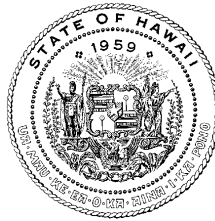




**REQUEST FOR PROPOSAL
for
HAWAII CRUISE INDUSTRY CONSULTANT SERVICES**

HTA RFP NO. 21-09



Hawaii Tourism Authority
State of Hawaii
1801 Kalākaua Avenue
Hawaii Convention Center, First Level
Honolulu, Hawaii 96815

Date of Issuance: August 17, 2020

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

DEADLINE FOR RECEIPT OF PROPOSALS IS
Friday, September 4, 2020, 4:30 p.m. HST
See Proposal Outline for Submission Requirements

REQUEST FOR PROPOSAL
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HAWAI'I CRUISE INDUSTRY CONSULTANT SERVICES

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SECTION 1 – OVERVIEW AND TIMELINE

1.01

Introduction

The HAWAII TOURISM AUTHORITY (“HTA” or “STATE”) is issuing this Request for Proposals (“RFP”) for development of a Hawai‘i Cruise Industry Consultant Services. The contractor will provide cruise industry marketing management services to the HTA as it navigates the Hawai‘i market. The successful applicant will have the experience and connections to interact with the international, national, and Hawai‘i cruise industry stakeholders. The consultant will identify, analyze, and advise the HTA on all matters affecting the Hawai‘i cruise industry and visitors market. This RFP is necessary at this time in order to avoid violation of statutory term limitations for HTA contracts.

Preliminary 2019 visitor data shows that 68 out-of-state cruise ships brought 142,836 visitors to Hawai‘i with an average length of stay of 7.46 days. 55.1% of the cruise visitors in 2019 were repeat visitors. 86.8% came for a leisure trip. 8.9% visited friends and family on the islands.

1.02

Procurement Timeline

This RFP is being issued on an expedited schedule. The Procurement Timeline represents the HTA’s best estimates. Dates may be subject to change. Notice of changes will be emailed to those who register for updates (see paragraph 1.04) and will be posted on the HTA RFP page as an Addendum to the RFP. Applicants are solely responsible for being aware of any date changes. All times are HST.

RFP 21-09 Hawai‘i Cruise Industry Consultant Services	
ACTIVITIES	SCHEDULED DATE
Distribution of RFP	Monday, August 17, 2020
Deadline to email your interest if you want to receive updates	Friday, August 21, 2020
Deadline to submit written questions to HTA	Friday, August 21, 2020
RFP Addendum – Responses to Written Questions	Week of August 24, 2020
Deadline for Protest of Content to RFP	Within 5 calendar days of issuance of Addendum with answer to questions
Deadline for written proposal submissions (by 4:30 pm HST)	Friday, September 4, 2020
If necessary: Oral Presentation or BAFO Request	Week of September 14, 2020
Notice of Selection or Non-selection	Week of September 21, 2020
Deadline to Protest of Non-Award	Within 5 business days of notice of non-award
Start of Initial Contract Period	October 1, 2020
End of initial Contract Period	September 30, 2021

1.03

Vendor Qualifications

This RFP is open to in-state and out-of-state applicants. Applicants must include evidence that they have applied for a Certificate of Vendor Compliance (CVC). A compliant CVC is a requirement for contracting. See Section 4 of this RFP for an explanation of the CVC.

1.04

Registration

Interested applicants are encouraged to register for updates. This is done by emailing us at contracting@gohta.net. We will not be accepting requests by phone. Those who have registered by the registration deadline will receive notice of changes and addendums directly to their email. Changes will also be posted on the RFP page of HTA's website <https://www.hawaiiitourismauthority.org/RFPs/>.

