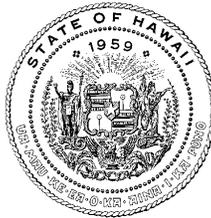




**REQUEST FOR PROPOSAL  
FOR  
VISITOR PLAN INVENTORY SURVEY 2018-2020**

HTA RFP NO. 18-10



Hawai'i Tourism Authority  
State of Hawai'i  
1801 Kalākaua Avenue  
Hawai'i Convention Center, First Level  
Honolulu, Hawai'i 96815

Date of Issuance: Tuesday, January 30, 2018

Procurement Officer/Contract Manager:  
Mr. Ronald D. Rodriguez

**DEADLINE FOR RECEIPT OF SUBMISSION IS  
Friday, February 23, 2018 at 4:30 p.m. HST**  
We will be accepting electronic submissions only.

**REQUEST FOR PROPOSAL  
FOR  
VISITOR PLAN INVENTORY SURVEY 2018-2020**

**HTA RFP NO. 18-10**

**- TABLE OF CONTENTS -**

<b>Section:</b>	<b>Page</b>
I. Overview and Timeline .....	2
II. Background Information and Objectives .....	4
III. Scope of Services and Qualifications .....	5
IV. Proposal Guidelines and Scoring Criteria .....	9
V. RFP Process and Scoring Criteria .....	10
VI. Provisions, Conditions, Disclaimers, Disclosures .....	12

**Forms and Attachments (Available on RFP Page of HTA Website)**

Applicant Information Form

2016 Document Manual

# I. OVERVIEW AND TIMELINE

## Introduction

The HAWAII TOURISM AUTHORITY ("Authority" or "HTA" or "STATE") is issuing this solicitation to seek a qualified contractor to provide a VISITOR PLANT INVENTORY SURVEY FOR CALENDAR YEAR 2018-2020". Potential applicants are strongly encouraged to sign up for updates to this RFP at <https://htacontracts.wufoo.com/forms/zioko70kercsi/>. Those who fill out the form in a timely manner will receive notice of changes and addendums directly to the email indicated on the form.

The Scope of Services and contract term are described in "Section III: Scope of Services & Qualifications" of this RFP. The successful applicant shall be an independent contractor and shall provide management, labor, and any and all other services, as required by the Authority and as outlined in this solicitation.

## Procurement Timetable

The following Procurement Timetable presents a best estimate of when each phase of the process will be completed. Dates are subject to change. All dates and times are in Hawai'i Standard Time Zone.

ACTIVITIES	SCHEDULED DATE (Subject to Change)
Distribution of RFP	Tuesday, January 29, 2018
Deadline for written questions (by 4:30 pm HST)	Monday, February 12, 2018
Register with Wufoo	Monday, February 12, 2018
Responses to Written Questions	Week of February 12, 2018
Deadline for Protest of Content to RFP	Within 5 calendar days of Responses
<b>Deadline for written submissions (by 4:30 pm HST)</b>	<b>Friday, February 23, 2018</b>
BAFO/Clarification Round (if necessary)	Week of February 26, 2018
Notice of Selection or Non-selection	Week of February 26, 2017
Contract Start Date	March 2018
Contract End Date	June 2021

## Delivery of the Submissions – Electronically Only (NO PAPER DOCUMENTS)

Your submission will consist of one electronic document containing the following:

- Applicant Information Form
- Proposal Submission
  - Past Performance and Capabilities
  - Work Proposal
  - Price / Budget
- Confidentiality Agreement
- W9
- Hawai'i State Vendor Compliance Certificate (if available)

This RFP, along with any respective forms or exhibits can be found on the RFP page of the HTA website. Please click on RFP No. 18-10 at <http://www.hawaiitourismauthority.org/about-hta/rfps/> .

Each Applicant is required to submit their proposal to the Procurement Officer designated below, in electronic format, either via email attachment, via a downloadable link, or on a flash drive by the deadline listed in the Procurement Timeline. All emails must include the RFP number in the subject line. Any electronic file should be labelled to read: **RFP 18-10 VPI Proposal – [Applicant Name]**. Example: RFP 18-10 VPI Proposal – XYZ Research Inc.

The official time for receipt of the email shall be the date and time stamp automatically recorded on the email. Proposals downloadable through a link shall be available for download by HTA no later than the deadline listed in the Procurement Timeline—downloads unavailable at deadline will be considered late.

Any flash drive containing a proposal shall be delivered to, and actually received by the HTA at the address below no later than the deadline listed in the Procurement Timeline. Paper submissions and facsimile submissions will not be accepted.

### **Procurement Officer**

Applicants are to submit proposals to, and communicate with, only the Procurement Officer for this solicitation. HTA is not responsible for misinformation or reliance from other sources. Unless otherwise specified in written Addendum to this solicitation, the Procurement Officer and point of contact for this solicitation is:

Ronald D. Rodriguez  
Hawai`i Tourism Authority  
1801 Kalākaua Avenue  
Hawai`i Convention Center, First Level  
Honolulu, Hawai`i 96815

Phone: 808-973-9449

Email: [contracting@gohta.net](mailto:contracting@gohta.net)

Note to past applicants: The email address, [contracting@gohta.net](mailto:contracting@gohta.net), is the designated email address for this solicitation. Please do not use any other email addresses for communication about or submission to this solicitation.

Emails are encouraged over phone calls. Emails should ALWAYS include the RFP number in the subject line. The easier an email is to identify, the more likely we are to answer it first.

### **Solicitation Questions**

Any applicant having questions or requiring clarification or interpretation of any section of the RFP must post these in a Word doc as an email attachment to [contracting@gohta.net](mailto:contracting@gohta.net) by the date specified in the timeline. The HTA will share answers via an Addendum to this RFP.

