

# PREPARATION OF A REQUEST FOR COMPETITIVE SEALED PROPOSALS SOLICITATION (RFP)

HRS §103D-303  
HAR SUBCHAPTER 6

STATE PROCUREMENT OFFICE  
TRAINING 2014

## **Before You Procure/Administer Contract: Written Delegated Authority and Training**

**Before** you develop/draft/participate in a solicitation, review, approve, conduct, manage, or administer a procurement/contract, you must:

- ♦ **Have written delegated authority per individual signed and submitted (to SPO) Form SPO-036.**

**Note:** Procurement Delegation Memorandum 2010-01, amendment 1 – reminder that personnel participating/conducting procurement are required to have written procurement delegation.

- See: <http://hawaii.gov/spo>
  - > [For State & County Procurement Personnel](#)
  - > [Required Procurement Delegation Authority](#)

- ♦ **Have taken all required training.**

*Reference: Procurement Circular 2010-05*

**Note:** Some requirements have changed. Check the website periodically.

- See: <http://hawaii.gov/spo>
  - > [For State & County Procurement Personnel](#)
  - > [Training Information](#)
  - > [Training Requirements: Which Workshops Do I need to Take?](#)

## When We Procure

- ◆ We must procure in accordance with statutes and rules.
  - Hawaii Revised Statutes (HRS) Chapter 103D, The Hawaii Public Procurement Code
  - Hawaii Administrative Rules (HAR) Chapters 3-120 to 3-132
  - Procurement Circulars
- ◆ There are 6 methods of procurement (source selection HAR 3-122-16). Each of the methods:
  - has specific procedures;
  - shall be used under certain conditions;
  - more than one method may be applicable;
- ◆ Request for Proposals is one of those methods.
- ◆ When more than one method is applicable, choose the most appropriate method (generally the most competitive).

## Methods of Procurement

Method	Bases for Use	Bases of Award
<b>Competitive Sealed Bids</b>	Always used unless it is not feasible or practicable.	Lowest responsive, responsible bid.
<b>Small Purchases</b>	Purchases of smaller quantities for goods and services of less than \$100,000 and construction less than \$250,000.	Lowest responsive, responsible quotation.
<b>Competitive Sealed Proposals</b>	Competitive sealed bidding is not practicable; price is not the most critical factor.	Based on RFP evaluation criteria.
Multi-step Bid	Used when pre-qualification of offerors necessary before considering price.	Lowest bidder of qualified offerors.
<b>Sole Source</b>	Only one source for the required good, service, or construction.	Approved single source at agreed prices.
<b>Emergency</b>	Used to respond the needs that are immediate and serious that are a threat to life, public health, welfare, or safety.	Lowest responsive and/or responsible offeror.
<b>Professional Services</b>	Professional services as defined in rules and statutes.	Qualified respondent that meets determined criteria; prices are agreed to.
Request for Interest (For Federal Grants)	Used prior to applying for the Federal grants where time is limited or economic situations require a "quick" selection process.	Criteria determined in RFI.

## Terms You Should Know

- ♦ Head of Purchasing Agency (HOPA)= Head of any agency with delegated procurement authority.
- ♦ Procurement Officer (PO)=Any person authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority. The delegated authority is received from the chief procurement officer directly or through the head of a purchasing agency or designee to the procurement officer.
- ♦ Chief Procurement Officer (CPO)=Serves as the central Procurement Officer for its jurisdiction.

## Act 239, SLH 2013

- ♦ Act 239, SLH 2013 amended HRS §103D-301, which gives procurement officials the authority to choose the appropriate source selection to meet the circumstances of each procurement. Prior to the Act, the use of CSP method of procurement required HOPA approval.
- ♦ Agencies are advised to document to the file the justification in selection of the procurement method, which should be approved by the PO.

Validation of Preparing a  
Request for Proposal (RFP)  
HAR  
§3-122-43

A determination may be made to  
use competitive sealed proposals if  
it is determined that competitive  
sealed bidding is not practicable,  
even though advantageous.

*HAR §3-122-43(b)*

Factors to be considered in determining whether competitive sealed bidding is not practicable:

- ◆ When primary consideration in determining award may not be price;
- ◆ Whether the contract needs to be other than a fixed-price type;
- ◆ Whether the specifications for goods, services, or construction, order delivery requirements cannot be sufficiently described in the IFB;

### More factors....

- ◆ Whether oral or written discussions may need to be conducted;
- ◆ Whether the offerors may need to be afforded the opportunity to revise their proposals; and
- ◆ Whether award may need to be based upon comparative evaluation.

A determination may be made to use competitive sealed proposals if it is determined that competitive sealed bidding is not advantageous, even though practicable.

*HAR §3-122-43(c)*

### Factors to be considered:

- ◆ Has similar prior procurements resulted in a better contract through the RFP process?
- ◆ Is the need for oral or written discussions desirable rather than necessary?
- ◆ Is the need to allow an offeror to revise their proposal, including price, desirable rather than necessary?
- ◆ Is the need for comparative evaluation desirable rather than necessary?

## Competitive Sealed Bid vs Competitive Sealed Proposal

### **CSB (IFB)**

- ◆ Award to low bid.
- ◆ Perform exactly as specified in the scope of work.
- ◆ Deliver as described.
- ◆ Meet all the terms and conditions of the IFB.