1.05

Agency Authorization

HTA is authorized to execute contracts for a period of up to five years under 201B-3(a)(3) Hawai'i Revised Statutes (HRS), and engage the services of qualified persons to implement the State's tourism marketing plan or portions thereof as determined by the authority per 201B-3(a)(10) HRS. HTA may enter into contracts and agreements for tourism promotion, marketing, and development under 201B-7(a)(1) HRS. Under the 2020 Strategic Plan, this RFP falls under the Brand Marketing Pillar's goal to "Strengthen Tourism's Contributions." Funding for this contract was approved by the HTA Board of Directors in June 2020.

1.06

RFP Point-of-Contact

Applicants to this RFP are to communicate only with the point of contact listed below. HTA is not responsible for misinformation or reliance from other sources. Please include RFP number in subject line of emails. Note: due to the COVID-related work situation, we are only taking email communication. Unless otherwise specified in a written Addendum to the RFP, the points-of-contact for this RFP are:

Ronald D. Rodriguez, Head of Contracts & Procurement
Evita Cabrera, Contract Specialist

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

Email: contracting@gohta.net

1.07

Website Reference

The following is a list of websites referenced throughout this RFP.

Item	Website
Hawai'i Tourism Authority Website	www.hawaiiitourismauthority.org
HTA RFP Website	http://www.hawaiiitourismauthority.org/RFPs
HTA Five-Year Strategic Plan	https://www.hawaiiitourismauthority.org/media/1849/hta15001-strategic-plan_web.pdf
HTA Research	https://www.hawaiiitourismauthority.org/research/
Hawai'i Compliance Express (Certificate of Vendor Compliance)	https://vendors.ehawaii.gov
eHawaii.gov YouTube Channel	https://www.youtube.com/user/eHawaiiGov1/videos
Hawai'i State General Conditions	https://dhrd.hawaii.gov/wp-content/uploads/2017/08/103D-General-Conditions.pdf

Chapter 201B HRS. HTA's inception statute.

https://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0201B/HRS_0201B-.htm

1.08

Submission of Questions

Applicants may submit written questions to **contracting@gohta.net** by the date specified in the timeline. The HTA will share answers via an Addendum to this RFP. Please provide questions as an unprotected Word document, not as a PDF or picture.

1.09

Disclaimer: Cancellation and Cost Liability

HTA reserves the right to cancel any component of this RFP, to change portions of the RFP, or to cancel the RFP in its totality 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.

SECTION 2 – CONTRACT SPECS

2.01

Overview

HTA is soliciting proposals from qualified cruise industry consultants to assist and advise in matters affecting the Hawai'i Cruise Industry.

2.02

Contract Specifications

- This will be a fixed-price contract for an amount not to exceed fifty thousand dollars (\$50,000) for the initial contract year. The payment schedule, the frequency and amount of payment, will be negotiable, with payments being issued at the completion of key milestones.
- Travel-related expenses must be estimated and included in your bid. Expenses will not be reimbursed separately but must be included in the fixed-cost price.
- The contract will be for two (2) years with three (3) one-year options. Initial contract period begins October 1, 2020 and ends September 30, 2021.

2.03

Scope of Work

Under the supervision of, and in collaboration with the HTA Vice President of Brand Management and the HTA staff, the successful contractor shall assist the HTA with maintaining the passenger cruise activity that shall include, but not be limited to, the following:

1. Serve as the HTA's representatives at in-depth meetings at the headquarters of domestic and foreign cruise lines that voyage, and have the potential to voyage, to Hawai'i.
2. Said representation shall include, but not be limited to, analyses and presentation creation/preparation throughout the term of the contract.
3. Participate in annual industry events such as those for the Cruise Lines International Association (CLIA) and the Seatrade Cruise Global Event as necessary and available. (HTA has a partnership with CLIA North West & Canada, and CLIA has Hawai'i Representatives.)
4. Act as a liaison for the HTA in the following departments:
 - a. Itinerary Planning;
 - b. Revenue Management;
 - c. Marketing.
5. Prepare and make a presentation to the HTA's Board of Directors on the state of the industry, as requested by the HTA and in conjunction with the HTA's annual Tourism Conference.
6. Continuous onsite presence is not required. HTA will schedule on-going video conferences or conference calls.
7. Provide other ad hoc services and analyses as may be requested by the HTA.

