendor
- Other, please specify _____

The undersigned submitted a bid proposal for:

(Project Name or Number)

(Name of Prime Contractor)

Signature of DBE Representative

Title

Name of DBE Firm

Date

Copies or faxes of all "Confirmation by DBE" forms signed by the DBE for each DBE listed in the proposal must be submitted to the Project Manager listed in the proposal within five (5) working days after bid opening or due date.

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ATTACHMENT G
Selection Criteria Breakdown

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CONSULTANT SELECTION CRITERIA

The selection criteria for evaluating the Statements of Qualifications are as follows. The number of points assigned to each criterion is indicated.

| EXPERIENCE & PROFESSIONAL QUALIFICATIONS RELEVANT TO THE PROJECT TYPE | 40 points |
|---|--------------|
| <ul style="list-style-type: none"> • Relevant qualifications and experience of team members with household interview travel surveys <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Experience in designing surveys such as one-day travel diaries ○ Experience with surveying techniques and developing representative and statistically valid samples ○ Knowledge and understanding of Oahu's roadways, transit system, and communities • Relevant qualifications and experience of team members with travel demand forecasting models <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Experience in calibrating and validating travel demand forecasting models ○ Understanding and familiarity with the OahuMPO travel demand forecasting model ○ Experience in running, evaluating, and interpreting results from travel demand forecasting models ○ Experience with TransCAD ○ Experience with UrbanSim ○ Experience in using travel demand forecasting models ○ Knowledge of Oahu's roadway and transit networks | |
| <ul style="list-style-type: none"> • Relevant qualifications and experience of Project Manager <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Experience in project management ○ Experience in designing and implementing household interview travel surveys ○ Experience with travel demand forecasting models ○ Experience with TransCAD ○ Experience with UrbanSim | |

| | |
|--|--------------|
| PAST PERFORMANCE ON PROJECTS WITH A SIMILAR SCOPE | 25 points |
| <ul style="list-style-type: none"> • Past performance <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Past performance on similar projects ○ References for the firm(s) ○ References for the Project Manager • Corrective actions and responses to Notices of Deficiencies <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Corrective actions or Notices of Deficiencies received, if any | |
| CAPACITY TO ACCOMPLISH WORK IN THE REQUIRED TIME | 20 points |
| <ul style="list-style-type: none"> • Resources and schedule <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Resources and manpower of the firm to complete the project in a timely manner ○ Schedule ○ Organization of the project team ○ Lines of communication to maintain the project schedule | |
| APPROACH TO THE PROJECT | 15 points |
| <ul style="list-style-type: none"> • Proposed work plan <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Understanding of the project needs ○ Incorporation of the project needs into the work plan ○ Exceptions taken to the RFQ, if applicable • Project Cost <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> ○ Commitment of team members to complete the project on or under budget ○ Reasonableness of costs assigned to each deliverable ○ Average cost per hour of staff time committed to the project | |

ATTACHMENT H
Title VI Assurance
Supplemental Notice

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TITLE VI ASSURANCE
SUPPLEMENTAL NOTICE

Bidders are hereby notified that the Oahu Metropolitan Planning Organization (OahuMPO) will strictly enforce full compliance with all of the requirements of its Title VI Plan with respect to this project.

OahuMPO will ensure that, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252 U.S. C 2000d to 2004d-4, and Title 49 Code of Federal Regulations Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, and other pertinent directives issued pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, national origin, sex, age, or handicap/disability in consideration for an award.

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ATTACHMENT I
OahuMPO's Title VI Assurance
Attachment 1

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ATTACHMENT 1

During the performance of this contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The Contractor or Subcontractor shall not discriminate on the basis of race, color, national origin, sex, age, or handicap/disability in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 21 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or handicap/disability.

Information and Reports: The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Oahu Metropolitan Planning Organization, the Hawaii Department of Transportation (HDOT), or the DOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Oahu Metropolitan Planning Organization, the HDOT, or the DOT, as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Oahu Metropolitan Planning Organization, HDOT, or the DOT may determine to impose the following sanctions, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions: The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Oahu Metropolitan Planning Organization, the HDOT, or the DOT may direct as a means of enforcing such

provisions, including sanctions for noncompliance: Provided, however, that, in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request (a) the Oahu Metropolitan Planning Organization to enter into such litigation to protect the interests of the Oahu Metropolitan Planning Organization, (b) the HDOT to enter into such litigation to protect the interests of the HDOT, and, (c) the United States to enter into such litigation to protect the interests of the United States.