### **CSP (RFP)**

- ◆ Award to highest scored.
- ◆ Perform as specified in the scope of work and as proposed by offeror.
- ◆ Deliver as proposed by offeror.
- ◆ Meet the terms and conditions of the RFP and exceptions allowed.

## Determinations

- ◆ Procurement Policy Board may approve a list of goods, services, or construction that may be procured by competitive sealed proposals without a determination by the head of the purchasing agency.

– *HAR §3-122-45(a)*

– *HRS §103D-303(a)*

# RFP Determinations Pursuant to HAR §3-122-45(b) & (c)

## HAR Chapter 3-122 PROCUREMENTS APPROVED FOR COMPETITIVE SEALED PROPOSALS 07/13/06

The following goods, services, or constructions may be procured by Competitive Sealed Proposals, pursuant to HAR §3-122-45, and has been approved by the procurement policy board:

No.	Competitive Sealed Proposal
1	Consulting services in the areas of software and telecommunications.
2	Travel agency services to include air and ground transportation, and lodging services.
3	Computer software and hardware systems.
4	Design and build construction projects.



## Construction

- ◆ When it is determined that it is more practicable or advantageous to the State to procure construction by competitive sealed proposals:
  - May issue a RFP requesting construction and design
  - RFP shall require that price be for both design and construction.

## Evaluation Committee §3-122-45.01

- ◆ Prior to preparation of the RFP, a determination shall be made by the PO that the PO or evaluation committee shall evaluate the proposals.
- ◆ The PO shall approve the committee members and it shall be in writing.
- ◆ The approved list of committee members and any changes to the list shall be placed in contract file.

## Things to think about in developing your RFP

- ◆ Factors other than price
  - Qualifications
  - References
  - Solution that meet needs
- ◆ Do not know how to get to the end result
- ◆ Multiple solutions available

## The RFP shall include the following:

(§3-122-46)

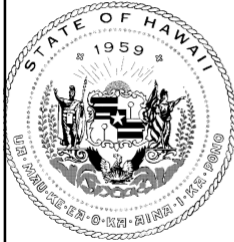
- ◆ Specifications
- ◆ T & Cs
- ◆ Manner prices are to be submitted
- ◆ Need for proposal security
- ◆ Contract and extension periods, if any
- ◆ Instructions and information, i.e. pre-proposal conferences, date, time and location where proposals are to be received
- ◆ Evaluation criteria
- ◆ Discussions with “priority-listed offerors”
- ◆ Designation of Confidential Information

## Proposal Format

- ◆ Title Page
- ◆ Table of Contents
- ◆ Introduction and Key Dates
- ◆ Background and Scope of Work
- ◆ Proposal Format and Content
- ◆ Evaluation Criteria and Contractor Selection
- ◆ Special Provisions
- ◆ Attachments/Exhibits

## Title Page

- ◆ Issuing Department
- ◆ Notice Date
- ◆ Title and Number
- ◆ Proposal Due Date
- ◆ Location where proposals are to be received
- ◆ Authorized Signature
- ◆ Offeror Name



## STATE PROCUREMENT OFFICE

LEGAL AD DATE: February 25, 2005

### REQUEST FOR PROPOSALS No. RFP-05-054-O

SEALED OFFERS  
FOR  
ADVERTISING PROGRAM  
FOR ALOHA STADIUM  
Stadium Authority  
Department of Accounting and General Services

MARCH 25, 2005

IN THE STATE PROCUREMENT OFFICE, KALANIMOKU BUILDING, 1151 PUNCHBOWL  
STREET, ROOM 416, HONOLULU, HAWAII 96813. DIRECT QUESTIONS RELATING TO  
THIS SOLICITATION TO DONN TSURUDA-KASHIWABARA, TELEPHONE (808) 586-0565,  
FACSIMILE (808) 586-0570 OR E-MAIL AT [donna.tsuruda-kashiwabara@hawaii.gov](mailto:donna.tsuruda-kashiwabara@hawaii.gov).

\_\_\_\_\_  
Ruth E. Yamaguchi  
Procurement Officer

RFP-05-054-O

\_\_\_\_\_  
Name of Company

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- ◆ Sections
- ◆ Attachments
- ◆ Appendices
- ◆ Exhibits

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# Introduction and Key Dates

- ◆ Terms and Acronyms
- ◆ Introduction
- ◆ Cancellation
- ◆ Significant Dates

## SECTION ONE

### INTRODUCTION AND KEY DATES

#### **.01 TERMS AND ACRONYMS USED THROUGHOUT THE SOLICITATION**

AAQHF	=	Airport Animal Quarantine Holding Facility
BAFO	=	Best and Final Offer
CPO	=	Chief Procurement Officer
DAGS	=	Department of Accounting and General Services
DOT	=	Department of Transportation
GET	=	General Excise Tax
GTC	=	General Terms and Conditions, dated 9/1/95 and issued by the SPO.
HAR	=	Hawaii Administrative Rules
HDOA	=	Hawaii Department of Agriculture
HNL	=	Honolulu International Airport
Jurisdiction	=	Purchasing jurisdictions are the government entities headed by a chief procurement officer pursuant to HRS §103D-203.
Manager	=	<u>The manager, for purposes of this RFP, represents the Chairperson, Board of Agriculture.</u>

## **.02 INTRODUCTION**

The Hawaii Department of Agriculture (HDOA) desires to contract for services to manage and operate a service that receives, inspects, releases and/or transports to a privately operated quarantine facility dogs and cats subject to quarantine entering Hawaii at the Lihue Airport, Island of Kauai. The contract requires the contractor, or an agent of the contractor, to be available seven days a week, each day of the year, to receive and process animals arriving at the Lihue Airport (LIH), in Lihue, Hawaii, in a timely manner. When indicated, certain dogs or cats shall require quarantine for varying lengths of time, up to 120 days, at a State approved quarantine facility or approved veterinary hospital.