SECTION 3 – PROPOSAL OUTLINE AND INSTRUCTIONS

3.01

Submission Method

1. All submissions are to be sent via email to contracting@gohta.net.
2. Submission may be sent as a PDF attachment, or, alternatively, the email may provide a link where HTA may go to download the materials.
3. The time of receipt will be the time on the email. Deadlines will be strictly enforced. Please be aware that download times could delay email arrivals. Applicants who wait until the last minute to submit their proposals do so at their own risk.

3.02

Proposal Format

1. Slide shows and PPTs not accepted. The proposal should be compact and substantive. Proposals may include a web address that evaluators will have the option of reviewing. However, evaluators will not be required to review your website, so please do not omit important information in reliance of website content.
2. Format should be standard 8 1/2 by 11 inches. Orientation should be primarily portrait, though landscape is welcome for charts, tables, or data presentations as appropriate. No odd-sized pages please.
3. If there is an oral presentation. Slide presentations may be used in conjunction with an oral presentation only.

3.03

Submission Contents

All proposals shall include the following documents in the order listed to be considered for funding under this program. Proposals that fail to submit any one of these documents may be considered non-responsive. Descriptions appear below in subsequent sections.

The Proposal should consist of the following and in the following order:

- Cover Page
- Proposal
 - Table of Contents
 - Cover Letter
 - Qualifications and Past Experience (20%)
 - Qualifications of Personnel (20%)
 - Industry Overview and Management Plan (30%)
 - Familiarity with Hawai'i Brand & Product (20%)
 - Detailed Cost Breakdown (10%)
- Attachments
 - Application (downloadable form)
 - Certificate of Vendor Compliance
 - W9

3.04

Cover Page:

Cover page should include the following:

- RFP number and name as it appears on the cover page of this RFP,
- Name and address of applicant firm.
- Name, email, phone number of person submitting the application.

3.05

Cover Letter:

This is your opportunity to make a personal statement to the HTA and to the evaluation committee.

3.06

Qualification and Past Experience (20 points)

While the HTA recognizes that a company profile generally will include some marketing, the main purpose of this section is so that the evaluators can get to know the company. Applicants may include a web address for the evaluators to refer to, but the evaluators are under no obligation to review your website. HTA will consider experience in associated industries (e.g. route development for airports/airlines).

1. Description of Organization:
 - a. Provide a brief history of the establishment, development, and accomplishments of the organization.
 - b. Overview of services
 - c. Client List: Past and present, domestic and international.
 - d. Cruise contacts
 - e. Minimum three cruise-executive references
 - f. Minimum three Hawai'i references
2. Related Projects:
 - a. List experience with past projects with comparable scope of work and complexity as those requested in this RFP.
 - b. Three case studies.
 - c. Work experience in Hawai'i

3.07

Qualifications of Personnel (20 points)

You may be a team within a larger organization, your team may be the organization, or you may be a solo practitioner. Any of these configurations are fine. Please provide information on all the people HTA would have regular contact with. If you advance to the second round and are asked to give an oral presentation, we expect that anyone who is presenting would already have been listed here.

1. Team Profile if applicable
2. Primary contact resume and qualifications
3. Other resumes as applicable

3.08

Industry Overview and Management Plan (30 points)

Your plan should cover the concerns listed in the scope of work in Section 2.03 of this RFP. This includes but is not limited to **Itinerary Planning, Revenue Management, and Marketing.**

1. Overall Plan
2. State of the Cruise Industry Globally

3. State of the Cruise Industry in Hawai'i
4. What the Cruise Lines say about Hawai'i
5. Management plan
 - a. Itinerary Planning
 - b. Revenue Management
 - c. Marketing
6. Industry events where Hawaii should have representation. The status of said events in the current pandemic situation. (See section 2.03(3).)
7. Wrapping it all up. Your plan for getting Hawai'i back on the cruise line route, including proposed targets.