### **Disclaimer: Cancellation and Cost Liability**

HTA reserves the right to cancel any component of this RFP at any time. HTA assumes no responsibility and bears no liability for costs incurred by an applicant in the preparation and submittal of proposals in response to this RFP>

## II. BACKGROUND INFORMATION AND OBJECTIVES

---

### BACKGROUND

#### A. **Hawai'i Tourism Authority.**

HTA is a government agency established by the State of Hawai'i in 1998, pursuant to Chapter 201B of the Hawai'i Revised Statutes, to promote and market the State as a visitor destination. HTA is the lead agency and advocate for Hawai'i's tourism industry. Its mission is to strategically manage Hawai'i tourism in a sustainable manner consistent with economic goals, cultural values, preservation of natural resources, community desires and visitor industry needs.

#### B. **HTA Five-Year Strategic Plan**

The four goals of the HTA five-year strategic plan are:

1. Improve the integrity of the destination
2. Ensure stable economic benefits
3. Elevate Hawai'i's value perception
4. Strengthen HTA's reputation

#### C. **HTA Research**

The primary goal of HTA's Tourism Research is to continue to provide the State of Hawai'i with timely and accurate visitor information, which is useful to policy makers, industry leaders and businesses for economic development and business planning purposes.

Sound business decisions based on visitor data and research is important for effective development. Hawai'i's visitor industry is in a very mature phase, which requires constant research and data to increase brand awareness, improve and enhance products, maintain competitive advantages against other destinations and expand to new markets. Government-based services ensure industry-wide access to this data. HTA's Tourism Research Division (TRD) will sustain efforts to make available research to educate and empower stakeholders and facilitate data driven decision-making.

In addition to the core surveys of domestic and international air and cruise visitors, the HTA conducts the annual VPI survey. The goal of the VPI is to compile an accurate annual assessment of existing and planned visitor accommodations for the State of Hawai'i to better monitor lodging statistics.

HTA Tourism Research is a staff of four people and does not have the manpower for data collection, nor the capabilities to edit, code and process this large quantity of data in house.

### OBJECTIVE OF THIS SOLICITATION

The purpose of this project is to compile an annual census of existing and planned visitor accommodation units (Visitor Plant Inventory) for the State of Hawai'i for years 2018, 2019 and 2020.

The Department of Business, Economic Development and Tourism/Hawai'i Tourism Authority has been conducting this Visitor Plant Inventory Survey ("SURVEY") since 1999 to collect visitor accommodation statistics for the State of Hawai'i. Data collected from this project have been released to the public annually in HTA's Visitor Plant Inventory reports.

HTA's objective is to have an accurate and comprehensive census of existing and planned visitor accommodation units. In recent years, technology has greatly impacted Hawai'i's visitor accommodations supply by facilitating the rental of individual properties, which has led to unprecedented growth in the number of vacation rental units statewide. The current survey methodology used for the Visitor Plant Inventory has been insufficient with regards to vacation rentals. For the 2018 – 2020 Visitor Plant Inventory, HTA is open to proposals which deviate from the historical methodology or propose enhancements to the methodology to achieve a more accurate and comprehensive report.

### III. SCOPE OF SERVICES & QUALIFICATIONS

---

The CONTRACTOR shall perform and provide, in accordance with industry best practices, all goods and services as described:

#### **SCOPE:**

Work on the 2018 SURVEY shall commence upon the full execution of a contract between the successful CONTRACTOR and the HTA and upon the CONTRACTOR's receipt of a written notice to proceed from the HTA. The CONTRACTOR shall perform all of the following services for years 2018, 2019, 2020, respectively, according to HTA specifications.

Applicant may refer to the 2016 Visitor Plant Inventory Procedures Manual which can be viewed online at the HTA's website for further description of the project requirements.

1. Overall Project Requirements. The CONTRACTOR shall:
  - a. Have adequate staffing and the ability to complete SURVEY tasks and requirements. In data collection, ensure that the owner/manager, management company, etc. of each property has been contacted and provided with a SURVEY form. Ensure that every attempt will be made to contact each property that did not respond. In data processing, ensure quality control to correctly input the information into the VPI database. In data reporting, ensure quality control to accurately generate the VPI reports within the established deadlines. Ensure that all tables reconcile in each final VPI report, and that all statistics are checked thoroughly against the prior year's VPI report. In their proposal to HTA, applicants shall detail methods to address all these data collection, processing and reporting issues.
  - b. Review the most recent VPI reports, and the Individually Advertised Units in Hawai'i report (Vacation Rentals; integrated into each respective report), available on the HTA website at: <http://www.hawaii tourism authority.org/research/reports/visitor-plant-inventory/>
  - c. VPI Database
    - i. The HTA shall provide the contractor with the database used to produce the 2017 VPI report. the contractor shall prepare a database to compile and process data and produce reports for the SURVEY.
    - ii. The CONTRACTOR shall prepare a database to compile the process data and produce reports for the SURVEY. The contractor may use the 2017 VPI database for the 2018-2020 VPI or may create a new database.
    - iii. The database shall include, but not be limited to, all fields included in the survey instrument(s).
  - d. Meet with HTA as often as necessary to provide updates on the project. Any issues shall be resolved immediately to ensure the accurate and timely submission of the deliverables as described herein.
  - e. HTA may request to perform site inspections and audit of the SURVEY processes and procedures. The CONTRACTOR shall arrange to meet with HTA at the CONTRACTOR's work site and demonstrate SURVEY processes and produce SURVEY materials, as requested.
  - f. HTA shall be sole owners of all SURVEY results and materials, including the VPI database, electronic files of the Survey forms and VPI reports. Information may not be shared with anyone without HTA's prior consent and approval.
2. Data Collection.
  - a. To compile a comprehensive database of visitor accommodation units in the State, the CONTRACTOR shall complete, at a minimum, the following data collection responsibilities described herein:
    - i. Contact various visitor associations for their list of accommodation members;