## **.03 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.

## **1.03 SIGNIFICANT DATES**

The SIGNIFICANT DATES set out below present the State's best estimate of the anticipated schedule of events. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will likely be shifted by the same number of days.

RFP available for pickup .....	February 1, 2005
Pre-proposal Conference .....	February 14, 2005 9:00 a.m. (HST)
Deadline for submission of written questions .....	February 18, 2005
EUTF's response to written questions due .....	March 11, 2005
Proposals due .....	April 1, 2005 2:00 p.m. (HST)
Discussions with Priority-Listed <u>Offerors</u> (if necessary) .....	April 26, 2005 through May 6, 2005
Best and Final Offers due (if any) .....	May 20, 2005 2:00 p.m. (HST)
Contractor selection and award .....	June 16, 2005
Anticipated contract Start Date (Notice to Proceed) .....	August 15, 2005

## Background and Scope of Work

- ◆ Background
- ◆ Scope of Work
- ◆ Department Responsibilities
- ◆ Contract Term

### BACKGROUND AND SCOPE OF WORK

#### 2.01 PROJECT OVERVIEW AND HISTORY

On November 2, 1991, Aloha Stadium inaugurated its scoreboard complex during the University of Hawaii's homecoming game with the University of Utah. The scoreboard complex included a 26'x19' Sony JumboTron video screen, 37'x19' dot matrix message board, and two 19'6"x20' advertising fixed panels, two 17'3"x19' advertising tri-panels, and an auxiliary scoreboard located at the south end zone.

The goal of the advertising program is to successfully market the scoreboard complex and auxiliary scoreboard as well as develop new sources of advertising revenue through careful assessment of hitherto underutilized assets **including but not limited to the Aloha Stadium Swap Meet with its 1.15 million annual visitors.**

Currently, Aloha Stadium generates approximately \$270,000 (excluding commission payments) from its advertising program. The expectation is that this sum shall be matched or exceeded by the Contractor.

Current advertisers include First Hawaiian Bank (\$65,000) on fixed panel, The Pepsi Bottling Group (\$91,888) on fixed panel, Menehune Water Company (\$12,000 plus commission on bottled water sales) on tri-panel, Midas (\$16,000) on tri-panel, DTRIC Insurance (\$16,000) on tri-panel, NOH Foods (\$8,000) on tri-panel, Price Busters (\$14,480) on tri-panel and other facility advertising, Royal Adventure Travel (\$10,000) on tri-panel,



## Scope of Work

Define Objective	Define Strategy
Define known requirements	Define Functionality

## Detailed Objective

- ◆ What is it that you really need?
- ◆ If a replacement is being procured, what is liked or disliked about the system, service, etc. that you already have?
- ◆ What functionality or added benefits are available?
- ◆ Separate the requirements from the wish list

A.	<b>OBJECTIVES AND GOALS</b>
2.01	<b>GENERAL</b>
	<p>IB's purpose is to enter into a contract with a qualified organization to design, develop, furnish and implement a minimum of four public education campaigns to effectively communicate the importance of timely vaccinations in the prevention of disease in infants, children, adolescents and adults and to fulfill school health requirements.</p>
2.02	<b>DESCRIPTION OF THE GOALS OF THE SERVICE</b>
	<p>The scope of work encompasses the following tasks and responsibilities:</p>
	<p>a. DEVELOPMENT OF PUBLIC EDUCATION CAMPAIGNS</p>
	<ul style="list-style-type: none"> <li>• Develop a comprehensive, multi-disciplinary, culturally appropriate, public education program that focuses on getting immunized for identified vaccine preventable diseases.</li> <li>• Target barriers and/or existing challenges to early childhood, school entry, and adult immunizations.</li> <li>• Explore activities for implementing an awareness and educational program and indicate how the approach to the problem will meet the IB's overall goal.</li> <li>• Discuss rationale for the proposed campaign in relation to achieving the objectives.</li> <li>• Work closely with IB staff to implement a media plan in conjunction with the Governor's Communication Office, subject to budget execution policy.</li> <li>• Utilize appropriate existing data resources and/or develop data sources as</li> </ul>

	<ul style="list-style-type: none"> <li>• Analyze other program activities for effectiveness based on sound data collection and analysis practices.</li> </ul>
	<p>b. IMPLEMENTATION COMPONENT</p>
	<ul style="list-style-type: none"> <li>• Coordinate and implement the public education activities statewide.</li> <li>• Work with the IB staff to develop appropriate and timely approaches.</li> <li>• Ensure information is approved by the IB.</li> <li>• Consult with and provide expertise to DOH regarding media buys, prior to purchase.</li> <li>• Negotiate added value, with regards to broadcast media, including, but not limited to, interviews, editorials and other print media, website banners, TV bill boards, in support of the media buy.</li> </ul>
	<p>c. EVALUATION COMPONENT</p>
	<ul style="list-style-type: none"> <li>• Analyze all broadcast media for effectiveness.</li> <li>• Appoint a Project Manager who has authority to be a single point of contact for this project.</li> </ul>

# Strategy

- ◆ A strategy is a long term plan of action designed to achieve a particular goal.
- ◆ Strategy is the overall plan.

