



**State of Hawaii  
High Technology Development Corp.**

LEGAL AD DATE: June 26, 2015

**REQUEST FOR PROPOSALS  
No. RFP-16-002-HTDC  
SEALED PROPOSALS  
FOR  
Business Consultants for INNOVATE HAWAII**

**STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC  
DEVELOPMENT, AND TOURISM**

WILL BE RECEIVED BEGINNING 8:00 A.M. (HST) ON

JULY 27, 2015

IN THE HTDC OFFICE 2800 WOODLAWN DR. SUITE 100, HONOLULU, HAWAII 96822.

DIRECT QUESTIONS RELATING TO THIS SOLICITATION TO SANDI KANEMORI, TELEPHONE (808)

539-3616, FAX (808) 539-3795 OR E-MAIL AT [RFP@HTDC.ORG](mailto:RFP@HTDC.ORG) SUBJECT: RFP-16-002-HTDC

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Len Higashi  
Procurement Officer

RFP-16-002-HTDC

High Technology Development Corporation  
Name of Company

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**SECTION ONE**  
**INTRODUCTION AND KEY DATES**

**1.01 TERMS AND ACRONYMS USED THROUGHOUT THE SOLICITATION**

Applicant	= Any individual, partnership, firm, corporation, joint venture, or representative or agent, submitting an application in response to this solicitation.
Application/Proposal	= These terms may be used interchangeably
FY	= Fiscal Year
GC	= General Conditions, issued by the Department of the Attorney General
GET	= General Excise Tax
HAR	= Hawaii Administrative Rules
HRS	= Hawaii Revised Statutes
HTDC	= High Technology Development Corporation
IH	= INNOVATE Hawaii
MEP	= Manufacturing Extension Partnership
Procurement Officer	= The contracting officer for the State of Hawaii, High Technology Development Corporation
RFP	= Request for Proposals
State	= State of Hawaii, including each department and political subdivision

## 1.02 INTRODUCTION

The High Technology Development Corporation (HTDC), an agency of the State of Hawaii (State), anticipates the need for business consulting services during Fiscal Year 2014-2017 ( July 1, 2015 – June 30, 2017 ), hereafter referred to as FY2015-2017, to support its INNOVATE Hawaii (IH) program, formerly known as the Manufacturing Extension Partnership (MEP) program. This solicitation is being made so that HTDC is able to identify and prequalify interested service providers now that can then be contracted with to provide services for future client projects of IH, as well as to provide services directly to the IH program, as specific needs arise.

## 1.03 CANCELLATION

The RFP may be cancelled and any or all applications rejected in whole or in part, without liability, when it is determined to be in the best interest of the State.

## 1.04 RFP SCHEDULE AND SIGNIFICANT DATES

The schedule set out herein represents the State's best estimate of the schedule that will be followed. All times indicated are Hawaii Standard Time (HST). If a component of this schedule, such as "Initial Deadline to Submit Applications" date is delayed, the rest of the schedule will likely be shifted by the same number of days. The approximate schedule is as follows:

Advertising of Request for Proposals	6/26/2015
Deadline to Submit Written Questions	7/10/2015
State's Response to Written Questions & Posted Addenda	7/15/2015
Beginning Date for Submission of Applications <b>(applications will be accepted through the FY)</b>	7/27/2015
Contract Awards	Multiple, TBD
Expiration of RFP	6/30/2017

## SECTION TWO

### BACKGROUND AND SCOPE OF WORK

#### 2.01 PROGRAM OVERVIEW AND HISTORY

The INNOVATE Hawaii program's mission is to assist local small-to medium-size manufacturers to expand and become more profitable. The program accomplishes this by a) assessing and strengthening a manufacturer's business operations using specialized consultants, and b) working directly with pre-vetted service providers on projects with the goal to improve the program and its offerings, thus ensuring the program's ability to provide such services to support local manufacturers.

To support this, HTDC is seeking qualified applicants to provide a variety of business consulting services, such as technical, research and management services, to Hawaii's manufacturers and the IH program, as projects requiring specific services arise.

In FY2014-2015 there were 5 project contract awards ranging from \$2,500-\$30,261.77\$45,000. FY2016 needs are anticipated to double in size, frequency, and scope but are not guaranteed or limited to past awards.

