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# *REQUEST FOR PROPOSALS*

*No. RFP-201.04-13*

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## *Title VI & Environmental Justice Monitoring Update*

Proposals Due:  
4:00 p.m., Hawaii Standard Time  
September 3, 2013



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

[www.OahuMPO.org](http://www.OahuMPO.org)

*Note: If this RFP was downloaded from a website, the Consultant must provide contact information to the OahuMPO Project Manager (see Section V) in order to be notified of any changes made to the RFP or any clarifying statements. Failure to provide contact information to OahuMPO may result in the submission of an incomplete or non-responsive proposal.*

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## SECTION I – INTRODUCTION AND KEY DATES

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### 1. Terms and Acronyms

CFR	Code of Federal Regulations
County	City and County of Honolulu
DBE	Disadvantaged Business Enterprise
DTS	City and County of Honolulu Department of Transportation Services
HAR	Hawaii Administrative Rules
HDOT	Hawaii Department of Transportation
HRS	Hawaii Revised Statutes
HST	Hawaii Standard Time
OahuMPO	Oahu Metropolitan Planning Organization
RFP	Request for Proposals
SLH	Session Laws of Hawaii
SPO	State Procurement Office
State	State of Hawaii
USC	United States Code
USDOT	United States Department of Transportation
§	Section

### 2. Introduction

The Oahu Metropolitan Planning Organization (OahuMPO) requests proposals to:

- a. Update OahuMPO's Title VI and Environmental Justice (T6/EJ) ArcGIS datasets and shape files with the race, ethnicity, income, and limited-English-proficiency data from the 2010 Census and other available resources
- b. Refine and/or update OahuMPO's T6/EJ performance measures
- c. Assess various T6/EJ analysis tools for potential implementation by OahuMPO and compare them to the functionality of the existing GIS analysis tool
- d. Either update OahuMPO's current T6/EJ analysis tool to measure equity, or, if applicable, develop an alternative T6/EJ analysis tool for use by OahuMPO

### 3. Cancellation

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

#### 4. Significant Dates

The dates below are OahuMPO's best estimate of the anticipated schedule of events. If a component of this schedule is delayed, the rest of the schedule will likely be shifted by the same number of days.

RFP available	<i>July 26, 2013</i>
Deadline for submittal of written questions	<i>August 19, 2013</i>
OahuMPO's response and posting of written questions due	<i>August 20, 2013</i>
Proposals due	<i>September 3, 2013</i>
Evaluation Committee ranks proposals	<i>September 13, 2013</i>
Discussions with priority-listed consultants (if needed)	<i>September 16 – 20, 2013</i>
Best and Final Offers due (if needed)	<i>September 25, 2013</i>
Consultant selection and award	<i>September 27, 2013</i>
Anticipated contract start date (Notice to Proceed)	<i>January 2014</i>

#### 5. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS) Chapter 103D and its administrative rules. All prospective Consultants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective Consultant shall constitute admission of such knowledge on the part of such prospective Consultant.

#### 6. Proposal Security

The Consultant will submit invoices based upon 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.

## SECTION II – SCOPE OF WORK

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### Notice to Offerors:

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OahuMPO maintains a database of T6/EJ populations on Oahu in order to assess the impacts on those populations of the various plans and transportation projects that receive federal funds. That database requires updating after every census in order to accurately reflect current conditions. In addition, OahuMPO has a GIS-based T6/EJ analysis tool to analyze the potential impacts of Oahu Regional Transportation Plan (ORTP) and Transportation Improvement Program (TIP) projects on those populations. However, in the decade since its development, there have been vast improvements in mapping and spatial analysis tools. For example, the current GIS-based tool uses ArcGIS software to produce static project maps as well as interactive maps showing the location of the project overlaid with natural resource areas, conservation plans, and other data. But the public is now very familiar with more dynamic mapping tools such as Google Maps and Bing Maps, which allow different views depending upon the scale of the projection. OahuMPO would like to be able to develop dynamic mapping. As part of this project, OahuMPO desires an investigation into all reasonable possibilities of developing an alternative T6/EJ analysis tool, a comparison of the functionality of these alternatives with the existing T6/EJ tool, cost estimates of each alternative (both development costs and life cycle costs), and a professional recommendation to either continue to maintain the existing analysis tool or switch to a better one.

The expected outcomes of this effort are:

1. Update of the T6/EJ populations ArcGIS datasets and shape files with the race, ethnicity, income, and limited-English-proficiency data from the 2010 Census and other available resources
2. Refined or updated T6/EJ performance measures
3. A report identifying alternative T6/EJ analysis tools, their functionality, their cost, and a recommendation to either keep and continue to maintain OahuMPO's existing T6/EJ GIS-based analysis tool or change to a new tool
4. Either an updated T6/EJ analysis tool, or, if applicable, a new T6/EJ analysis tool that offers greater functionality than OahuMPO's current analysis tool

The RFP is available to all interested firms. The RFP provides the specifications and instructions for submitting a proposal and other required information. Interested firms must fully respond to and comply with the specifications and instructions contained in the RFP. The RFP is available for pickup at the OahuMPO office or may be downloaded from its website at [www.OahuMPO.org](http://www.OahuMPO.org). For additional information, contact Brian Gibson at (808) 587-2015.