- ii. Contact each County Planning Department and Tax Office for information regarding visitor accommodation properties, including additions and subtractions;
  - iii. Conduct extensive Internet searches, including searches of Internet booking sites, to identify properties that are new or missing from the current VPI database; and
  - iv. Survey visitor accommodation properties in the CONTRACTOR's VPI database.
- b. The CONTRACTOR may distribute the SURVEY through email, the web, phone interviews, and postal mail, as long as all the data required by HTA are being captured and data consistency is maintained. The CONTRACTOR shall propose to HTA the most effective and timely way to conduct the SURVEY and detail the procedures in their proposal. The CONTRACTOR may use other valid lists of visitor accommodations, databases, or contacts in addition to those described in section 'e' below, but these should also be described in their proposal.
- c. Closely monitor the progress of the SURVEY throughout the duration of the Contract and submit to HTA a detailed progress report on a weekly basis.
- d. Be responsible for all data collection costs including, but not limited to, costs for internet searches and phone banks; SURVEY form design and printing, including any revisions required by HTA; design and printing of cover letters and reminder notices; all outgoing and returning postage; all stationary including outgoing envelopes and postage-paid return envelopes. All printed SURVEY materials shall be of high quality print and paper and shall be subject to prior approval by HTA. HTA shall provide the template of the HTA letterhead for the cover letters.
- e. Contact Visitor Accommodation Association.
  - i. Collect information from various visitor industry associations including, but not limited to, the Hawai'i Lodging and Tourism Association, American Resort Development Association, Hawai'i Attractions Association, Hawai'i Rental Housing Association, and Hawai'i Real Estate Associations, Hawai'i Visitors and Convention Bureau, O'ahu Visitors Bureau, Hawai'i Island Visitors Bureau, Maui Visitors Bureau, and Kaua'i Visitors Bureau.
  - ii. Any additional visitor associations not listed in the above paragraph shall be submitted for HTA approval.
  - iii. Contact each association to obtain a list of visitor accommodations that are their members.
- f. Contact County Planning Department and Tax Office.
  - i. Each County Planning Department and Tax Office shall be asked to provide their list of visitor accommodations by Tax Map Keys, if available.
  - ii. Each County Planning Department shall also be asked to provide a list of any planned additions and new developments in their county.
  - iii. Use the lists to be provided by each county to crosscheck and update the VPI database and prepare the Planned Additions and New Development reports.
- g. Internet and Booking Site Searches for New and Additional Properties: Simultaneously, the CONTRACTOR shall perform the following services:
  - i. In addition to properties already in the existing VPI database and from various associations and county lists, conduct a thorough internet search of website using search engines such as Google and Yahoo to identify new and additional properties.
  - ii. Conduct a search of internet booking sites to identify properties located in Hawai'i.
  - iii. Update the CONTRACTOR's VPI database with the results from the Internet and booking site searches.
- h. Visitor Accommodation Property Survey.
  - i. Each property in the CONTRACTOR's VPI database shall be asked to verify and provide current information including the name of property, contact person, phone number, mailing address, physical property address, type of property, number of total units, number of units available for visitors, number of registered

and operated timeshare units, class of units, and other information in the VPI database.

1. Review the 2017 SURVEY forms. The CONTRACTOR shall prepare SURVEY forms appropriate for each property type (the same SURVEY form may be used for multiple property types).
  2. The CONTRACTOR may suggest other data (such as tax map keys, number of bedrooms, maximum number of guests, etc.) to be collected.
  3. The CONTRACTOR may also use digital or online SURVEY forms.
  - ii. The SURVEY shall include, but not be limited to, hotels, apartment hotels, condo-hotels, B&Bs, hostels, IVUs, rental houses, timeshares, and others. Occasional accommodations and non-paid accommodations shall be excluded.
  - iii. Definitions Sheet: The CONTRACTOR shall work with HTA to revise and clarify property type definitions and prepare a new Definition Sheet to be used for the 2018 VPI. The current Definition Sheet shall be provided to the CONTRACTOR by HTA for review.
  - iv. The CONTRACTOR shall propose to HTA the most effective methods for ensuring a high response rate and detail their procedures in their proposal. Make multiple attempts to contact the non-responsive properties in order to update and complete the VPI listing to the satisfaction of the HTA.
    1. Reasonably, the CONTRACTOR should attempt to make at least three (3) mail reminders or six (6) phone/email contacts to each non-responsive property.
    2. The CONTRACTOR shall track disposition of each attempt.
    3. If it is confirmed that the accommodation is out of business, it shall be listed in the Closed Properties report.
3. Data Processing and Reporting. The CONTRACTOR shall:
- a. Deliver to the HTA a weekly status report which shall include the numbers of SURVEYS distributed, numbers of SURVEYS returned, the response rate, and the number of properties contacted.
  - b. Tabulate data report tables and generate an updated list of visitor accommodation units similar to the 2017 VPI report. For multi-owner properties, the tables are reported by the physical location of the property, not by each owner. Timeshare units are included as part of the total number of available units and are also reported on a separate table of registered and operating timeshare units.
  - c. Ensure quality control in reporting by thoroughly checking the updated VPI report tables and list of accommodations against the prior year's VPI report to ensure that there are no duplicate properties.
  - d. Ensure that any property listed in the prior year's VPI report that is missing from the current year's VPI list is further researched. Compile separate lists of major changes including, but not limited to, property name changes, newly added properties, properties that went out of business, and any other significant changes; i.e., increase or decrease in units per property that are greater than 10.
  - e. Submit a first draft of the 2018 VPI report by the first week of October 2018 for HTA review. Include detailed analysis such as, trends in visitor accommodations by island, by property type, by class of units; trend analysis of timeshare use in Hawai'i; and property conversion from visitor use to residential use, vice versa. Required tables include:
    - i. Available Units by County, 1965 to (present year)
    - ii. Inventory by Island and Property Type
    - iii. Inventory by Island and Unit Type
    - iv. Inventory by Area and Property Type
    - v. Inventory by Area and Unit Type
    - vi. Price Class of Units by Island
    - vii. Price Class of Units by Type
    - viii. Timeshare Properties by Island and Area