#### 2.02 PURPOSE OF THE REQUEST FOR PROPOSAL

HTDC is posting this open solicitation for business consultants who wish to provide services to the HTDC-IH program and clientele. Consultants who are selected may be used on various IH projects throughout FY2016-17. This solicitation will provide HTDC with a prequalified provider list of business consultants to select from and match to the requirements of individual IH projects.

The overall process includes:

1. The submittal of an application which includes information regarding your company's qualifications and fees to allow IH to screen the qualifications of interested providers.
2. Placement of qualified providers on a prequalified provider list.
3. As projects arise through the FY for IH or IH's clients, identify prequalified providers that are specifically needed.
4. An evaluation committee will then select the appropriate service provider for each project.
5. The selected provider will be contacted to work out project arrangements.

One of the advantages of developing a prequalified list of service providers is that interested contractors go through the application/qualification process only once during the fiscal year instead of writing an application for each specific project.

#### 2.03 SCOPE OF WORK

The selected applicants will provide a variety of business consulting services to manufacturers on behalf of, and at times, directly to the IH program. Services include, but are not limited to:

## 1. Analysis and Research

Conducting in detail industry analysis, competition analysis, supply chain research, and market research.

- a. Review of manufacturer's existing product(s), comparing similar products in the market, and analyze costs/expenses.
- b. Review current supply chain vendors and relationships, contracts, servicing fulfillment.
- c. Review safety, use of hazardous materials, food handling as applicable including reports of accidents, workers compensation claims, etc.
- d. Review the production process for efficiency and effectiveness.
- e. Review the business and operational process for efficiency and effectiveness, i.e. evaluate the use of technology to streamline the business for efficiency.
- f. Recommend potential for growth or acceptance within the parameters of cost and profitability.
- g. Provide written report and presentation of findings and recommendations for improvement.

## 2. Strategic Planning and Marketing

Provide detailed advice and services in the areas of strategic planning, venture funding, business and market development and customer communication.

- a. Review manufacturer's current business plan and funding recommendations for entering or expanding the marketplace. This includes detailed expectation of product volumes.
- b. Review and provide detailed recommendations for capital needs, sources of finances (including alternate financing options) breaking down costs for goods and services, operations, personnel, and return on investment by appropriate time period.
- c. Provide recommendations for the startup phases, rollout of product, and tracking over the initial 3-5 year period.
- d. Develop a marketing strategy and recommend media venues for each type of exposure including a monitoring process. Include costs for each type of marketing media.
- e. Develop detailed plans for message delivery and customer communication including recommending platforms for delivery and providing implementation assistance. Handle all aspects of public relations.

Startup phases include pre-revenue, revenue, cash flow positive, etc. Examples of rollout include prototype, beta, limited production, etc.

*One example of a strategic plan may be a consultant recommending a specific site for new product rollout at a specific price, with a target projection. The consultant would come up with a plan for the manufacturer to ramp up production over the first 3 years.*

## 3. Commercialization Strategy

Development of commercialization plans with technical teams.

- a. Review and/or develop detailed plans for each phase including but not limited to roles and responsibilities, measurements for tracking, selection of supply chain vendors, contracting needs for delivery, etc.
- b. Provide and recommend ways to monitor costs, losses and unexpected events.

#### 4. Additional Services

Provide other essential consulting services that are needed, observed or deemed necessary for assisting in the growth or evaluation of the manufacturers' business and/or the IH program, i.e. grant writers, personnel development, organizational structure, energy savings consultants, business and marketing development, occupational safety, food consultants, graphic design, product/prototype design and development, fashion and textile manufacturing, engineering consultants, lean manufacturing and similar concepts, etc.

HTDC will only evaluate one application per company. HTDC realizes that many applicants will be proficient in multiple areas, especially in related disciplines and with larger teams. But having an applicant highlight their area of specialization is part of the selection process we will use.

*For example, Consultant A exclusively focuses on grant writing. They have a strong client list and prepare several grants each month. They may be a perfect fit for Manufacturer ABC who needs help writing grants. But they may not be the perfect fit for Manufacturer XYZ who needs more generalized help on early stage financing one component of which is grant writing. Consultant B, which lists specializations including grant writing, early stage financing as well of other areas will be on the provider list for personnel development services, thus is a better fit.*

Applicants need not be proficient nor are they expected to be able to provide services in all the disciplines mentioned above. Qualified applicants will be placed on a provider list with other providers that provide similar services.