OahuMPO, a subrecipient of the United States Department of Transportation (USDOT) Federal Highway Administration and Federal Transit Administration metropolitan planning funds via Hawaii Department of Transportation (HDOT), has adopted HDOT's Disadvantaged Business Enterprise (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 United States Code (USC) 2000d to 2004d-4 and Title 49 Code of the Federal Regulations (CFR), United States Department of Transportation, Subtitle A, Office 3 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 proposals 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 K of the RFP, which is made an integral part of this request.

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

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 E, *Requirements for Participation by DBEs*, of the RFP.

Questions concerning the RFP must be submitted in writing (email is acceptable) and received by OahuMPO no later than 4:00 p.m. Hawaii Standard Time, on September 3, 2013. Refer to the RFP for complete instructions.

The budget for this project is \$160,000, inclusive of Hawaii General Excise Tax.

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

## Scope Summary

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The goals of this project are to 1) update OahuMPO's T6/EJ populations dataset with the race, ethnicity, income, and limited-English-proficiency data from the 2010 Census and other available resources; 2) refine and/or update OahuMPO's T6/EJ performance measures; 3) assess various T6/EJ analysis tools for potential implementation by OahuMPO and compare them to the functionality of the existing GIS analysis tool; 4) either update OahuMPO's current T6/EJ analysis tool to measure equity in transportation investment, or, if applicable, develop an alternative T6/EJ analysis tool for use by OahuMPO.

### Task 1: Update OahuMPO's ArcView GIS Dataset

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The Consultant shall update OahuMPO's ArcView GIS dataset with the T6/EJ populations from the 2010 Census and other available resources.

Deliverables:

An updated ArcView GIS dataset

### Task 2: Refine and/or Update OahuMPO's T6/EJ Performance Measures

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Deliverables:

A document that 1) assesses and evaluates the OahuMPO's existing T6/EJ performance measures, 2) proposes alternative performance measures and/or refinements to the existing performance measures, 3) assesses and evaluates the alternative performance measures in comparison to the existing performance measures, and 4) makes a final recommendation as to the best performance measure(s) to use

Note: OahuMPO staff will be responsible for securing Policy Committee approval of the final T6/EJ performance measures

### Task 3: Approve T6/EJ Analysis Tools

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#### Task 3.1 Identify and Analyze

The consultant will identify and analyze various potential T6/EJ GIS-based analysis tools that OahuMPO can use when evaluating proposed transportation projects for inclusion in the TIP or long-range transportation plan. These tools shall be directly related to the performance measures approved by the OahuMPO Policy Committee at the conclusion of Task 2 (above).

Deliverables:

A document that 1) identifies and analyzes various potential T6/EJ analysis tools; 2) compares new potential analysis tools with the current OahuMPO analysis tool; 3) makes a final recommendation as to the best analysis tool for OahuMPO

#### Task 3.2 Develop Analysis Tool

The consultant will either update OahuMPO's current GIS analysis tool or build a new one based on the approved performance measures (Task 2)

Deliverables:

A new or updated T6/EJ analysis tool that reflects the approved performance measures

#### Task 4: Evaluation and Documentation

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The consultant will evaluate the current Oahu Regional Transportation Plan (ORTP) and TIP using the updated performance measures, documenting the analysis and results.

Deliverables:

A document that uses the approved performance measures and related analysis tool to evaluate T6/EJ impacts of the current approved ORTP and TIP

#### Task 5: Document Evaluation Procedures

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The consultant will document the T6/EJ evaluation procedures and provide OahuMPO staff with sufficient training to become familiar with the use of the revised analysis tool

Deliverables:

- A document of the T6/EJ evaluation procedures
- Sufficient training for OahuMPO staff to allow them to use the analysis tool appropriately

### **SECTION III – TERM OF CONTRACT**

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The contract shall be for a period of eighteen (18) months, beginning from the date of the signed contract.

Unless terminated, OahuMPO and the Consultant may extend the term of the contract for an additional period of not more than four (4) months without the necessity of rebidding, upon mutual agreement in writing at least one (1) month prior to expiration of the contract. The contract price for the extended period shall remain the same or lower than the initial price.

The Consultant or OahuMPO may terminate the extended contract period at any time by providing two (2) weeks prior written notice.

## SECTION IV – PROPOSAL FORMAT AND CONTENT

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### Introduction

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One objective of the RFP is to make proposal preparation easy and efficient, giving the Consultant ample opportunity to highlight their proposals. The proposal shall be considered a complete plan for accomplishing the tasks described in this RFP, including any supplemental tasks the Consultant identifies as necessary to successfully meet the goals outlined in this RFP.

The proposal shall describe in detail the Consultant's ability and availability of services to meet the project goals defined in this RFP. Proposals shall be prepared in a straightforward and concise manner and in a consistent format. Emphasis should be on completeness and clarity of content. Should OahuMPO require additional information for the proposal, the Consultant shall provide the requested information within two (2) business days of that request.

The contents of any proposal shall not be disclosed during the review, evaluation, or discussion processes. Once notice of the award is posted, all proposals, successful and unsuccessful, become available for public inspection. Those sections that the Consultant and OahuMPO agree are confidential or proprietary (if any) should be identified as such by the Consultant in its proposal; those sections shall be kept confidential.

Submission of a proposal shall constitute an incontrovertible representation by the Consultant of understanding, acceptance, and compliance with every requirement of this RFP; and that 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.

### Format and Content

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The proposal shall be organized into sections following the exact format described below – using all titles, subtitles, and numbering. Each section must be addressed individually and pages must be numbered.

The proposal shall be limited to ten (10) double-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 Subconsultants, 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 less than three hundred fifty (350), but no more than five hundred (500) words per page.