## 4.03 SAMPLE HIGH-LEVEL IMPLEMENTATION TIMELINE

The following sample high-level timeline is merely a suggested implementation timeline with certain significant milestones identified, and is included to give Offerors an indication of what the EUTF deems to be a reasonable timeline. Offerors should modify this timeline as necessary and appropriate as part of their implementation workplan. Milestones and deliverables must be identified in the Offeror's implementation workplan.

EUTF PeopleSoft Upgrade RFP		
Sample Implementation Timeline and Milestones		
Project Start	Monday	8/15/2005
EUTF's Project Team PeopleSoft Training Completed	Friday	8/26/2005
1. Confirmation of Technical Requirements, Business Process Improvements and Project Scope Completed		
2. Additional Recommendations Presented	Friday	9/9/2005
Training Completed for Pilot Participants	Wednesday	10/19/2005
1. Customizations Completed		
2. Interfaces Completed		
3. Security Setup Completed		
4. Reports Completed		
5. Setup of Pilot Environment Completed		
6. Pilot Transactions Selected and Pilot Scripts Completed	Friday	10/21/2005
Start of Conference Room Pilot	Monday	10/24/2005
End of Conference Room Pilot	Friday	11/4/2005
Final System Test Plan Completed	Wednesday	11/9/2005
Contingency Plan Completed	Thursday	11/10/2005
System Configuration and Data Conversion Completed	Friday	11/11/2005
Start of Final System Testing	Monday	11/14/2005

## Known Requirements

- ◆ What does it need to do?
- ◆ What are minimum requirements?
- ◆ What are mandatory requirements?
- ◆ How will it be measured?
- ◆ Detail, detail, detail

The DRE System minimally must:

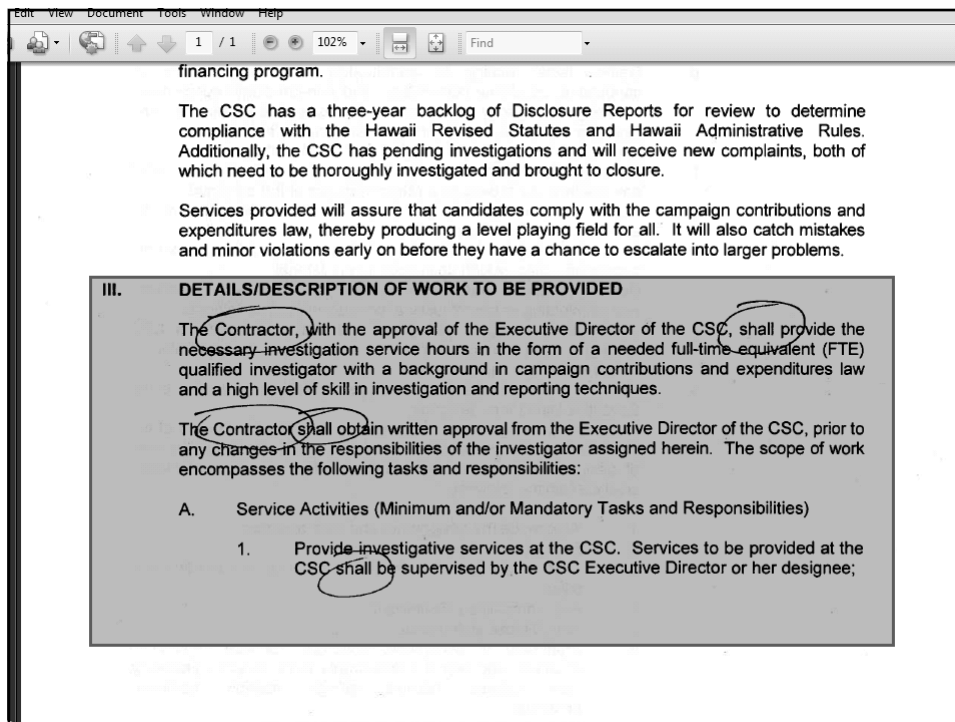
1. Be able to service between 90,000 to 125,000 voters, statewide, with disabilities.
2. Comply with the Federal Election Commission's voting system standards regarding direct recording electronic equipment.
3. Be qualified by an independent testing authority (ITA). The ITA must be approved by the National Association of State Election Directors (NASSED). A copy of the qualification certificated issued by the NASSED approved ITA must be included in the proposal.
4. Meet or exceed all federal and state laws that address accessibility to voting.
5. Supplement the State's current marksense voting and vote counting system by serving as an adjunct system.
6. Have sufficient backup vote recorders.
7. Have absentee walk-in capabilities.
8. Have Handicap Accessible Voting Booths.
9. Have data transmission capability from the polling place to the central vote count system site.
10. Integrate its results electronically, with the State's primary voting and vote counting system with minimum human intervention.
11. Tabulate results in the form prescribed by the state.
12. Provide all consumables in sufficient quantities required to support the final configuration of the DRE System during the term of the contract.