#### **2.04 TERM OF SOLICITATION**

**This solicitation shall be open from the initial Advertising of Request for Proposals date through the remainder of FY2017.** At the end of the term, it is anticipated that a similar solicitation will be issued for FY2018. Those applicants that are deemed to be qualified providers based on the RFP for FY2016, including those approved and active from earlier fiscal years will only need to provide a letter to confirm their continued interest to remain on the provider list and a declaration of no changes to the original application or provide an updated application if appropriate.

#### **2.05 TERM OF CONTRACT**

The term for each contract awarded under this solicitation for individual IH services shall be determined at the time of award.

## **2.06 PROJECT EVALUATION AND IMPACT SURVEY**

As part of a nationwide network of Manufacturing Extension Partnership (MEP) centers that receive partial federal funding from the U. S. Department of Commerce, National Institute of Standards and Technology (NIST), INNOVATE Hawaii has a vested interest in ensuring that the partners and clients it engages in sponsorships have meaningful and measurable impacts. INNOVATE Hawaii is ultimately evaluated on the impacts it has on partnerships.

To measure the impacts, an independent third-party survey company shall contact the partners and/or clients approximately six (6) months to one (1) year after the completion of the project to gauge the partner's and/or client's satisfaction with the project work performed by INNOVATE Hawaii. The survey includes questions to quantifiably measure the project impact. A copy of the survey is available for review.

## SECTION THREE

### APPLICATION FORMAT AND CONTENT

#### 3.01 INTRODUCTION

One of the objectives of this RFP is to make application preparation easy and efficient, while giving Applicants ample opportunity to highlight their applications. When an Applicant submits an application, it shall be considered a complete statement of qualification for accomplishing the tasks described in this RFP and any supplemental tasks the Applicant has identified as necessary to successfully complete the obligations outlined in this RFP.

The application shall describe in detail the Applicant's ability and availability to provide services to meet the goals and objectives of this RFP as stated in **Section 2.03 SCOPE OF WORK**.

Applications must:

1. Include a transmittal letter to confirm that the Applicant shall comply with the requirements, provisions, terms, and conditions specified in this RFP.
2. Include signed Applicant Form AF-1 with the complete name and address of Applicant's firm and the name, mailing address, telephone number, and fax number of the person the State should contact regarding the application.
3. Provide all of the information requested in this RFP in the order specified.
4. Be organized into sections, following the exact format using all titles, subtitles, and numbering, with tabs separating each section described below. Each section must be addressed individually and all pages must be numbered.
  - a. Transmittal Letter with Applicant Form AF-1. See Section Six, Attachment 1.
  - b. Experience, Capabilities, and Pricing. Business Consultant Application AF-2. See Section Six, Attachment 2.
  - c. Supplemental Information

#### 3.02 EXPERIENCE, CAPABILITIES, AND PRICING

Complete the Business Consultant Application (Section Six, Attachment 2) with the following:

1. Primary Contact Information:
  - a. Provide primary contact name and title.
  - b. Provide mailing address, phone number, fax, and email.
2. Business Information
  - a. Provide the full legal business name and the date the business was established.

- b. Provide a brief description of the business highlighting the areas of consulting expertise. Clearly specify the areas of specialties or priority market. A specific list of critical expertise (i.e. market research, strategic planning, etc.) is the preferred format. This section will be used to categorize the consultant.
- c. Provide a complete, relevant, and current client listing. List the most recent and relevant clients in the space provided. If additional space is required, a list **titled “SUPPLEMENTAL CLIENT LIST”** may be attached to the application form.
- d. List key personnel and titles. The associated resumes and additional personnel may be provided as attachments and **titled “SUPPLEMENTAL PERSONNEL INFORMATION”**.
- e. Indicate the number of full time and part time employees.
- f. Provide a list of three (3) references from the Applicant’s client listing that may be contacted by the State as to the Applicant’s past and current job performance. Provide names, titles, organizations, telephone numbers, and email. Additional references may be provided as attachments and **titled “SUPPLEMENTAL REFERENCES”**.
- g. Provide pricing information in the form of an hourly rate with tax inclusive. If rates are ‘blended’, itemized rates for specific categories need to be provided. Rates are good for the fiscal year or until an updated application is received.
- h. Provide estimated annual revenue from the previous fiscal year.
- i. In the Notes section of the application:

Propose or indicate affinity toward alternate financing or pricing arrangements. Pricing based on agreed-to Performance Work Plan that may include merit based compensation (ie, bonus for exceeding goals or penalties for unacceptable delays) is desirable.