#### Cover Page

Include the following:

- Name of project
- Names and business addresses of the firms that will conduct the work
- Name, title, mailing address, telephone number, fax number, and email address for the contact person

## Section I

### Proposal Transmittal Letter

Include a transmittal letter to confirm that the Consultant shall comply with the requirements, provisions, terms, and conditions specified in the RFP. The letter should be signed by an official authorized to bind the Consultant contractually. Include the following in the letter:

1. Exceptions to this RFP:

The Consultant shall certify that it takes no exception(s) to this RFP. If the Consultant does take exception(s) to any portion of the RFP, the specific portion to which exception is taken must be identified and explained, and an alternative, if any, should be proposed. Failure to make exceptions to the RFP will be deemed a waiver of any objection.

2. 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.

3. 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. Include a listing of any such notices received and the response provided by the Consultant or Subconsultants.

4. 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(s). If applicable, include an explanation(s).

5. Offer Form OF-1:

Include a signed Offer Form OF-1 (Attachment B) with the exact legal name, as registered with the Department of Commerce and Consumer Affairs, if applicable, and address of the Consultant's firm. Also include the name, mailing address, and telephone and fax numbers of the person that OahuMPO should contact regarding the proposal.

## Section II Table of Contents

**Section III** Executive Summary

- Include a one-page overview of the entire proposal, highlighting the most important elements.

**Section IV** Identification of Consultant

**Sample Table 1: Consultant**

<b>Firm Name and Principal Place of Business</b>	<b>Age of Firm (years)</b>	<b>Average Number of Employees Over the Past Five Years</b>	<b>Location of Offices</b>
Prime Consultant [address]	10	5	Honolulu, HI Miami, FL
Subconsultant Firm [address]	15	10	Dallas, TX

**Section V** Project Approach, Work Plan, and Schedule

- This section shall provide a description of the entire project, demonstrating the Consultant's understanding of the tasks involved to produce each deliverable. It shall contain a description of how the Consultant proposes to carry out the tasks and why this approach was selected.
- This section shall include a detailed Work Plan for the tasks required to produce the deliverables included in this RFP and/or a variation of those deliverables based upon the Consultant's recommendations. A Work Plan is crucial to allow the OahuMPO to gauge the Consultant's understanding of the tasks at hand, the resources required, critical path tasks, project milestones, and reasonableness of the timeline. The task description should be presented in sufficient detail 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. The Consultant will be paid based on a fixed fee for each deliverable submitted and accepted.
- 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. Discuss what lines of communication will be implemented to maintain the project schedule.

**Sample Table 2: Schedule**

	Months			
	1	2	.....	12
Task 1: Update T6/EJ Dataset				
1.1 – Work Plan and Schedule				
1.2 – Assessment/Discovery/ Report of Findings				

**Section VI** Organization and Staffing

- 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 Consultants. Identify the Project Manager.
- Include a table in the same format as Sample Table 3.

**Sample Table 3: Project Management Plan**

Task	Prime Consultant Firm		Subconsultant	Total
DBE	No	No	Yes	N/A
Office Location	Honolulu	Dallas	Honolulu	N/A
Task 1	4%	0%	10%	14%
Task 2	10%	25%	0%	35%
Etc.				
<b>Total</b>				100%

- Describe the proposed project staffing and identify the number of hours on each task for each firm at each location. Identify the Project Manager.
- Include a table in the same format as Sample Table 4.

**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.	Erin E.	Frank F.	
Office Location	Honolulu, HI	Honolulu, HI	Honolulu, HI	Tucson, AZ	Honolulu, HI	
Task 1 (hrs.)	8	40	68		3	119
Task 2 (hrs.)	80	20	12	15		127
etc.						
<b>Total</b>	88	60	80	15	3	246

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

**Section VII** Consultant Background and Experience

- 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. For each completed project, provide the following information:
  - Name of the project
  - Start and end dates
  - Name and address of the client
  - Name and current telephone numbers for the client's project manager [Note: A director of a government

agency should not be listed as the project manager (and point of contact) if he/she was not the project manager for the project.]

- The type of work performed
  - The dollar value of the contract
  - Key consulting staff that worked on the project
- 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 type of information as in the Consultant Background and Experience above. It is OahuMPO's policy to contact the Project Manager's references.

**Section VIII** Price Plan

- Identify all staff members, including subcontractors, who will be working on the project and the number of hours they will commit to each task of the project.
- Identify the price of each task and the total number of professional hours devoted to each task.
- Include overhead costs, travel, and the general excise tax separately, along with other non-staff related costs.

**Sample Table 5: Price Plan**

Task	Professional Hours				Amount
	Alex A.	Bill B.	Carrie C.	Total	
<b>Hourly Billing Rates</b>	\$255	\$213	\$145		
<b>Task 1 (hrs.)</b>	8	40	68	116	\$20,420
<b>Task 2 (hrs.)</b>	80	20	12	112	\$26,400
<b>Task 3 (hrs.)</b>	80	80	12	172	\$39,180
<b>Task 4 (hrs.)</b>	74	20	40	134	\$28,930
<b>Labor Sub-Total (Hrs.)</b>	242	160	132	534	<b>\$114,930</b>
<b>Overhead</b>					<b>\$56,700</b>
<b>Travel</b>					<b>\$8,000</b>
<b>Printing and Mailing</b>					<b>\$2,000</b>
<b>General Excise Tax</b>					<b>\$6,606</b>
<b>TOTAL COST</b>	\$61,710	\$34,080	\$19,140		<b>\$188,236</b>

**Section IX** Staff Resumes (limited to one page per employee)

**Section X** Letters of Commitment

Attachment B: Offer Form OF-1

Attachment E: Requirement for Participation by DBEs – HDOT Exhibit B

Attachment F: Statement of Affirmation and Acknowledgment of DBE Requirements

Attachment G: Subconsultant Confirmations for Each DBE Subcontractor

Attachment L: Certificate of Insurance – SPO Form 150

Attachment M: Debarment & Suspension Certification

Attachment N: Drug Free Workplace Certification

Attachment O: Certification Regarding Lobbying

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.