## Functionality

- ◆ In information technology, functionality (from Latin *functio* meaning "to perform") is the sum or any aspect of what a product, such as a software application or computing device, can do for a user.
- ◆ A product's functionality is used by marketers to identify product features and enables a user to have a set of capabilities. Functionality may or may not be easy to use.

## More on Scope of Work

- ◆ Factors = Plans, statistical reports, office, space, personnel, response times, workmanship, working hours, overtime, access to work site, etc.
- ◆ Consistent terminology = Refer to roles throughout the RFP consistently and not interchange one for another.
- ◆ Mandatory vs optional requirements = shall and must and should and may for optional.



## Specifications

- ◆ Seek to procure standard commercial products.
- ◆ Seek to promote overall competition.
- ◆ Shall not be restrictive.
- ◆ Provide a fair and equal opportunity for every supplier that is able to meet the State's needs.
- ◆ Unique requirements should be avoided.

## Developing Specifications

- ◆ Identify minimum requirements.
- ◆ Allow for competition.
- ◆ List reproducible test methods to be used in testing for compliance with specifications.
- ◆ Provide for a fair award.

## Types of Specifications

- ◆ Design
- ◆ Performance
- ◆ Brand or Trade Name (requires approval for restrictive specifications)
- ◆ Qualified Products (pre-approved products) – must allow for substitution requests

## Department Responsibilities

### 2.03 STADIUM AUTHORITY'S RESPONSIBILITIES

- (1) The Stadium Authority will make advertising space, panels, displays, etc., available for rent by advertisers procured by the Contractor. Advertising space, panels, displays, etc., shall not include the National Football League (NFL) Pro Bowl and NFL Pro Bowl event week. The NFL shall be responsible for removing and restoring all advertising signage displaced during the NFL Pro Bowl and NFL Pro Bowl event week.
- (2) The Stadium Authority will provide adequate personnel to operate the scoreboard complex and advertising panels during events held at Aloha Stadium. In addition, stadium scoreboard staff can be utilized to assist advertisers in developing in-game recognition or advertising spots for the entertainment of stadium fans. Charges for these services shall be at cost plus 12% administrative fees.

Examples of in-game recognition spots may include the following:

- Highlight segments
- Trivia questions
- Games or races
- Greatest sporting event moments
- Past player segments
- Live fan-cams
- Celebrity sightings
- Karaoke with the band
- Features including the band or cheerleader(s) with a sponsor's logo



## Term of Contract

### 2.04 TERM OF CONTRACT

The contract shall be for a period of twenty-four (24) months beginning approximately on August 1, 2006 and ending July 31, 2008.

Unless terminated, contract shall be extended for not more than four (4) additional twenty-four (24) month periods without the necessity of re-bidding, upon mutual agreement in writing, or portions thereof, at least four (4) months prior to expiration, provided that the contract price for the extended period shall remain the same or lower than the initial bid price, except as provided for herein.

The Contractor or the State may terminate the extended contract period at any time upon four (4) months prior written notice.

# Proposal Format and Content

- ◆ Format
- ◆ Content
- ◆ Pricing
- ◆ Exceptions

## 3.01 INTRODUCTION

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

The proposal shall describe in detail the Offeror's ability and availability of services to meet the primary project goal of this RFP as stated in Section 4. Proposals shall be prepared in a straightforward and concise manner, in a format that is reasonably consistent and appropriate to the purpose of this RFP. Emphasis should be on completeness and clarity of content. If any additional information is required by the State regarding any aspect of an Offeror's proposal, such shall be provided within two (2) business days of the State's request.

This section prescribes the standard format for a proposal submitted in response to this RFP. The standard format will make it easier for the EC to review, compare, and evaluate proposals, and to check to see whether the minimum requirements are met by each proposal. The format is not an attempt to limit the content of a proposal in any way. The Offeror may include any additional data or information that is deemed pertinent to this RFP. However, as noted above, a proposal should be prepared simply and economically, providing a straightforward and concise delineation of the Offeror's ability and proposed method to satisfy the requirements of this RFP.

The contents of any proposal shall not be disclosed during the review, evaluation, or discussion process. Once notice of the award is posted, all proposals, successful and unsuccessful, become available for public inspection. Those sections that the Offeror and the State agree are confidential and/or proprietary should be identified by the Offerors and shall be excluded from access.

**Submission of a proposal** shall constitute an incontrovertible representation by the Offeror 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.

- a. Include a transmittal letter to confirm that the Offeror shall comply with the requirements, provisions, terms and conditions specified in this RFP.
- b. Include a signed Offer Form OF-1 attachment 1 with the exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable, and address of Offeror's firm, and the name, mailing address, and telephone and fax number(s) of the person the State should contact regarding Offeror's proposal.

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

- c. 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 pages must be numbered.