Provide a summary listing of judgments or pending lawsuits or actions against your firm; adverse contract actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling contractual obligations against your firm. If none, so state.

List any exceptions taken to the terms, conditions, specifications, or other requirements listed herein. Reference the RFP section where exception is taken, a description of the exception taken, and the proposed alternative, if any.

3. Preferences

- a. Indicate the stage and size of company best suited for Applicant’s consulting services. Check one box for stage and one box for size.
- b. Indicate the regions of service. Check all boxes that apply.
- c. Provide any additional requirements.

**3.03 SUPPLEMENTAL INFORMATION**

Include as attachments all other relevant material to be considered – website information, work samples, testimonials, case studies, etc. The additional material should not be a comprehensive summary of the business, but instead should help the selection committee better understand the consultant’s area of specialization and

demonstrate its experience, capabilities, and qualifications. Please limit attachments to **five** pages.

## SECTION FOUR

### **EVALUATION CRITERIA AND CONTRACTOR SELECTION FOR PROJECTS**

If you are identified as a potential provider for a specific IH project, the evaluation criteria and the associated points are listed below. The award will be made to the responsible Applicant whose application is determined to be the most advantageous to the State based on the evaluation criteria listed in this section.

**The total number of points used to score the application is 100.**

- 1) Cost of services [ 35 ]
- 2) Overall Fit for Project [ 35 ]
  - a. Consultant's area of specialization appropriate for project. [ 15 ]
  - b. Consultant appropriate for the size of company on the project. [ 10 ]
  - c. Demonstrates knowledge and proficiency working in the specific industry of the project. [ 10 ]
- 3) Previous experience, capability and proficiency in business consulting. [ 30 ]:
  - a. Overall strength of references and client listings. [ 10 ]
  - b. Number of years (min.3 yrs.), performing services specified in this RFP. [ 5 ]
  - c. Professionalism, knowledge, and capability of company. [ 5 ]
  - d. Sample projects and/or examples of written plans, organizational charts, contact trees, etc. [ 5 ]
  - e. Demonstrate ability to provide service to the client on behalf of IH, including projects where IH is the direct recipient of the service, and work as a team with all involved parties. [ 5 ]

## **SECTION FIVE**

### **SPECIAL PROVISIONS**

#### **5.01 SCOPE**

All resulting contracts shall be in accordance with, and may incorporate, this RFP, including the special provisions in this section, the Scope of Work specified herein, and the General Conditions (GC), included by reference and available at the HTDC.

#### **5.02 RESPONSIBILITY OF APPLICANT**

Applicant is advised that in order to be awarded a contract under this solicitation, applicant will be required to be compliant with all laws governing entities doing business in the State including the following chapters and pursuant to HRS §103D-310(c):

1. Chapter 237, tax clearance;
2. Chapter 383, unemployment insurance;
3. Chapter 386, workers' compensation;
4. Chapter 392, temporary disability insurance;
5. Chapter 393, prepaid health care; and
6. Chapter 103D-310(c), Certificate of Good Standing (COGS) for entities doing business in the State.

Refer to the Section 5.20 Award of Contract for instructions to register for Hawaii Compliance Express (HCE) utilized for verification of compliance.

#### **5.03 CONTRACT ADMINISTRATOR**

For the purposes of any contracts awarded under this solicitation, Sandi Kanemori, (808) 539-3616 is designated the Contract Administrator.

#### **5.04 OVERVIEW OF THE RFP PROCESS, PREQUALIFICATION TO A VENDOR LIST, SELECTION AS CONTRACTOR FOR SPECIFIC IH PROJECTS AND CONTRACT**

- a. The RFP is issued pursuant to Subchapter 6 of HAR Chapter 3-122, implementing HRS Section 103D-303 and Subchapter 14 of HAR Chapter 3-122-116 and implementing HRS section 103D-311. This solicitation is a modified version of the typical RFP process. It borrows procedures from HRS 103D-304 where the RFP is equivalent to the notice for Expressions of Interest (EOI) and the Statements of Qualifications (SOQ).
- b. The procurement process begins with the issuance of the RFP and the formal response to any written questions or inquiries regarding the RFP. Changes to the RFP will be made only by written Addendum.
- c. After the beginning date to submit applications, the Designated Review Committee will review the applications to ensure proper format, area of expertise to match solicitation requirements, sufficient supporting information provided, and price commensurate with experience and qualifications. The function of the Review Committee is not to preselect or rank applicants, but to ensure the pool of applicants are qualified to meet the range of needs for the IH program and to

ensure that they have provided sufficient supporting information for the Selection Committee.