OahuMPO has adopted a Race-Conscious DBE Overall Goal for federal fiscal years 2014 through 2016. **A 53.43% 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 HDOT's DBE program in its entirety. Refer to Attachments C, D, E, and F for information on HDOT's DBE program.

## Pricing

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No more than \$160,000, inclusive of Hawaii General Excise Tax, has been budgeted for this project. The Consultant shall indicate its ability to complete the work described herein for \$160,000 or less. The total amount proposed shall be rounded to the nearest dollar. The funds for this project are a combination of funds provided by OahuMPO and USDOT. The selected Consultant will be paid based on a fixed fee for each deliverable received. The Consultant will submit invoices based upon 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.

## SECTION V – PRE-PROPOSAL ACTIVITIES

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### I. Questions Concerning RFP:

All questions relating to the RFP must be received in writing via mail, facsimile, email, or hand-delivery no later than 4:00 p.m., Hawaii Standard Time (HST), on September 3, 2013, and should be addressed to:

Brian Gibson, Project Manager  
Oahu Metropolitan Planning Organization  
707 Richards Street, Suite 200  
Honolulu, Hawaii 96813-4623  
Facsimile: (808) 587-2018  
Email: Brian.Gibson@oahuMPO.org

Inquiries must include the name of the person and consulting firm that is posing the question(s), as well as their telephone number and email contact information. All responses will be posted on the OahuMPO webpage devoted to this RFP by August 20, 2013. It is the responsibility of the Consultant to check the website for any questions and answers concerning this RFP.

### II. Revision to the RFP:

OahuMPO reserves the right to revise the RFP prior to the date that the proposals are due. Revisions shall be posted on the OahuMPO webpage devoted to this RFP no later than 4:00 p.m. HST, on August 20, 2013. It is the responsibility of the Consultant to check for any revisions to this RFP.

## SECTION VI – PROPOSAL SUBMITTAL

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Submit four (4) bound copies of the proposal, along with a digital file(s) in PDF format on compact disc. **Proposals may not be submitted by facsimile or by email.** Proposals will be contained in a sealed package with the following information on the outside of the package:

- Name of Consultant
- Project Title
- Package Number (1 of \_\_\_\_, 2 of \_\_\_\_, etc.)

Sealed competitive proposals submitted in response to this RFP will be received and time-stamped at OahuMPO at Suite 200 of the Ocean View Center, 707 Richards Street, Honolulu, Hawaii 96813 no later than 4:00 p.m. HST, September 3, 2013. All proposals shall include the State General Excise Tax; and the total amount proposed shall be rounded to the nearest dollar. Proposals should be mailed or delivered to:

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

Proposals received subsequent to the hour and date specified above will not be considered.

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

## SECTION VII – CONSULTANT SELECTION / METHOD OF AWARD

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- o Hawaii Revised Statutes (HRS)
  - a. §103D-303 Competitive Sealed Proposals

OahuMPO is following the procedures outlined in the HRS §103D-303 “*Competitive Sealed Proposals*,” 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.”*

- b. §11-205.5 Campaign Contributions by State and County Consultants

Consultants are hereby notified of the applicability of HRS §11-205.5, which states that it shall be unlawful for State or County government Consultants to do the following **during the term of their contracts** if the Consultants 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](http://www.hawaii.gov/campaign).

- o Oral Discussions

Oral discussions, if deemed necessary, will be conducted by the Evaluation 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.

## **SECTION VIII – CONSULTANT SELECTION CRITERIA**

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Proposals will be evaluated on the following criteria:

Mandatory Requirements (Pass/Fail):

1. Proposal includes completed *Offer Form OF-1* (RFP Attachment B)
2. Proposal includes completed *Requirements for Participation by DBEs* (RFP Attachment E)
3. Proposal includes completed *Statement of Affirmation and Acknowledgement of Disadvantaged Business Enterprise Requirements* (RFP Attachment F)
4. If a DBE is part of the proposal, the proposal includes completed *Subconsultant Confirmations for each DBE Subcontractor* (RFP Attachment G)
5. Proposal contains completed *Certificate of Insurance* (RFP Attachment L)
6. Proposal contains *Debarment & Suspension Certification* (RFP Attachment M)
7. Proposal contains *Drug Free Workplace Certification* (RFP Attachment N)
8. Proposal includes *Certification Regarding Lobbying* (RFP Attachment O)

Scored Mandatory Requirements (maximum possible points indicated below):

1. Experience & Professional Qualifications Relevant to the Project (20 points)
2. Past Performance and References (15 points)
3. Approach to the Project (20 points)
4. Total Cost (15 points)

Desirables (not required, but additional points may be awarded):

1. DBE and Small Business Participation (Up to 15 additional points possible)
2. Primary consultant carries at least the minimum desired insurance coverages identified in Section IX, Part I (Up to 5 additional points)
3. Environmental Stewardship (Up to 10 additional points)

A breakdown of the Scored Mandatory Requirements and Desirables and corresponding number of points possible is found in Attachment A.