- ix. Closed Properties
  - x. Planned Additions and New Developments – County of Hawai'i
  - xi. Planned Additions and New Developments – County of Kaua'i
  - xii. Planned Additions and New Developments – County of Maui
  - xiii. Planned Additions and New Developments – City and County of Honolulu
  - xiv. List of Properties
- f. Make any changes as requested by the HTA and submit subsequent drafts for further HTA review as necessary. Final report completed to the satisfaction of the HTA shall be submitted by November 30, 2018.
  - g. Upon final HTA approval, submit the final Access database and the 2018 VPI report in Word format. The list of visitor accommodations and all tables presented in the VPI reports shall also be provided to the HTA in Excel format. The CONTRACTOR shall also convert the Access database into user-friendly Excel workbook format, allowing for further data analysis by the HTA as needed.
  - h. Create and update a procedures manual for this SURVEY throughout the duration of this contract. The procedures manual shall detail services performed each year, with descriptions of data collection, processing, and reporting procedures. The procedures manual shall be delivered to the HTA by December 15 of each year.
4. 2019 Visitor Plant Inventory Survey.  
Work on the 2019 Visitor Plant Inventory Survey shall begin in February 2019 and shall include, but not be limited to, SURVEY form revisions, printing, review of the database, Internet searches for contact information, and getting the SURVEY packets ready for distribution to ensure that the 2019 Visitor Accommodation Property Survey will start in April 2019. Following the same procedures described herein, the first draft of the 2019 VPI report shall be submitted to the HTA for review by October 2019, with final reporting by the end of November 2019.
  5. 2020 Visitor Plant Inventory Survey.  
Work on the 2020 Visitor Plant Inventory Survey shall begin in February 2020 and shall include, but not be limited to, SURVEY form revisions, printing, review of the database, Internet searches for contact information, and getting the SURVEY packets ready for mailing to ensure that the 2020 Visitor Accommodation Property Survey will start in April 2020. Following the same procedures described herein, the first draft of the 2020 VPI report shall be submitted to the HTA for review by October 2020, with final reporting by the end of November 2020.

## IV. PROPOSAL GUIDELINES

---

**Proposals must be submitted per the instructions in Section I of this RFP.**

### **I. APPLICANT INFORMATION FORM**

- This is a fillable form. Once you have completed the form, the form must be printed then signed by a person authorized to bind the organization.
- Primary RFP Contract: The person listed here will be our contact regarding any updates to the RFP process and any questions regarding your submission, as well as any award notices.
- Primary Project Contact: This person listed here will be our post-award contact during the contract phase.

### **II. PROPOSAL**

#### **A. Experience and Professional Qualifications (25 points sub-total)**

- A.1. DESCRIPTION OF ORGANIZATION: Provide a brief history of the establishment, development, and accomplishments of the organization.
- A.2. QUALIFICATIONS AND EXPERTISE: Describe the qualifications and expertise of the individuals responsible for implementing the project.
- A.3. RELATED PROJECTS: List experience with past projects with comparable scope of work and complexity to this RFP. Provide up to five client references for projects, at least three of which the company has worked with within the last three years.
- A.4. CAPABILITY: Show that the company has adequate staffing and resources to complete the work effectively and on time.

#### **B. Proposal (50 points sub-total)**

- B.1. Responsiveness to the needs and requirements of HTA as outlined in the SCOPE of this RFP, found in Section III Scope and Qualifications.

#### **C. Price/Budget (25 points sub-total)**

- C.1 OVERALL BUDGET: The overall budget proposed by the offeror shall consist of separate budgets for 2018, 2019 and 2020 as well as a combined total amount proposed for entire contract. This is a Firm Fixed-Price Contract. Any incentives, travel expenses, etc., must be included in the price proposed.
- C.2 COST BREAKDOWN: Provide a breakdown showing what the budget is paying for. The cost breakdown should be clear enough that, if the HTA should decide to make adjustments to the number of deliverables, the HTA would be able to recalculate the costs based on the information provided.
- C.3 PAYMENT SCHEDULE: Propose a tentative payment schedule, including a timeline showing the corresponding deliverables. The payment schedule should match the Work Proposal described in the previous subsection.

### **III. CONFIDENTIALITY AGREEMENT**

### **IV. W9**

### **V. HAWAII STATE VENDOR COMPLIANCE CERTIFICATE (if available)**

\* Note: Information entered on the Applicant Information Form must match the information entered on the W9 and on the Hawai'i State Vendor Compliance Certificate.

## V. RFP PROCESS & SCORING CRITERIA

---

### **RFP PROCESS:**

An evaluation committee will evaluate all the offerors' submittals based on the below outlined criteria. This process may or may not consist of two phases.

Phase I of this process will be the applicant's written electronic submission. To assist applicants in understanding the RFP and to clear up any inconsistencies, the HTA will accept pre-submittal questions, in writing via word doc, until the time and date established in the Procurement Timeline found in Section I of this RFP. The HTA, and the evaluation committee, reserve the right to select an applicant based on written proposals only.

In Phase II, the HTA may select a short list of one or more applicants for further consideration. This could take the form of, including but not limited to, an oral interview, a request for clarification, a request for best and final offer (BAFO), reference checks, negotiation of key provisions, or any combination thereof. The HTA is under no obligation to enter into an agreement with any of the short-listed offerors.

The HTA intends to conduct a comprehensive, fair, and impartial evaluation of proposals received in response to this RFP. The HTA will use an Evaluation Committee to review and evaluate the proposals. The HTA's contact person is the Procurement Officer and serves as the arbitrator and referee for this RFP. The Procurement Officer does not have a vote. Applicants are forbidden from contacting any member of the Evaluation Committee regarding this RFP. Any attempt to knowingly contact voting members of the Evaluation Committee regarding this RFP could be grounds for disqualification.

Applicants are to rely, for information regarding this RFP, on the RFP itself and information provided by the Procurement Officer. The HTA is not responsible for any misinformation received from other sources.

If it becomes necessary to revise or amend any part of this RFP, the HTA will distribute a revision by written addendum. Applicants will be responsible for adhering to the requirements of any addenda to this RFP.

#### Applicant Responsibilities:

A proposal shall be electronically submitted as instructed in Section I of this RFP and will be accepted only if timely received. The responsibility for submitting a response to this RFP on or before the stated due date and time will be solely and strictly that of the applicant. The HTA will not be responsible for emails that are not received because the file is too large or because it was delivered to the wrong email address, or deliveries that are not received due to traffic or other delivery complications.