The Review Committee shall be comprised of a minimum of 3 HTDC employees with sufficient education, training, and credentials to evaluate the applications. The Review Committee may also include other non-HTDC State employees or representatives from the private sector.

Additional or updated applications will be accepted throughout the term of the solicitation and evaluated within 3 weeks of receipt. HTDC will notify applicants on their prequalification status after evaluation.

All applications and other material submitted by Applicants become the property of the State and may be returned only at the State's option.

- d. As specific projects arise, the Selection Committee shall evaluate the applications in accordance with the evaluation criteria in Section Four.

The Selection Committee shall be appointed by the Procurement Officer and comprised of a minimum of 3 HTDC employees with sufficient education, training, and credentials to evaluate the applications. The Selection Committee may also include other non-HTDC State employees or representatives from the private sector.

The Selection Committee may conduct confidential discussions with any person in the qualified pool regarding the services which are required and the service they are qualified to provide including estimates of the hours and other costs required to complete the specific project;

- The Selection Committee shall rank a minimum of 3, and submit the ranking to the Procurement Officer with a summary of their qualifications;
- The recommendations of the Selection Committee (ranking) shall not be overturned without due cause.

- e. The Procurement Officer shall negotiate a contract with the 1st ranked applicant, including a rate of compensation that is fair and reasonable, and based on written terms of estimated value, scope, and complexity. If a satisfactory contract cannot be negotiated with the 1st ranked applicant, the Procurement Officer shall terminate negotiations and begin negotiations with the 2nd ranked applicant on the list. If contract negotiations fail, then the Procurement Officer shall proceed to negotiate with the 3rd ranked applicant.
- f. The Procurement Officer or the Selection Committee reserves the right to determine what is in the best interest of the State for purposes of reviewing and evaluating applications submitted in response to the RFP. The Procurement Officer or the Selection Committee will conduct a comprehensive, fair and impartial evaluation of applications received in response to the RFP.
- g. If the award is equal to or exceeds \$2,500 as cited in posting requirements for exemptions from HRS chapter 103D, awards will be posted on the SPO website.

## 5.05 CONFIDENTIAL INFORMATION

If an applicant believes any information, data, or other material submitted contains information that should be withheld as confidential, then the Procurement Officer named on the cover of this RFP must be so advised in writing and provided with justification to support confidentiality claim. Price is not considered confidential and will not be withheld.

**An Applicant shall request in writing nondisclosure of designated trade secrets or other proprietary data considered confidential. Such data shall accompany the application, be clearly marked, and shall be readily separable from the application in order to facilitate eventual public inspection of the non-confidential portion of the application.**

If a request is made to inspect the confidential or proprietary data, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination in accordance with HRS Chapter 92F. If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with HRS Section 92F-42(1).

## 5.06 REQUIRED REVIEW

Applicant shall carefully review this solicitation for defects and questionable or objectionable matter. Comments and questions concerning defects and questionable or objectionable matter **must be made in writing and must be received by the HTDC prior to the deadline to submit written questions as stated in the RFP Schedule and Significant Dates, Section 1.04.** This will allow issuance of any necessary corrections and/or amendments to the RFP.

## 5.07 QUESTIONS PRIOR TO OPENING OF APPLICATIONS

All questions must be submitted in writing and directed to the HTDC Contract Administrator. HTDC will respond to written questions by the date indicated in Section One, 1.04 RFP Schedule and Significant Dates, or as amended by an addendum to the solicitation.

## 5.08 APPLICATION AS PART OF THE CONTRACT

This RFP and all or part of the successful application may be incorporated into any future contract.

## 5.09 CONTRACT MODIFICATIONS - UNANTICIPATED AMENDMENTS

During the course of a contract, the Contractor may be required to perform additional work that will be within the general scope of the initial contract. When additional work is required, the Contract Administrator will provide the Contractor a written description of the additional work and request the Contractor to submit a firm time schedule for accomplishing the additional work and a firm price for the additional work.

Changes to the contract may be modified only by written document (contract modification) signed by the HTDC and Contractor personnel authorized to sign contracts on behalf of the Contractor.

The Contractor will not commence additional work until a signed contract modification has been issued.