## SECTION IX – SPECIAL CONDITIONS

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### A. Reservations

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

### B. Public Records

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All proposals submitted in response to the RFP 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 and OahuMPO has agreed are confidential or proprietary.

If a Consultant believes any portion of a proposal contains information that should be withheld as confidential, the Consultant shall request, in writing, nondisclosure of designated trade secrets or other proprietary data found to be confidential and provide justification to support confidentiality. 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.

Note that price is **not** considered confidential and **will not be withheld**.

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.

### C. Right to Cancel

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OahuMPO reserves the right to cancel or revise, for any or no reason, in part or in its entirety, this RFP. If OahuMPO cancels the RFP prior to the deadline for RFPs or revises the RFP, 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

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

### E. Discussions

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Proposals may be accepted on evaluation without discussion. However, if deemed necessary, prior to entering into discussions, a "priority list" of responsible Consultants submitting acceptable and potentially acceptable proposals may be generated. The priority list may be limited to a minimum of three responsible Consultants who submitted the highest-ranked proposals. The objective of these discussions is to clarify issues regarding the Consultant's proposal before the Best and Final Offer is tendered.

## F. Title VI Assurance

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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 K and L.

## G. Tax Clearance

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Pursuant to HRS Section 103-53, as a prerequisite to entering into contracts of \$25,000 or more, providers shall be required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation and the Internal Revenue Service (IRS). The certificate shall have an original green certified copy stamp and shall be valid for six (6) months from the most recent approval stamp date on the certificate. Tax clearance applications may be obtained from the Department of Taxation website (<http://www6.hawaii.gov/tax/2010/a6.pdf>).

## H. Wages and Labor Law Compliance

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If applicable, by submitting a proposal, the Consultant certifies that the Consultant is in compliance with HRS Section 103-55, wages, hours, and working conditions of employees of contractors performing services. Refer to HRS Section 103-55, at the Hawaii State Legislature website (<http://capitol.hawaii.gov/>).

## I. Insurance

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Consultants shall submit a Certificate of Insurance, SPO Form 150 (Attachment M), demonstrating the following minimum coverages:

- General Commercial Liability Insurance (coverage must be based on occurrence)
  - \$1,000,000 per occurrence for bodily injury and property damage;
  - \$2,000,000 aggregate coverage
- Automobile Insurance
  - \$1,000,000 per accident
- Workers Compensation and Employer's Liability
  - \$1,000,000 bodily injury from each accident
  - \$1,000,000 bodily injury from disease per employee
  - \$1,000,000 bodily injury from disease aggregate
  - OahuMPO also requests (but cannot require) waiver of subrogation in favor of the State of Hawaii
- Professional Liability (Errors and Omissions)
  - \$1,000,000 per claim;
  - \$2,000,000 annual aggregate

Policies may have lower limits than those shown above ONLY if there is also an umbrella policy that provides coverages at least up to the limits shown. The umbrella policy should name the State of Hawaii, its elected and appointed officials, officers, employees, and volunteers as Additional Insureds (to be noted in the "Description of operations/locations/vehicles" box of form SPO 150).

Additional optional coverages:

A Fidelity Bond endorsed to cover third party liability to include property of the State in the care, custody, and control of an outside party, and should include a minimum 12-month discovery period when written on a Loss Sustained basis.

See Attachment M or contact the State Risk Management Office (808-586-0550) for more information.

## J. Debarment and Suspension

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The inability of a person to provide the Debarment and Suspension Certification required (see Attachment N) will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out in Attachment N. The certification or explanation will be considered in connection with the department's or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

## K. Drug Free Workplace

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Per 49 CFR §29, Consultants must sign and submit the Drug Free Workplace Certification, as shown in Attachment O. Failure or inability to submit the certification will result in the Consultant's proposal not being considered in the selection process.

## L. False Statements

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Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

## M. Small Business Participation

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As part of OahuMPO's Disadvantaged Business Enterprise (DBE) Program, we encourage the participation of small local businesses as prime contractors or subcontractors. Large prime contractors are encouraged to provide, where possible, subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-

performing all the work involved. Also, consortia or joint ventures of small businesses, including DBEs, are encouraged to compete for and perform prime contracts.

## N. Environmental Stewardship

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OahuMPO is conscious of the impact it has on the environment and natural resources. Respondents are encouraged to be concise in their proposals, and to submit documents that can be easily recycled. Dividers, front and back covers, spiral bindings and other non-essential non-recyclable frivolities are discouraged. Printed proposals may be bound with a single staple in the top left-hand corner of the document. Respondents are strongly encouraged to print on both sides of each page, use paper containing recycled material, use 10 point Century Gothic font, use margins of no more than 1", and, overall, take steps to minimize the resources used in the production of their proposal while still fully responding to this RFP. Type size and margins for text pages should result in no fewer than three hundred fifty (350) words per page, but no more than five hundred (500) words per page.