Proposals will be considered incomplete if Form A does not bear the signature of an authorized individual, officer, or agent of the Applicant who is in a legal position to contractually bind the applicant. The proposals can be withdrawn at any time, if requested in writing, until notice of selection, at which time it will be considered final.

By submitting a proposal, applicant agrees to accept and abide by the terms of this RFP. The HTA reserves the right to reject any or all proposals, to waive any informality or irregularity, and to accept any proposals which it may deem to be in the best interest of the State of Hawai'i.

### **SCORING CRITERIA:**

All applicants will be scored according to the same criteria.

- 1. Experience and Professional Qualifications (25%):** Related experience with projects of a comparable scope of work, and complexity as described in this RFP as demonstrated by comparable projects which required data collection, scanning, programming, processing and reporting. Qualifications and experience of the individuals in the respondent's team, including the demonstrated past success of the respondent's key personnel will also be reviewed.

- 2. Quality and Reasonableness of Proposal (50%):** Respondents shall be rated on their proposals on ways to maintain data collection procedures and quality control to ensure the accuracy and efficiency of data collection, processing and reporting for this project. Respondents will also be rated on the reasonableness of the proposed time schedule.
- 3. Price/Budget (25%):** Reasonable proposed budget demonstrating an ability to achieve the stated objectives of the program.

The HTA, through its evaluation committee, reserves the right to reject any and all proposals and to waive minor irregularities. The HTA further reserves the right to shorten or extend posted schedule dates when doing so is reasonably in the best interest of the State of Hawai'i.

<b>EVALUATION OF SUBMISSION</b>	<b>Scoring Range</b>	<b>Evaluator Score</b>
Experience and Professional Qualifications	1-25	
Quality and Reasonableness of Proposal	1-50	
Price/Budget	1-25	
<b>TOTAL SCORE</b>	<b>3-100</b>	

## VI. PROVISIONS, CONDITIONS, DISCLAIMERS, AND DISCLOSURES

---

You are encouraged to read each section of the solicitation thoroughly. While sections such as the administrative overview may appear similar to other solicitations, additional information may be added as applicable. It is your responsibility to understand the requirements of this solicitation.

### **1. Authority**

(a) Law. This solicitation is issued under the provisions of the Hawai'i Revised Statutes ("HRS") Chapter 201B. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed Proposal by any prospective applicant will constitute admission of such knowledge.

(b) Procedures. This solicitation has been issued under the procurement policies and procedures of the HTA, which are incorporated herein by reference.

(c) State Procurement Code. HTA procurement is not subject to the Hawai'i Public Procurement Code codified under HRS Chapter 103D and the administrative rules promulgated thereunder ("Hawai'i Procurement Code"). However, the HTA may consider the Hawai'i procurement practices as guidance.

### **2. Government Contract.**

This is a contract with a government agency. As such, customary rules of commercial contracting generally do not apply. Applicants are encouraged to seek advice from experts familiar with government contracts.

### **3. Procurement Timetable**

Note that the schedule of procurement key dates provided herein represents the HTA's best estimate of a schedule that will be followed and may be changed at HTA's discretion. Any changes to this schedule will be reported on the HTA website referencing this solicitation. Contract start dates are subject to the issuance of a notice to proceed. Some items on the timetable may not be necessary or may be for informational purposes only.

### **4. Contracting Office**

HTA is the Contracting Office and is responsible for overseeing the contract resulting from this solicitation, including monitoring and assessing the contractor's performance.

### **5. Interest Form**

HTA will not require an interest form for this solicitation.

### **6. Pre-submittal Orientation Meetings**

HTA will not hold pre-proposal meetings for this solicitation.

### **7. Submission of Written Questions**

(a) Written Questions. HTA welcomes written questions from applicants in order to ensure openness and transparency and improve understanding of the solicitation. Applicants may submit written questions in electronic format to the email address of the HTA Procurement Officer identified in this solicitation. To expedite responses, applicants are required to submit questions on a Microsoft Word document. Each question must cite the solicitation page and paragraph that is the source of the question. HTA will respond to written questions as discussed below.

(b) Deadline. Deadline for submission is listed in the timetable.

(c) Responses. The HTA Procurement Officer will combine the questions from all applicants into a single list. Similar questions may be combined and responded to as a single question. The HTA will provide the combined set of questions and responses to all applicants at the same time. The applicant who submitted the question will not be identified in the responses. The HTA will act in good faith in providing responses, but may decide, in its sole discretion, not to respond to some questions. Depending on the number and type of

questions received, the HTA's responses to written questions submitted by applicants, who have submitted the Interest Form with their contact information, will be provided to all applicants. The HTA's interpretation of the written question and its response will also be posted on HTA's website. However, if the volume and type of questions preclude the HTA from meeting this deadline, the HTA will notify applicants, who have submitted the Interest Form with their contact information or through a posting on HTA web site, of the revised date for such response.

## **8. Proposals**

(a) Proposal. An applicant must submit a written proposal. The proposal must include comprehensive narratives that addresses all of the Proposal requirements. As used herein "response", "proposal", and "submittal" refer to all the requested documents, exhibits, attachments, executed and/or responsive appendices, acknowledgments, written comprehensive narratives, and other information described in and submitted in response to this solicitation.

(b) Response Submittal. Deadline for submission is listed in the timetable.

(1) All Responses delivered by mail, delivery service or in-person must be actually received by the HTA no later than the submittal deadline. Responses may be rejected if received after the designated date and time. The time clock maintained at the HTA Drop-Off Site will be used to record the official time for the actual receipt of proposals. The HTA office does not accept deliveries before 7:45 AM or after 4:30 PM HAST or on holidays or weekends.

(2) The required documents, their form and quantities, are listed in the Appendix.

(c) Solicitation Submittals Become the Property of HTA. All Proposals and other materials submitted will become the property of the HTA and will not be returned. The Authority reserves the right to retain all submittals and to retain any ideas in a submittal regardless of whether a Proposer is selected. Submittal of a response to this solicitation indicates acceptance by the Proposer of the conditions contained within the solicitation document.