#### **5.10 PROTEST**

A protest shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts giving rise thereto; provided that a protest based upon the content of the solicitation shall be submitted in writing prior to the beginning date set for receipt of applications; and further provided that a protest of an award or proposed award shall be submitted within five (5) working days after the posting of award of the contract.

The notice of award, should it meet the posting requirements for exemptions from HRS Chapter 103D, resulting from this solicitation shall be posted on the Procurement Reporting System, which is available on the SPO website: <http://www.hawaii.gov/spo2/source/>.

Any protest shall be submitted in writing to the HTDC Procurement Officer, 2800 Woodlawn Dr. Ste 100. Honolulu, HI 96822. Parties who protest will be offered a consultation prior to the formal protest added to the file. Due to the limited size and scope of projects, decisions of the Procurement Officer are final.

#### **5.11 DOWNLOADED SOLICITATION**

Applicant is advised that if interested in responding to this solicitation, Applicant may choose to submit its application on a downloaded document from the Internet. Applicant is responsible for any addendas that may be posted with this RFP.

#### **5.12 SUBMISSION OF APPLICATION**

The submission of an application shall constitute an incontrovertible representation by the Applicant of compliance with every requirement of the RFP, and that the RFP documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of the RFP, including the scope of services.

Before submitting an application, each Applicant must:

- (1) Examine the solicitation documents thoroughly. Solicitation documents include this RFP, any attachments, plans referred to herein, and any other relevant documents;
- (2) Become familiar with State, local, and federal laws, statutes, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work.

#### **5.13 APPLICATION PREPARATION**

- a. **APPLICANT FORM, page AF-1.** See Attachment 1. Application shall be submitted using Applicant's exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable; and shall indicate Applicant's exact legal name

in the appropriate spaces on Applicant Form page AF-1. Failure to do so may delay proper execution of the contract.

The authorized signature on the first page of the Application Form shall be an original signature in ink. If unsigned or the affixed signature is a facsimile or a photocopy, the application shall be automatically rejected unless accompanied by other material, containing an original signature, indicating the Applicant's intent to be bound.

- b. **Offer Guaranty.** An offer guaranty is NOT required for this RFP.
- c. **Tax Liability.** Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS Chapter 238. Vendors are advised that they are liable for the Hawaii general excise tax (GET) and the applicable use tax. If, however, an Applicant is exempt by the HRS from paying the GET and not liable for the taxes on the gross receipts derived from this solicitation, Applicant shall state its tax exempt status and cite the HRS chapter or section allowing the exemption.
- d. **Original Applications to be Submitted.** Applicant shall submit one (1) application.

Applicant is encouraged to submit typewritten offers. If handwritten, it should be clearly printed. Applicant is cautioned that illegible applications may be automatically rejected to avoid any errors in interpretation by the reviewers during the evaluation process.

- e. Costs for developing the Application are solely the responsibility of the Applicant, whether or not any award results from this solicitation. The State of Hawaii will not reimburse such costs.
- f. All applications become the property of the State of Hawaii.

#### 5.14 SUBMISSION OF APPLICATIONS

Applications shall be received at the HTDC, 2800 Woodlawn Dr. Suite 100, Honolulu, HI 96822, from the beginning date for submission of applications.

#### 5.15 PRICING

Pricing shall include labor rates and other fixed assessments, all applicable taxes, **except the GET, which should be added as a separate line item and shall not exceed the current rate**, and any other costs incurred to provide the specified services.

If travel is required to complete the scope of work of the project, travel expenses will be negotiated with provider at the time of award.

**The pricing shall be the all-inclusive cost, except the GET, to the State and no other costs will be honored.**

#### 5.16 CANCELLATION OF RFP AND APPLICATION REJECTION

The State reserves the right to cancel this RFP and to reject any and all applications in whole or in part when it is determined to be in the best interest of the State, pursuant to HAR Section 3-122-96 through 3-122-97.

The State shall not be liable for any costs, expenses, loss of profits or damages whatsoever, incurred by the Applicant in the event this RFP is cancelled or an application is rejected.

#### **5.17 ADDITIONAL TERMS AND CONDITIONS**

The State reserves the right to add terms and conditions during the contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the application evaluation.

#### **5.18 CONTRACT EXECUTION**

Successful Applicants placed on the provider list receiving an award shall enter into a formal written contract.

No work is to be undertaken by a Contractor prior to the commencement date set forth in the contract. The State of Hawaii is not liable for any work, contract, costs, expenses, loss of profits, or any damages whatsoever incurred by the Contractor prior to the official starting date.