## O. Lobbying Activities

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According to 31 USC 1352, as implemented at 49 CFR Part 20, all Consultants and recipients of federally appropriated funds must abide by the following rules with respect to lobbying:

1. All Consultants for and recipients of a Federal contract, grant, or cooperative agreement in excess of \$100,000 may not use Federal funds to lobby an officer or employee of any Federal agency or Member of Congress.
2. Every time a potential recipient applies for or receives such a contract, grant, or cooperative agreement, it must file a written declaration at the time of application that states that no federal funds have been paid for lobbying and that, if non-Federal funds are used for lobbying, it will file a lobbying disclosure form.
3. If a recipient uses non-Federal funds for lobbying, it must submit a disclosure form to report these activities. If the activities change materially, the recipient must file an additional form for that quarter.

Attachment P, Certification Regarding Lobbying, of this document should be completed and submitted to OahuMPO with the proposal.

## SECTION X - ATTACHMENTS

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- Attachment A: Selection Criteria Breakdown *(Informational)*
- Attachment B: Offer Form OF-1 *(Submit completed form with Proposal)*
- Attachment C: DBE Program Supplemental Notice *(Informational)*
- Attachment D: General Information Regarding DBEs – HDOT Exhibit III *(Informational)*
- Attachment E: Requirements for Participation by DBEs – HDOT Exhibit B *(Submit completed form with Proposal)*
- Attachment F: Statement of Affirmation and Acknowledgment of DBE Requirements *(Submit completed form with Proposal)*
- Attachment G: Subconsultant Confirmations for Each DBE Subconsultant *(Submit completed form with Proposal)*
- Attachment H: Prompt Payment Certificate *(Submit completed form with all invoices)*
- Attachment I: Final Report of DBE *(Submit completed form with final invoice)*
- Attachment J: Title VI Assurance Supplemental Notice *(Informational)*
- Attachment K: OahuMPO's Title VI Assurance *(Informational)*
- Attachment L: Certificate of Insurance – SPO Form 150 *(Submit completed form with Proposal)*
- Attachment M: Debarment and Suspension Certification *(Submit completed form with Proposal)*
- Attachment N: Drug Free Workplace Certification *(Submit completed form with Proposal)*
- Attachment O: Certification Regarding Lobbying *(Submit completed form with Proposal)*

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## Attachment A

### Selection Criteria Breakdown

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*(Informational)*

## CONSULTANT SELECTION CRITERIA

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The selection criteria for evaluating the Scored Mandatory Requirements are as follows. The number of points assigned to each criterion is indicated.

<b>EXPERIENCE &amp; PROFESSIONAL QUALIFICATIONS RELEVANT TO THE PROJECT TYPE</b>	<b>20 points</b>
<ul style="list-style-type: none"> <li>• <b>Relevant qualifications and experience of the Project Manager and/or team members</b> <ul style="list-style-type: none"> <li>○ <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> <li>• Previous experience in Title VI and Environmental Justice data collection and analysis</li> <li>• Previous experience with development of Title VI and/or Environmental Justice performance measures</li> </ul> </li> </ul> </li> <li>• <b>Relevant familiarity and experience of the Project Manager and/or team members with Oahu and the role of MPOs</b> <ul style="list-style-type: none"> <li>○ <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> <li>• Familiarity with GIS spatial analysis and tools</li> <li>• Familiarity with Oahu demographics, including racial diversities, income strata, and settlement patterns</li> <li>• Familiarity with U.S. Census data sets</li> <li>• Familiarity with MPO's products and procedures</li> <li>• Familiarity with MPO's partner agency relationships</li> </ul> </li> </ul> </li> </ul>	
<b>PAST PERFORMANCE AND REFERENCES</b>	<b>15 points</b>
<ul style="list-style-type: none"> <li>• <b>Past performance</b> <ul style="list-style-type: none"> <li>○ <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> <li>• Past performance on similar projects (if any)</li> <li>• Past performance on OahuMPO and/or HDOT projects</li> <li>• References for the firm(s) and/or individual(s)</li> <li>• References for the Project Manager</li> </ul> </li> </ul> </li> <li>• <b>Corrective actions and responses to Notices of Deficiencies</b> <ul style="list-style-type: none"> <li>○ <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> <li>• Corrective actions or Notices of Deficiencies received, if any</li> </ul> </li> </ul> </li> </ul>	

<b>APPROACH TO THE PROJECT</b>	<b>20 points</b>
<ul style="list-style-type: none"> <li>• <b>Proposed work plan</b> <ul style="list-style-type: none"> <li>○ <i>Proposal evaluation incorporates, but need not be limited to:</i> <ul style="list-style-type: none"> <li>• Understanding of the project needs</li> <li>• Incorporation of the project needs into the work plan</li> <li>• Commitment to complete the project on budget and on schedule</li> <li>• Staffing plans and project management</li> <li>• Exceptions taken to the RFP, if applicable</li> </ul> </li> </ul> </li> </ul>	
<b>TOTAL COST</b>	<b>15 points</b>
<ul style="list-style-type: none"> <li>• <math>[\text{Lowest Proposal Price} \times 15] \div \text{Offerors's Proposed Price} = \text{Points Awarded}</math></li> </ul>	

The selection criteria for evaluating the Desirables are as follows.