(d) Contract. All or part of the solicitation and the selected Proposer's response to the solicitation may, by reference, become a part of the final Contract between the selected Proposer and the Authority resulting from this solicitation process.

(e) Expenses. Each applicant is solely responsible for all expenses incurred for the preparation of their Response and its participation in any pre-award presentation or discussions and other activities related to the evaluation process and/or the development and submission of any Response provided by an applicant in response to this solicitation, including without limitation, any travel related or presentation expenses incurred to present or discuss the applicant's Proposal submission. An applicant may not bill the HTA for any costs or expenses associated with its response to this solicitation. Any incumbent under any HTA contract may not use HTA-funded resources to prepare its Proposal.

(f) Protests. Any protest of anything in this solicitation or any referenced document, must be filed by the deadline for protests of the content of the solicitation in order to be timely.

## **9. Multiple or Alternate Proposals Not Allowed**

Multiple or alternate Proposals from the same applicant are not allowed. In the event alternate or multiple Proposals are submitted, all of the applicant's submissions may be rejected at the discretion of the HTA Procurement Officer.

## **10. Competitive, Multi-Step Sealed Proposals**

This solicitation will not require a multi-step process. However, the HTA reserves the right to request additional information in the form of written responses or oral presentations as needed.

## **11. Rejection of Proposals**

(a) Requirements Must Be Met. The HTA reserves the right to consider as acceptable, responsible and responsive only those Proposals submitted in accordance with all requirements set forth in this solicitation and that demonstrate an understanding of the services to be provided and challenges associated therewith.

(b) Changing Terms. Any proposal requiring any contract terms or conditions contradictory to those included in this solicitation and the Agreement attached at *Exhibit 3* may be rejected in its entirety without further notice. Applicants may suggest alternate terms or conditions with a specific explanation of how the change would result in improvements to price, schedule, or performance. The suggestion must specifically quantify the impact. Such suggestions are not accepted or implemented unless included in the final terms and conditions in the Agreement signed by both parties.

(c) Reasons. A Proposal may be automatically rejected for any one or more of the following reasons:

- (1) Failure to cooperate or deal in good faith;
- (2) Inadequate accounting system or internal controls;
- (3) Late proposals;
- (4) Failure to submit in accordance with the solicitation or otherwise inadequate response to the solicitation;
- (5) Lack of demonstrated experience or expertise; and
- (6) Failure to maintain standards of responsibility. Any Proposer found to have falsified any information to the Authority in relation to this or any other procurement, or which has been suspended or barred from doing business with the Authority, the State of Hawai'i including any of its subdivisions and agencies or the United States government, or which has been convicted of a felony related to procurement contracting with any unit of government, or which has failed to maintain necessary licensure or meet its tax or other obligations to a government agency may be rejected.

(d) The Authority, however, reserves the right to waive any or all informalities, irregularities or deficiencies when it considers a waiver to be in its and the public's best interest.

(e) Protests. Any protest of rejection of a proposal must be received by HTA within five (5) calendar days after receiving notice from HTA of the rejection of an applicant's proposal.

## **12. Solicitation Amendments**

The HTA reserves the right to amend this solicitation at any time prior to the deadline for the submission of final proposals.

## **13. Register of Responses**

After the date established for receipt of Responses, HTA will prepare a Register of Responses received, including, for all Responses, the name of each applicant and the date the HTA received the applicant's Response and any modifications to the Response. The Register of Responses will be open to public inspection only after award of the contract. Proposals and modifications will be shown only to personnel having a legitimate interest in them as required or authorized by law.

## **14. Opening of Proposals**

Upon receipt of a Proposal by the HTA at the designated location, the Responses, Response modifications, and withdrawals of Responses will be date-stamped, and when possible, time-stamped. The HTA will hold all documents so received in a secure place and not examine them for evaluation purposes until the submittal deadline. The time clock maintained at the Drop-off Site will be used to record the official time for receipt of proposals.

## **15. Public Inspection**

Procurement files, including responses, will be open to public inspection to the extent allowed by law only after a contract has been awarded and executed by all parties.

## **16. Presentations and Discussions with Applicants**

(a) Discretionary. In its discretion, the HTA may decide to select based on written Proposals alone as submitted and without any oral presentations or discussions.

(b) Applicants defined. As used herein in this solicitation, "Applicants" means only those businesses submitting Proposals that are acceptable or potentially acceptable. The term does not include businesses who submitted unacceptable Proposals.

(c) Presentations and Discussions defined. As used herein in this solicitation, "Presentations" means non-written communication by the Applicant to the Evaluation Committee under conditions set by the HTA. "Discussions" means any communication between an individual applicant and the Evaluation Committee or HTA staff for the purpose of allowing the HTA to complete its Proposal evaluation. Oral interviews may include presentations and discussions.

(d) Invitation. After evaluation of the Proposals, the HTA may invite applicants it considers to be in the competitive range to participate in pre-award presentations and discussions. The Procurement Officer may limit the number of proposals in the competitive range to a reasonable number that will permit an efficient competition among the most highly rated Proposals.

(e) Participation. Each applicant that accepts the invitation will be required to provide access to the applicant's team assigned to this effort. The applicant's team may include a Project Manager that the applicant proposes to assign as part of the core project team.

(f) Objectives. There are several objectives of the Presentation and Discussion, including:

- (1) To compare the HTA's requirements to the services proposed by the applicant as described in the written Proposal;
- (2) To allow the applicant to demonstrate how the requirements can be satisfied by the Proposal;
- (3) To identify significant gaps in required and proposed services as described in the written Proposal; and
- (4) To provide the applicant with an opportunity to discuss their methodology, scope of services and project plan.

(g) Location. The Presentation and initial Discussions will be at the HTA's facilities in the Hawai'i Convention Center on O'ahu. Discussions may continue orally or in writing and may be done over the phone, by email, letter, or other method. All discussions must be originated by HTA.

(h) Results. The HTA evaluation committee will evaluate each applicant on its participation in the Presentation and Discussions as part of its Phase Two Proposal evaluation unless HTA decides, in its sole discretion, to make an award based on written proposals alone.