#### **5.19 PAYMENT**

HRS Section 103-10, provides that the State shall have thirty (30) calendar days after receipt of invoice or satisfactory delivery of goods or performance of services to make payment. For this reason, the State will reject any application submitted with a condition requiring payment within a shorter period. Further, the State will reject any application submitted with a condition requiring interest payments greater than that allowed by HRS §103-10, as amended.

The State will not recognize any requirement established by the Contractor and communicated to the State after award of the contract, which requires payment within a shorter period or interest payment not in conformance with statute.

#### **5.20 AWARD OF CONTRACT**

**Method of Award.** Awards will be made to the responsible Applicant(s) from the prequalified list whose application is determined to be the most advantageous to the State based on the evaluation criteria set forth in the RFP.

**Responsibility of Applicant.** Pursuant to HRS Chapter 103D-310(c), the selected applicant shall at the time of award be compliant with all laws governing entities doing business in the State. The State will verify compliance on Hawaii Compliance Express (HCE).

**Hawaii Compliance Express (HCE).** The HCE is an electronic system that allows vendors/contractors/service providers doing business with the State to quickly and easily demonstrate compliance with applicable laws. It is an online system that replaces the

necessity of obtaining paper compliance certificates from the Department of Taxation, Federal Internal Revenue Service; Department of Labor and Industrial Relations, and Department of Commerce and Consumer Affairs.

Applicants should register with (HCE) prior to submitting an offer at <https://vendors.ehawaii.gov>. There is a minimal annual registration fee and the 'Certificate of Vendor Compliance' is required for the execution of contract and final payment.

**Timely Registration on HCE.** Applicants are advised to register on HCE soon as possible. If an Applicant is not fully compliant on HCE at the time of award, the Applicant will not receive the award, and a new Applicant may be selected.

#### **5.21 SUBCONTRACTING**

No work or services shall be subcontracted or assigned without the prior written approval of the State. No subcontract shall under any circumstances relieve the Contractor of his/her obligations and liability under this contract with the State. All persons engaged in performing the work covered by the contract shall be considered employees of the Contractor.

#### **5.22 NON-DISCRIMINATION**

The Contractor shall comply with all applicable federal and State laws prohibiting discrimination against any person on the grounds of race, color, national origin, religion, creed, sex, age, sexual orientation, marital status, handicap, or arrest and court records in employment and any condition of employment with the Contractor or in participation in the benefits of any program or activity funded in whole or in part by the State.

#### **5.23 CONFLICTS OF INTEREST**

The Applicant represents that neither the Applicant, nor any employee or agent of the Applicant, presently has any interest, and promises that no such interest, direct or indirect, shall be acquired, that would or might conflict in any manner or degree with the Applicant's performance of a contract awarded under this RFP.

#### **5.24 CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS**

It has been determined that funds for contracts awarded under this RFP have been appropriated by a legislative body.

Therefore, Applicant, if awarded a contract in response to this solicitation, agrees to comply with HRS Section 11-355, which states that campaign contributions are prohibited from a State and county government contractor during the term of the contract if the contractor is paid with funds appropriated by a legislative body.

#### **5.25 ADDITIONS, AMENDMENTS AND CLARIFICATIONS**

**Approvals.** Any contract arising out of this RFP may be subject to the approval of the Department of the Attorney General as to form, and is subject to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.

**Records Retention.** The Contractor and any subcontractors shall maintain the books and records that relate to the contract and any cost or pricing data for three (3) years from the date of final payment under the contract.

**Competency of Applicant.** Applicant must be capable of performing the work for which applications are being called. Either before or after the deadline for an application, the purchasing agency may require Applicant to submit answers to questions regarding facilities, equipment, experience, personnel, financial status or any other factors relating to the ability of the Applicant to furnish satisfactorily the goods or services being solicited by the STATE. Any such inquiries shall be made and replied to in writing; replies shall be submitted over the signatures of the person who signs the application. Any Applicant who refuses to answer such inquiries will be considered non-responsive.

**Preparation of Application.** An Applicant may submit only one application in response to this solicitation unless for different kinds of services. If an Applicant submits more than one application in response to this solicitation, then all such applications shall be rejected.

**SECTION SIX**

**ATTACHMENTS AND EXHIBITS**

Attachment 1: APPLICANT FORM, AF-1

Attachment 2: BUSINESS CONSULTANT APPLICATION, AF-2