Section I: Proposal Transmittal Letter  
 Section II: Executive Summary  
 Section III: Project Approach, Workplan and Schedule  
 Section IV: Organization and Staffing  
 Section V: Offeror Background and Experience  
 Section VI: Price  
 Section VII: Payment Plan  
 Section VIII: Certification  
 Attachment A: Staff Resumes  
 Attachment B: Staff References  
 Attachment C: Offeror's Financials  
 Attachment D: Offeror's References  
 Attachment E: Subcontractor Resumes and References  
 Attachment F: Tax Clearance Packet

### 3.04 Project Approach, Workplan and Schedule

Close Full

#### **Project Approach:**

This section shall provide a description of the entire project with the objective of demonstrating the Offeror's understanding of the tasks involved to produce each of the deliverables. This section shall contain a description of how the Offeror proposes to carry out these tasks and why this approach was selected. This section must demonstrate the Offeror's understanding of the requirements of the RFP, an understanding of the current operation, operational environment, and functionality of the critical application systems and the reasons for selecting the proposed approaches. Therefore, the following considerations shall be included for the purpose of evaluation:

The Offeror's approach and strategy for designing and implementing a comprehensive upgrade to the PeopleSoft/HFIMS.

The identification of specific and significant considerations users will need to address when migrating to the new system.

The approach and strategy for addressing data migration and the implementation of PeopleSoft/HFIMS without disrupting the EUTF's operations.

A delineation of any anticipated problems and risk factors, and proposed solutions and approaches to mitigate project risks.

#### **Workplan and Schedule:**

This section shall include a detailed workplan for the tasks required to produce each of the deliverables covered by this RFP. A workplan is crucial to allow the EC to gauge the Offeror's understanding of the tasks at hand, the resources required, critical path tasks, project milestones, deliverables and the reasonableness of the project timeline. The Offeror should describe the timing and logistics of the upgrade path and the key tasks involved. A sample Implementation Timeline is provided in section 4.03, and is offered as

#### 07 Price

Offerors shall propose all inclusive fixed prices as required in this section. These prices shall be inclusive of all federal, state and local taxes; any and all expenses, required for completion of the project. Offeror shall propose prices for: (1) the upgrade to PeopleSoft/HFIMS and one month of support and maintenance services as specified in this RFP; (2) an additional five months of support and maintenance services; and (3) an additional twelve months of support and maintenance services. Refer to item 23 of Section 4.05 for more information about the additional support and maintenance services.

The Offeror shall submit Offer Form OF-2 that summarizes the Offeror's pricing. The Offeror shall also indicate hourly rates (inclusive of all taxes or other costs) for each of the personnel assigned to the project.

The Offeror shall submit a payment plan as part of its proposal that details payment amounts for each milestone or deliverable that the Offeror completes and that the EUTF signs-off on. The milestones or deliverables in the Offeror's payment plan should correspond to the project milestones and deliverables that are detailed in the proposed project workplan.

Work to be performed under this solicitation is a business activity taxable under Chapter 237, HRS, and vendors are advised that they may be liable for the Hawaii GET at the current 4% rate. If an Offeror is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, Offeror shall state its tax exempt status and cite the HRS chapter or section allowing the exemption.

SECTION THREE

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RFP-05-033-O

## Exceptions

- ◆ Offeror shall list any exceptions taken to the terms, conditions, specifications, or other requirements listed herein. Offeror shall reference the RFP section where exception is taken, a description of the exception taken, and the proposed alternative, if any.

## Evaluation Criteria

- ◆ Total number of points
- ◆ What makes up total points
- ◆ May attach score sheet to RFP
- ◆ Minimum points to be listed as acceptable, potentially acceptable

## Other Required Information

- ◆ Proposal security
- ◆ Pre-proposal conferences
- ◆ Contract term and extension periods
- ◆ Discussions with Priority-listed offerors
- ◆ Confidential Information
- ◆ T's & C's

## Proposal Security (Bid Bond)

- ◆ Security provided at the time an offer is submitted.
- ◆ Protects the State against the failure or refusal of an offeror to execute the contract for the work or to supply the necessary performance and payment bonds.

## Mandatory Requirement of Security Bonds

- ◆ Construction bids exceeding the limits of section 103D-305, HRS;
- ◆ Goods and services exceeding the limits of section 103D-305, HRS, when the head of the purchasing agency has secured the approval of the chief procurement officer; and
- ◆ Federally funded contracts wherein the conditions require *performance or payment bonds or both*.

- b. **Offer Guaranty or Bid Bond.** Pursuant to Section 3-122-223, HAR, each proposal shall be accompanied by an offer guaranty to be considered for award. The guaranty shall be in a sum not less than five percent (5%) of the total amount of the proposal (including the 4% general excise tax).

Offeror may submit the required amount of the offer guaranty in any of the following forms:

1. Legal tender;
2. Surety bid bond; or
3. Certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or certified check accepted by a bank, savings institution or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

If the surety bond is selected, Offeror's bond shall be in the form attached to this solicitation.

If any of the forms of deposit listed in 3 above is submitted, each instrument shall not exceed \$100,000. If the required amount of the offer guaranty totals over \$100,000, more than one instrument not exceeding \$100,000 each issued by different financial institutions shall be acceptable.

Certificate of deposit or share certificate submitted as an offer guaranty shall be (1) in the name of Offeror's company; (2) for the sum of the offer guaranty amount, plus the savings institutions's maximum penalty for early withdrawal; and (3) assigned to the Chief Election Officer, at the time of the offer submittal. Offerors may obtain an assignment form from the State Procurement Office. Failure to include the maximum penalty for early withdrawal and/or failure to do the assignment shall result in the offeror's offer being rejected.

## Bid Bond Amount

- ◆ The amount shall be equal to at least five percent of the base bid and additive alternates or in amount required by the terms of the federal funding.