(i) Conduct of Discussions. Applicants in the competitive range will be accorded fair and equal treatment with respect to any opportunity for Presentations and Discussions and revisions of Proposals. The HTA Procurement Officer for this solicitation will establish schedules and procedures appropriate for this phase of the procurement. If during discussions there is a need for any substantial clarification of, or change in, the solicitation, the solicitation may be amended by a modification to incorporate such clarification or change. Auction techniques (revealing one applicant's price to another) and disclosure of any information derived from competing Proposals are prohibited. Any substantial oral clarification of a Response must be reduced to writing by the applicant.

## **17. Modifications, Additional Materials and Documentation**

Request. After the receipt of Proposals, if HTA deems it desirable and in its best interest, the HTA may, in its sole discretion, request that the applicant provide additional information to clarify or supplement, but not basically change, any Response as submitted. Applicants may submit revised Responses only if requested or allowed by the HTA Procurement Officer. Written responses must be provided as requested. Failure by any applicant to provide the additional requested information or to participate in a requested meeting may be a cause for disqualification as being nonresponsive to this solicitation. The applicant will have the responsibility to document all clarifications as change pages to the Response.

## **18. Notice of Selection**

(a) Notice of Selection. Upon the HTA's final selection of the successful applicant a notice of selection will be issued to the selected applicant. This solicitation may be used to hire one or more Vendors.

(b) Notice of Non-selection. A notice will also be sent to all non-selected applicants upon completion of the evaluation process. The notice of non-selection triggers the right to request a debriefing and starts the clock for protests based on non-selection. The debriefing may be written or oral and may be included in the Notice of Non-selection.

(c) Execution. Upon notice of selection, appropriate sections of the selected applicant's proposal will be used by the HTA Procurement Officer to create the Statement of Services. The applicant will promptly execute the Agreement for the services awarded to the selected applicant. Upon execution by the selected applicant of the Agreement, the selected applicant will be referred to as the "Contractor".

(d) State Approvals. Any agreement arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, as may be required by statute, regulation, rule, order or other directive.

(e) HTA Board of Directors Funding Approval. Funding for multi-year contracts and options is subject to the approval of an annual fiscal year budget by the HTA Board of Directors. In the event the Board does not fund the budget item used to fund this contract, the contract may be terminated for the convenience of the government.

(f) Start Work Date. No work is to be undertaken by the selected applicant prior to the contract commencement date after contract execution by both parties. HTA is not liable for any costs incurred prior to the official starting date.

## **19. Confidential Information**

(a) Procurement Sensitive Information. Each proposal will be considered to contain procurement sensitive information whether or not it is so marked. No part of a proposal will be released to other applicants or the public prior to contract execution.

(b) Marking Confidential and Proprietary Materials. If an applicant believes any portion of a Proposal contains proprietary and/or commercial information that should be withheld from the public due to competitive injury that would result from public release during or after the solicitation, the applicant must mark designated proprietary data as confidential and provide justification to support confidentiality. Such data must accompany the Proposal, be clearly marked, and must be readily separable from the Proposal to facilitate eventual public inspection of the non-confidential sections. Unless designated "Confidential and Proprietary," the Proposal will be available for public inspection after the award of the contract.

(c) Acceptable markings. Applicants that include in their Proposals data that they do not want disclosed to the public for any purpose, or used by the HTA except for evaluation purposes, will be subject to the restrictions stated below.

- (1) An applicant must mark the title page with a legend substantially similar to the following in accordance with the applicant's standard procedure or advice of counsel or other experts:

"This Proposal includes proprietary and confidential data that may not be disclosed outside the HTA and may not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this Proposal."

- (2) The applicant must mark each sheet of data the applicant wishes to restrict with a legend substantially similar to the following in accordance with the applicant's standard procedure or advice of counsel or other experts:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this Proposal."

- (3) If, however, a contract is awarded as a result of, or in connection with, the submission of data, the HTA will have the right to duplicate, use, or disclose the data to the extent

provided in the resulting contract. This restriction does not limit the HTA's right to use information contained in proposals if it is obtained from another source without restriction.

(d) Post Award Disclosures. The HTA may disclose the following information in post award debriefings to other applicants:

- (1) The overall evaluated cost or price and technical rating of the successful applicant. (Note that the total price is not considered confidential and will not be withheld.)
- (2) The range of scores and relative ranking of the applicant, if any ranking was developed by HTA during source selection.

## **20. Public Disclosure**

Upon execution of the written contract, all documents submitted by the contractor and maintained by the HTA will be subject to public inspection and copying under the Hawai'i Uniform Information Practices Act provided in chapter 92F, Hawai'i Revised Statutes; provided that, any confidential commercial or proprietary information may be withheld in accordance with law.

## **21. Vendor Clearance**

Hawai'i state law requires a Vendor Compliance Certificate (Tax Clearance, DCCA and DLIR clearances) for all purchases/contracts of \$2,500 or more. These clearances are required prior to contract execution and must be maintained up to the time of final payment. Government agencies are exempt from this requirement. Hawai'i Compliance Express (HCE) allows organizations contracting with state and county agencies to quickly and easily demonstrate they are in compliance with state procurement laws.

There is a \$12 annual registration fee for the service. To register, go to:

<http://vendors.ehawaii.gov>, complete the easy step-by-step process and pay with a credit card.

## **22. Legal requirements**

All contracts with HTA are subject to all applicable federal, state, county and local laws, ordinances, rules and regulations that in any manner affect any and all of the services covered herein. Lack of knowledge by the applicant will in no way be cause for relief from responsibility.

## **23. Campaign Contributions by State and County Contractors**

Applicants are hereby notified of the applicability of HRS Section 11-205.5, which states that campaign contributions to any political party, committee or candidate or to any person for any political purpose or use are prohibited from HTA contractors during the term of the contract. For more information, FAQs are available at the Hawai'i Campaign Spending Commission webpage at [www.hawaii.gov/campaign](http://www.hawaii.gov/campaign).