3.09

Familiarity with Hawai'i Brand & Product (20 points)

This is not a separate section. Evaluators will determine your score for this criterion based on the contents of the other sections.

3.10

Detailed Cost Breakdown, Proposed Schedule, Overall Value (10 points)

The awardee will sign a fixed-fee contract for an amount **not to exceed fifty thousand dollars (\$50,000) for the initial contract year**. All expenses, including travel-related expenses, must be included in the bid amount. Applicant is to provide a total fixed price cost for services, broken down as follows:

1. Total fee expectation (not to exceed \$50,000). Bid should be for the first year only. Budgets for subsequent years are subject to allocation and availability.
2. Breakdown of services by cost.
 - a. The pandemic has created uncertainty around some of the services that may be proposed for this contract. Applicants are asked to provide a breakdown so that items may be pulled out for those services that may turn out to be unnecessary.
 - b. Applicant should provide, among other things, a breakdown of charges for events that may or may not happen due to the pandemic. This includes line items for industry events and the Hawaii Tourism Conference.
3. Suggested payment schedule and justification.

3.11

Certificate of Vendor Compliance (CVC)

Contractors for the State of Hawai'i are required to have a compliant Hawai'i State Certificate of Vendor Compliance (CVC). (For this RFP, HTA is requiring only proof of application for a CVC, but compliance must be confirmed to sign a contract.) This certificate requires approval from four different agencies: the Department of Labor, the Department of Commerce and Consumer Affairs (DCCA), the Internal Revenue Service (IRS), and the Hawai'i Department of Taxation (DOTAX).

All approvals can be acquired through one convenient location at Hawai'i Compliance Express.

<https://vendors.ehawaii.gov/hce/splash/welcome.html>. We recommend that applicants begin the process immediately to identify any possible challenges and avoid any delays. There is a \$12 annual fee for this service.

For those who are new to the system, ehawaii.gov has a YouTube channel with information on creating an eHawaii.gov account, vendor registration, and using Hawai'i Compliance Express. You can visit the YouTube channel at <https://www.youtube.com/user/eHawaiiGov1/videos>.

The name on the CVC is the name that will be used for contracting and payment purposes. There cannot be any variation in name or tax ID. Government agencies are exempt from the CVC requirement.

3.12

Rejection of Proposals

- **Requirements must be met.** In addition to meeting the requirements of the RFP, the proposal must pass a threshold judgment of whether it fills the needs of the service being solicited. If the proposal is evaluated to be unfit it may be put aside as nonresponsive. This judgment may be made by HTA prior to scoring, or it may be made during the scoring process by the evaluators themselves.
- **Changing Terms.** Any proposal requiring any contract terms or conditions contradictory to those included in this RFP and any of its attachments 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.
- **Reasons.**
 - A Proposal may be automatically rejected for the following reasons:
 - Failure to cooperate or deal in good faith;
 - Late proposals;
 - Lack of proof that applicant applied for a Certificate of Vendor Compliance (CVC)
 - Failure to submit in accordance with the RFP requirements, or failure to supply an adequate response to the RFP;
 - Lack of demonstrated experience or expertise;
 - Inadequate accounting system or internal controls;
 - Failure to meet the terms of agreement on any previous HTA contract.
 - Failure to maintain standards of responsibility: Falsification of information. Suspension or debarment by STATE. Felony conviction related to procurement contracting with any unit of government. Failure to maintain necessary licensure or meet its tax or other obligations to a government agency.
 - HTA reserves the right to waive any or all informalities, irregularities, or deficiencies where legally feasible and when it considers a waiver to be in the best interests of the STATE.

3.13

Public Disclosure

Upon execution of the written contract, all documents submitted by the applicant 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. Specific redactions may be executed as the law permits, but applicant should assume that any and all information will subject to disclosure.