## Contract Performance and Payment Bonds

- ◆ A contract performance bond secures the State from loss or damage resulting from failure or refusal of a contractor to perform a contract, in accordance with the plans and specifications.
- ◆ A contract payment bond guarantees payment and protection for those furnishing labor and materials to the Contractor or its subcontractors for the work bonded.

## Mandatory Requirement of Contract Performance and Payment Bonds

- ◆ Construction contracts exceeding the limits of section 103D-305, HRS;
- ◆ Goods and services contracts exceeding the limits of section 103D-305, HRS, when the HOPA has secured approval of the CPO; and
- ◆ Federally funded contract wherein the conditions of the funding requires a performance or payment bond.



## Performance Bond Amounts

- ◆ For construction, performance and payment bonds shall each be in the amount equal to one hundred percent of the amount of the contract price;
- ◆ For goods and services contracts, performance and payment bonds shall each be in the amount not to exceed fifty percent of the amount of the price;

## More....

- ◆ For contracts where contract price cannot be determined at the time of award, the amounts of the performance and payment bonds shall each be stated in the solicitation; and
- ◆ For federally funded contracts, performance or payment bond or both shall each be in the amount required by the terms of the federal funding.

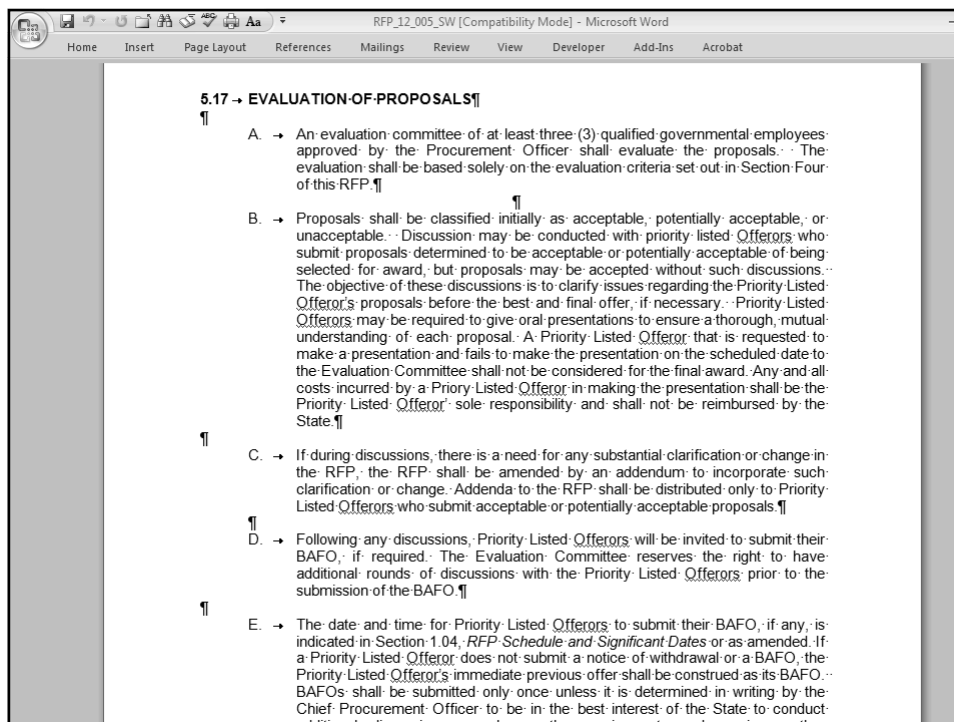
## Reduction of contract performance and payment bond amounts

- ◆ Prior to the deadline for receipt of offers; and during performance of the contract, the amounts of the performance bond and a payment bond may be reduced upon written determination by the CPO or HOPA that it is in the best interest of the State to do so.

### 2.01 PRE-PROPOSAL CONFERENCE

A Pre-Proposal Conference will be held at the SPO, 1151 Punchbowl Street, Room 216, Honolulu, Hawaii, at the date and time specified in Section 1.03, Significant Dates. Attendance for the pre-proposal conference is not mandatory. The purpose of this meeting is to review any questions about the EUTF and the RFP. Spontaneous answers to these questions will be provided by the EUTF, however, Offerors are advised that anything discussed at the pre-proposal conference does not change any part of this RFP. Such oral responses will not be binding on the State unless subsequently put in written form and issued as an addendum to the RFP.

Prospective Offerors are advised to contact the SPO at 586-0565 to insure that the Offeror's name, address, telephone and facsimile number(s) are on record for the distribution of any addenda or other communications. The State shall not be responsible for the distribution of such materials to those prospective Offerors who have not provided this information to the SPO.



#### **6.140 CONFIDENTIAL INFORMATION**

If a person believes that any portion of a proposal, offer, specification, protest, or correspondence contains information that should be withheld as confidential, then the Procurement Officer named on the cover of this RFP should be so advised in writing and provided with justification to support confidentiality claim. Price is not considered confidential and will not be withheld.

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

Pursuant to Section 3-122-58, HAR, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination in accordance with Chapter 92F, HRS. If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with Section 92F-42(12), HRS.