## **24. Execution of Contract**

(a) Exceptions. Proposals requiring any exceptions to the General Conditions included as an Exhibit to this solicitation may be rejected in their entirety without further notice. Applicants may suggest alternate terms in the form of special conditions with a specific explanation of how the change would result in improvements to price, schedule or performance. Such suggestions are not accepted or implemented unless included in the final terms and conditions in the Agreement signed by both parties.

(b) Execution. Upon the receipt of all required information, documentation, attachments, and the certificate of vendor compliance the contractor and the HTA will execute the final written agreement.

(c) Unauthorized Work. Unless otherwise agreed, a contractor may not perform any work prior to the execution of a written contract by the HTA and a contractor. All unauthorized work performed by the contractor prior to the execution of the written contract will be at the contractor's sole cost and expense.

## **25. Protests**

(a) Raising Concerns. Interested parties who have concerns regarding a solicitation, specifications, award or other decision of the procurement officer should first discuss the concern with the HTA procurement officer within the protest time periods provided for in this solicitation.

(b) Protests. If the procurement officer does not resolve the concern to the satisfaction of the interested party, the interested party may formally protest to the HTA's President and Chief Executive Officer.

(c) Timeliness. Interested parties must file any protest regarding the terms of the solicitation, the service specifications or documents referenced in the solicitation in writing prior to the deadline for protests of the content of the solicitation. Applicants must file any protest relative to rejection of proposals, non-inclusion in the competitive range, the contract award or other perceived wrongs in writing within five (5) calendar days after the aggrieved person knows or should have known of the facts giving rise thereto, or within five (5) calendar days of the postmark or the electronic transmission date of a notice from HTA. Any issue or claim that the applicant does not protest in a timely manner is waived. Discussing concerns with the procurement officer or other HTA officials or engaging in other forms of dispute resolution does not stay the timeliness clock for protests.

(d) Notice of Protest. The Notice of Protest will be postmarked by USPS or hand delivered to the persons indicated below within five (5) calendar days after the postmark or electronic transmission date, whichever is earlier, of the deadline for protests listed in the procurement timeline, the Notice of Award or other notice sent to the protestor:

- (1) The President and Chief Executive Officer of the HTA; and
- (2) The HTA Procurement Officer who is conducting the procurement.

The HTA will consider delivery services other than USPS submitted on the date of actual receipt by the HTA.

President and CEO: George D. Szigeti

HTA Procurement Officer: Ronald D. Rodriguez

Mailing Address: Hawai'i Tourism Authority, Hawai'i Convention Center,  
First Level, 1801 Kalākaua Avenue Honolulu, Hawai'i 96815

## **26. Availability of Funds**

The award of a contract and any allowed change, renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawai'i, pursuant to HRS Chapter 37, and subject to the availability of State and/or Federal funds.

## **27. Cancellation of Request for Proposal**

The HTA may cancel the solicitation and any or all Proposals may be rejected in whole or in part, when it is determined to be in the best interests of the HTA. Each applicant is solely responsible for all expenses incurred for the preparation of the Proposal and its participation in any pre-award presentation or discussions and other activities related to the evaluation process even if the process does not result in award of a contract to any party.

## **28. Electronic Transmissions**

The HTA may transmit letters or provide responses to questions to applicants via email (in lieu of letters by mail) for all matters regarding this solicitation after receipt of Proposals. The HTA will use the email address provided by the applicant on the Interest Form. If the HTA sends letters via email, successful transmission of the letter, as evidenced by the "Sent" date shown on the HTA's email, will constitute official notification to and receipt by the applicant. The date and time recorded on the HTA's "Sent" email will be the official date and time of receipt by the applicant. On rare occasion, the HTA may use facsimile in lieu of either letter by mail or of email. In such a case, the facsimile will be sent to the number provided by the applicant, and the facsimile transmission report will serve as the official date and time of receipt by the applicant. This clause does not affect any previously stated submission requirements for proposals or quotes.

## **29. Organizational Conflicts of Interest**

(a) Applicants must advise the HTA of any existing or potential Organizational Conflicts of Interest (OCIs) during the solicitation process and prior to contract negotiation.

(b) The applicant must also complete and submit the Conflict of Interest Form, attached as Appendix D to this solicitation with their proposal.

### **30. Suspended or debarred contractors**

A person or affiliate who is under investigation for procurement impropriety or is currently suspended or debarred in any jurisdiction, or placed on a convicted applicant list may not submit a proposal on a contract to provide any goods or services to the HTA and may not be awarded or perform work as a contractor, employee, agent, supplier, subcontractor, or consultant.

### **31. Collusion**

The applicant, by submitting a proposal, certifies that its proposal is made without previous understanding, agreement or connection either with any person, firm, or corporation submitting a proposal for the same services, or with the HTA. The applicant certifies that its proposal is fair, without control, collusion, fraud, or other illegal action. The applicant further certifies that it is in compliance with the conflict of interest and code of ethics laws. The HTA will investigate all situations where collusion may have occurred and the HTA reserves the right to reject any and all proposals where collusion may have occurred.

### **32. Terms and Conditions of Contract**

(a) Contract Type. This contract is a Fixed-Price contract.

(b) Period of performance. This contract has a period of performance of forty-two (42) months with no options to extend.

(c) Not to Exceed. The HTA has not set a not to exceed amount for goods and services under this contract. The evaluation committee and selecting official will perform a price-performance trade-off evaluation to determine the proposal that is most advantageous to the state.

(d) Payments. Vendor shall propose a payment schedule. Please note that HTA cannot pay for any goods or services until they are received and accepted.

(e) Termination. During the term of the contract awarded pursuant to this solicitation, the HTA will review the performance of contractor and may terminate the contract for reasons such as non-performance of the contractor, including the failure to exceed HTA targets, change in the funding for this program, or for the convenience of the STATE.

(f) Interpretation. The order of precedence for interpreting the contract will be:

(1) Hawai'i State law; then

(2) The Executed Agreement with any modifications, amendments or other properly documented changes; then

(3) The solicitation as amended; then

(4) HTA regulations, policies or procedures; then

(5) The contractor's final proposal; then

(6) Course of conduct, then

(7) Course of dealing, then

(8) General principles of government contracting; then

(9) Industry practices.