<b>DBE and Small Business Participation</b>	<b>15 points</b>
<ul style="list-style-type: none"> <li>• <math>[\text{Budget Dedicated to Qualifying DBE and/or Small Business} \times 30] \div \text{Offeror's Total Proposed Price} = \text{Points Awarded}</math></li> </ul>	
<b>Minimum Insurance Coverages</b>	<b>5 points</b>
<ul style="list-style-type: none"> <li>• Primary consultant has provided proof of insurance equal to or in excess of all minimum coverages = 5 points</li> <li>• Primary consultant has provided proof of insurance equal to or in excess of 80% or more of the minimum coverages = 4 points</li> <li>• Primary consultant has provided proof of insurance equal to in excess of 60% or more of the minimum coverages = 3 points</li> <li>• Primary consultant has provided proof of insurance equal to or in excess of 40% or more of the minimum coverages = 2 points</li> <li>• Primary consultant has provided proof of insurance equal to or in excess of 20% or more of the minimum coverages= 1 point</li> <li>• Primary consultant has not provided proof of insurance equal to or in excess of any of the minimum coverages = 0 points</li> </ul>	

- **Proposal**
  - *Proposal evaluation incorporates, but need not be limited to:*
    - The resources used in the production of the proposal
- **Project Completion**
  - *Proposal evaluation incorporates, but need not be limited to:*
    - A commitment to minimize resources used in the production of the project deliverables
    - A commitment to minimize energy expenditure (i.e., fuel, electricity, etc.) in the completion of the project
    - The use of recycled materials and/or materials that can be recycled

Attachment B  
Offer Form OF-1

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*(Submit completed form with Proposal)*

**OFFER FORM OF-1**

*Title VI & Environmental Justice Monitoring Update*  
Oahu Metropolitan Planning Organization  
RFP-201.04-13

Mr. Brian Gibson  
Oahu Metropolitan Planning Organization  
Honolulu, Hawaii 96813

Dear Mr. Gibson:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and in the General Conditions, by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer: 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

Offeror is:

Sole Proprietor  Partnership  \*Corporation  Joint Venture  Other \_\_\_\_\_

\*State of incorporation: \_\_\_\_\_

Hawaii General Excise Tax License I.D. No. \_\_\_\_\_

Payment address (other than street address below): \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Business address (street address): \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Respectfully submitted:

**(x)** \_\_\_\_\_  
*Authorized (Original) Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name and Title (Please Type or Print)*

\_\_\_\_\_  
*Telephone No.*

\_\_\_\_\_  
**Exact Legal Name of Company (Offeror)**

\_\_\_\_\_  
*E-mail Address*

\*\*If Offeror is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

Attachment C  
Disadvantaged Business Enterprise Program  
Supplemental Notice

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*(Informational)*

**SUPPLEMENTAL NOTICE**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

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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)* (Attachment D) and *Requirements for Participation by DBEs* (Attachment E), 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* (Attachment F), 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 their contract.

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

Attachment D  
General Information Regarding DBEs  
HDOT Exhibit III

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*(Informational)*

## EXHIBIT III

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### General Information Regarding Disadvantaged Business Enterprises (DBEs)

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- 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 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 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 Right, DBE section. The completed form may be faxed to (808) 587-2025, e-mailed to: [melanie.martin@hawaii.gov](mailto: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: 1) 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 specification; 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 if a supplier or manufacturer);
  - b. The nature of work for each DBE subcontractor and vendor; and
  - c. The dollar amount contracted with each DBE subcontractor and vendor.

Attachment E  
Requirements for Participation by DBEs  
HDOT Exhibit B

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*(Submit completed form with Proposal)*

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## EXHIBIT B

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### Requirements for Participation by Disadvantaged Business Enterprises

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1. General – This federally-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.
2. Policy – It is the policy of the Hawaii Department of Transportation (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.
3. DBE Obligation – The CONSULTANT 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 CONSULTANT 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.
4. Contract Assurance – The CONSULTANT or Subconsultant shall not discriminate on the basis of race, color, national origin, or sex in connection with the award or performance of this contract. The CONSULTANT agrees to include the above statements in any subsequent contracts that it enters with other Consultants, and cause those Consultants to include similar statements in further agreements.
5. Failure to Comply with DBE Requirements – All Consultants and Subconsultants 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.
6. Prompt Payment Certification – The successful CONSULTANT shall sign and submit the "Prompt Payment Certification" form (Attachment I) 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 Subconsultants within 10 (ten) calendar days after receipt of payment from the HDOT, in accordance with the terms of the subcontract.
7. Final Payment – A completed "Final Report of DBE Participation" which includes all payments made to DBEs (Attachment J) and "Prompt Payment Certification" (Attachment I) must be submitted with the final payment request. Final payment will not be processed without the completed forms.
8. 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 CONSULTANT shall be responsible for meeting the DBE contract goal of **53.43%** DBE participation, and shall maintain the goal throughout this project. The

contract goal shall be met by utilizing the work performed by the CONSULTANT and/or the joint Consultants, Subconsultants, suppliers, and manufacturers listed below:

Name	Nature of Work	DBE Y/N	Dollar Amount

- c. All DBEs listed above must be certified by the HDOT.
- d. No substitution of a DBE Subconsultant shall be made at any time without the written consent of the HDOT.

9. Records and Reports

- a. The CONSULTANT shall keep records as are necessary for the HDOT to determine compliance with the CONSULTANT'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 \_\_\_\_\_

OahuMPO RFP Number: \_\_\_\_\_

Amount of Contract: \_\_\_\_\_

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Attachment F  
Statement of Affirmation and Acknowledgement of DBE  
Requirements

---

*(Submit completed form with Proposal)*

**STATEMENT OF AFFIRMATION AND ACKNOWLEDGEMENT OF  
DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS**

---

The undersigned hereby affirms and acknowledges that he or she has read and fully understands the Disadvantaged Business Enterprise (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 following project:

---

*(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 a "good faith effort."