## T's & C's

Subcontracting	Acceptance	Testing
Termination	Intellectual Property Rights	Liquidated Damages
Payment	Warranty	Preferences

## Attachments

- ◆ SPO Sample (OF-1)
- ◆ Bid Bond Sample (OF-1)

Insert IFB No. \_\_\_\_\_

Procurement Officer  
State Procurement Office  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Sir:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and included by reference, the SPO General Provisions, dated 1/1/07, and the AG General Conditions, Form AG-008, as revised; 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 64, 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:

Date: \_\_\_\_\_ (x) \_\_\_\_\_  
 Authorized (Original) Signature

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ Name and Title (Please Type or Print) \_\_\_\_\_

E-mail Address: \_\_\_\_\_ \*\* \_\_\_\_\_  
 Exact Legal Name of Company (Offeror)

\*\*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:  
 \_\_\_\_\_

Bid guaranty, made payable at sight or unconditionally assigned to the State of Hawaii for the amount of \_\_\_\_\_ DOLLARS  
 \$ \_\_\_\_\_) is enclosed herewith in the form of:

Legal Tender	( )	Surety Bond (use attached form)	( )
Cashier's Check	( )	Certificate of Deposit	( *)
Teller's Check	( )	Share Certificate	( *)
Certified Check	( )	Treasurer's Check	( )
Official Check	( )		

**\*Bidder submitting a certificate of deposit or a share certificate is advised to contact the Purchasing Specialist named on the cover of this bid solicitation. The maximum penalty for early withdrawal, if any, must be added to the certificate amount. "Deposit, Assignment and Transfer of Certificate of Deposit" form must also be submitted with the bid.**

Offeror is:  
☐ Sole Proprietor ☐ Partnership ☐ \*\*Corporation ☐ Joint Venture  
☐ Other \_\_\_\_\_  
 \*\*State of incorporation: \_\_\_\_\_

Payment address (other than street address below): \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_

Business address (street address): \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_

## How To Start the Process

- ◆ Brainstorming session.
- ◆ Review previous RFPs.
- ◆ Contact other agencies.
- ◆ Write a goal statement.
- ◆ Examine the schedule and create a timeline.

## Bulletproofing

- ◆ What do you already know?
- ◆ What is the budget?
- ◆ What can you really get out there?
- ◆ What is most important to least important?
- ◆ Do you have the commitment of the committee?
- ◆ What are the expectations?

## Poorly written requirements may result in:

- ◆ An unacceptable project or service
- ◆ Cancellation of the RFP
- ◆ Additional costs
- ◆ Legal problems

## List of Potential Offerors (§3-122-16.04, HAR)

- ◆ A list may be compiled to provide the Procurement Officer with the names of businesses that may be interested in competing for various types of contracts.
- ◆ Names and addresses on the list shall be available for public inspection.

## Public Notice

(§3-122-16.03, HAR)

- ♦ A public notice of the solicitation shall be made for the purpose of securing competition.

## Public Notice Requirements

- ♦ A brief description of the good, service, or construction desired;
- ♦ Where and when the solicitation will be available and a phone number or e-mail address where interested parties may request a copy;
- ♦ How long the solicitation will be available to the public before the proposal due date;
- ♦ Other appropriate information such as pre-proposal conference information.



## Publication of the Notice

- ◆ At minimum, statewide and countywide public notices shall be publicized on a purchasing agency or provider internet site;
- ◆ Optionally, in the newspaper through the SPO price contractors;
- ◆ Optionally, by electronic mail or facsimile transmission to persons on any applicable bidders mailing list, if any;
- ◆ Optionally, any other method the PO deems effective for publicizing the solicitation.

## Amendment and Clarification to Solicitation (§3-122-16.06, HAR)

- ◆ An addendum shall be issued for amendments and clarifications to a solicitation prior to submission of offers.
- ◆ Exception pursuant to competitive sealed proposals, amendments may be made by addenda to priority-listed offerors and to call for BAFO.

## Purpose of the Addendum

- ◆ Amendments include any material changes to the RFP. The addendum shall reference those portions of the solicitation that are being amended.
- ◆ Clarifications include pre-proposal communications other than amendments.
- ◆ The addendum may be used to provide questions and answers submitted by potential offerors so that all interested parties will receive the same information.

## Use of an Addendum

- ◆ Correct minor defects or ambiguities;
- ◆ Furnish to other offerors information given to one offeror; and
- ◆ Provide any other information that will result in fair competition.

## Cancellation of RFP

- ♦ If the contemplated amendment will significantly change the nature of the procurement, the RFP shall be cancelled and a new RFP issued.

## Pre-opening modification or withdrawal of offer (§3-122-16.07, HAR)

- ♦ Proposal submitted may be modified or withdrawn prior to the established due date.
- ♦ A written notice accompanying the actual modification or withdrawal shall be received in the office designated in the solicitation, stating that a modification or withdrawal to the proposal is submitted;
- ♦ Facsimile or electronic mail notice accompanying the actual modification or withdrawal may be submitted.
- ♦ Modifications must be followed up within two days of the receipt of the fax or electronic transmittal with actual written notice.

Cancellation of solicitation  
(prior to proposal due date)  
(§3-122-96, HAR)

- ♦ The agency no longer requires the goods, services or construction;
- ♦ Cannot fund the procurement;
- ♦ Proposed amendments will substantially change the RFP;
- ♦ Determination by the CPO or designee that cancellation is in the public's best interest.

Questions?

**STATE  
PROCUREMENT  
OFFICE**

**Donn Tsuruda-  
Kashiwabara  
586-0565**