SECTION 4 – SCORING / EVALUATION CRITERIA

4.01

Evaluation Committee

Proposals will be evaluated by a Committee whose members include at least three (3) HTA representatives and may include industry experts. All committee members may participate in decision-making on award recommendations provided they have no direct personal interest in the proposal in question. Evaluators sign an affidavit declaring that they will drop out of any evaluation that violates this requirement.

4.02

Procurement Officer

The HTA's primary point-of-contact serves as the Procurement Officer for this RFP. The Procurement Officer serves as the arbitrator and referee for this RFP. The Procurement Officer will serve as an evaluator only if the evaluation committee falls below the minimum number of three (3) evaluators and the HTA is unable to replace the evaluator without hindering the procurement process to the STATE's detriment. Otherwise, the Procurement Officer does not have a vote.

Your point-of-contact will change once the contract is executed. You will be assigned an HTA program manager upon award.

4.03

Prohibited Communications

Evaluation committee member identities are kept confidential during the RFP process. Applicants are forbidden from contacting any member of the Evaluation Committee regarding this RFP during the RFP process. Applicants will not be penalized for inadvertent communication with committee members. However, applicants will be disqualified if they seek the identities of the committee members, or knowingly seek out or contact committee members for advice or favor.

Applicants should only communicate with, and rely on information from, the point-of-contact identified in Section 1 of this RFP. HTA is not responsible for misinformation provided by anyone other than the Procurement Officer.

4.04

Evaluation / Award Process

Written proposals will be reviewed, evaluated and scored by an evaluation committee based on the criteria outlined in this RFP. Each criterion is designated a scoring range. The evaluators are free to score anywhere within the scoring range. There is no separate weighting.

The evaluation criteria and scoring guidelines are as follows (see Section 3 of this RFP for details):

- Qualification and Past Experience (20 points)
- Qualifications of Personnel (20 points)
- Industry Overview and Management Plan (30 points)
- Familiarity with Hawai'i Brand & Product (20 points)
- Detailed Cost Breakdown, Proposed Schedule, Overall Value (10 points)

Submittals shall not be distributed for evaluation purposes until the submittal deadline. Deadlines will be enforced even-handedly. The RFP evaluation process may consist of two rounds.

Round 1: Proposals will first be evaluated by the Procurement Officer to have met the threshold considerations outlined in Section 3. Members of the Evaluation Committee will then score the proposals using the scoring criteria described in the RFP. Applicants will be ranked based on scores. Evaluators will then decide if there should be a second round and, if there is, where the cutoff should be regarding invitees.

Round 2: In the event of a second round, a limited number of finalists will be selected by the evaluation committee based on the average score of the first-round proposals. In the second round, the evaluation committee may request "Additional Information," which may consist of any combination of the following: question and answer sessions, oral presentations, requests for clarification, best and final offers (BAFO), or anything else that the evaluation committee may find useful in coming to a decision. The evaluation committee reserves the right, but is not required, to perform reference checks. At the end of the second round, evaluators will turn in fresh score sheets. The new scores will serve as the final scores and will reflect the applicants' overall performances in the first and second round.

The contract will be awarded based on what is deemed best for the HTA and the State of Hawai'i. The evaluation committee, based on the aforementioned process as well as on the outcome of any post-award negotiations, will make a recommendation to the President and CEO acting in his capacity as the Head of Purchasing Agency (HOPA) for his approval. Once that selection is made, a contract will be written and executed based on the process outlined in Section 6 of this RFP.

The evaluation committee reserves the right to dispense with a second round and to base its recommendation solely on the first-round proposals.

4.05

Award Letter and Post Selection

The awardee will receive a letter informing them of their selection, outlining the next steps in the contract execution process, introducing them to the managers they will be working with once the contract is executed, and advising them of any documents that are due (e.g. Updated or Revised Work Plan, Certificate of Vendor Compliance).

4.06

Debriefing

Non-awardees will receive a debriefing letter that documents the selection process that took place for this RFP, including their scores as compared to the winning score, and that provides protest policies and procedures.