---

*(Name of Person or Firm)*

---

*(Signature)*

---

*(Name and Title)*

---

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

---

*(City, State, Zip Code)*

---

*(Date)*

**Attachment G**  
**Subconsultant Confirmations for Each DBE Subconsultant**

---

*(Submit completed form with Proposal)*

## CONFIRMATION BY DBE

---

The undersigned confirms that it is currently certified by the Hawaii Department of Transportation (HDOT) as a DBE and, therefore, considered as a registered bidder with the HDOT. 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.*

Attachment H

Prompt Payment Certification

---

*(Submit completed form with all invoices)*

## 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 applied 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 payment 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

Attachment I

**Final Report of DBE Participation**

---

*(Include completed form with final invoice)*

*This page intentionally left blank*

### 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 Number: \_\_\_\_\_ Contract No.: \_\_\_\_\_

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

Final Payment Amount: \$ \_\_\_\_\_ Invoice Number: \_\_\_\_\_

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.			

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Telephone Number

## 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

Attachment J  
Title VI Assurance Supplemental Notice

---

*(Informational)*

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 United States Code 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.

Attachment K  
OahuMPO's Title VI Assurance

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*(Informational)*

## **OAHUMPO'S TITLE VI ASSURANCE**

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

1. Compliance with Regulations: The Consultant 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.
2. Nondiscrimination: The Consultant, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by §21.5 of the Regulations, including employment practices when the contract covers a program set forth in Attachment II of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
4. Information and Reports: The Consultant 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 State to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the State as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the nondiscrimination provisions of this contract, the State shall impose such contract sanctions as it may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the Consultant under the contract until the Consultant complies; and/or
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Consultant shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Consultant shall take such action with respect to any subcontract or procurement as the State may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a Consultant becomes involved in, or is threatened with, litigation with a Subconsultant or supplier as a result of such direction: (1) the Consultant may request the State to enter into such litigation to protect the interests of the State, and, in addition, (2) the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

Attachment L  
Certificate of Insurance  
SPO Form 150

---

*(Submit completed form with Proposal)*



Attachment M  
Debarment & Suspension Certification  
49 CFR §29

---

*(Submit completed form with Proposal)*

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS**

---

The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - a. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - b. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(a) of this certification; and
  - c. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
  
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**As the duly authorized representative of the Consultant, I hereby certify that the Consultant will comply with the above applicable certification(s).**

---

NAME OF CONSULTANT

---

AWARD NUMBER AND/OR PROJECT NAME

---

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

---

SIGNATURE DATE

FOR OAHUMPO USE ONLY:

Verification Date	Verified By (Printed)	Verified By (Signature)

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS**

---

### Instructions for Certification

---

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "*Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction*," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may

decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Attachment N  
Drug Free Workplace Certification  
49 CFR §29

---

*(Submit completed form with Proposal)*

## **DRUG FREE WORKPLACE CERTIFICATION**

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1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

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## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

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### **Alternate I. (Grantees Other Than Individuals)**

1. The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about:
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free workplace;
    - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    - i. Abide by the terms of the statement; and
    - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted –
    - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_

Check [ ] if there are workplaces on file that are not identified here.

\_\_\_\_\_  
Printed Name of Authorized Agent

\_\_\_\_\_  
Company's Name

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

## **CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

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### **Alternate II. (Grantees Who Are Individuals)**

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21705, May 25, 1990]

\_\_\_\_\_  
Printed Name of Authorized Agent

\_\_\_\_\_  
Company's Name

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

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Attachment O  
Certification Regarding Lobbying  
49 CFR §20

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*(Submit completed form with Proposal)*

## CERTIFICATION REGARDING LOBBYING

---

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Statement for Loan Guarantees and Loan Insurance:** The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: \_\_\_\_\_

Street address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

CERTIFIED BY: (type or print) \_\_\_\_\_

TITLE: \_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 USC 1352.

<b>1. Type of Federal Action</b> a. Contract b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	<b>2. Status of Federal Action:</b> a. Bid/offer/application b. Initial award c. Post award	<b>3. Report Type</b> a. Initial filing b. Material change  <i>For material change only</i> Year _____ Quarter _____ Date of last report _____
<b>4. Name and Address of Reporting Entity</b> a. Prime b. Subawardee Tier _____  Congressional District _____	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>   Congressional District _____	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>   CFDA Number, if applicable _____	
<b>8. Federal Action Number:</b>	<b>9. Award Amount:</b> \$ _____	
<b>10. Name and Address of Lobbying Registrant:</b>	<b>11. Individuals Performing Services</b> <i>(last name, first name, MI):</i>	
Information requested through this form is authorized by Title 31 USC section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 USC 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subjected to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.		
<b>Signature</b> _____  <b>Print Name:</b> _____  <b>Title:</b> _____  <b>Telephone:</b> _____ <b>Date:</b> _____		

---

## INSTRUCTIONS FOR COMPLETION OF DISCLOSURE OF LOBBYING ACTIVITIES

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This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31 USC section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subawardee recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1<sup>st</sup> tier. Subawards include but are not limited to subcontract, subgrants, and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee," then enter the full name, address, city, state, and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in Item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number, the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. Enter the full name, address, city, state, and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
11. Enter the full names of the individual(s) performing services, and include full address if different from 10. Enter Last Name, First Name, and Middle Initial (MI).

The certifying official shall sign and date the form, print his/her name, title, and telephone number.