SECTION 5 – CONTRACTING PROCESS AND REQUIREMENTS

5.01

Contract Execution Process

The contract execution process consists of the following steps:

1. HTA receives contractor's current Certificate of Vendor Compliance. (Required by law.)
2. A PDF of the contract is emailed to the Contractor along with instructions. If contractor agrees with the terms, Contractor prints, signs, fills out, and notarizes the contract as instructed and mails the original back to HTA's Contract Specialist.
3. HTA signs the contract. Contract is sent to the attorney general's office.
4. Deputy attorney general approves the contract for form and signs. Contract is returned to HTA.
5. HTA makes copies of the contract and distributes as follows: HTA program manager, Contractor, Hawai'i Department of Accounting and General Services (DAGS).
6. DAGS approves the contract. Once it is approved by DAGS, the contractor can start submitting invoices and deliverables as outlined in the contract's Payment Schedule.

5.02

Contractor Name

The contract will be between the STATE and CONTRACTOR. The STATE requires exact concurrence in all official documentation regarding the identity of the CONTRACTOR. This means that the name on the W9, the articles of incorporation, the certificate of vendor compliance, and on any invoices for payment, must be identical. There can be no variation in punctuation, entity type, dbas, and, of course, tax ID numbers. (See Section 4 of this RFP for information on the certificate of vendor compliance.)

5.03

Payment

Contractor will be put on a payment schedule and each payment will have associated deliverables tied to it. Contractor will be required to submit an invoice along with any related deliverables in order to receive payment. Contract might also have a cost-reimbursable element to it, in which case Contractor will need to present receipts or similar proofs of purchase.

Official invoice date is the date that the invoice and all deliverables are received and accepted by the HTA. Invoice must include the name of the CONTRACTOR exactly as it appears on the contract. Please include contract number on invoice. All required deliverables must be received along with, or prior to, receipt of invoice. Invoices must be either unsigned or signed by Contractor in blue ink. Fiscal year ends June 30 and entails the temporary shutdown of fiscal processes. Invoices received at the change of fiscal, between June 15 and July 31, may be subject to delays in processing. See your program manager for details.

5.04

Evaluation of Contract Performance

Contractor will be evaluated on their success in meeting the goals, requirements, and performance standards described in this RFP; in the Contractor's proposal; and the subsequent contract. HTA will also take into account feedback from industry stakeholders, including the Harbors Division of the State Department of Transportation and the respective island chapters of the Hawaii Visitors and Convention Bureau's (HVCB).

5.05

Ownership

This is a work for hire. All materials created in pursuit of the goals of this contract will be the property of the State of Hawai'i.

SECTION 6 – MISCELLANEOUS PROVISIONS

An applicant shall read each section of the RFP thoroughly. While sections of the RFP may appear similar to other RFPs issued by the HTA, additional information may be added as applicable. It is your responsibility to understand the requirements of this RFP.

1. Authority

- (a) Law. This RFP is issued under the provisions of Chapter 201B, HRS. 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) State Procurement Code. HTA procurement is not subject to the Hawai'i Public Procurement Code codified under Chapter 103D, HRS, and the administrative rules promulgated thereunder ("Hawai'i Procurement Code"). However, the HTA may consider the Hawai'i Procurement Code 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. Terms and Conditions of Contract

- (a) General Conditions. The Agreement (contract) to be executed by the selected applicant shall include the General Conditions. These conditions can be found on the web at <https://dhrd.hawaii.gov/wp-content/uploads/2017/08/103D-General-Conditions.pdf>. By submitting a proposal, applicant acknowledges and agrees to the provisions stated in those General Conditions. HTA reserves the right to modify or waive any clauses of the General Conditions, subject to approval by the office of the attorney general. See Section V of this RFP, Contracting Process, for any exceptions.
- (b) Termination. During the term of the contract awarded pursuant to this RFP solicitation, HTA will review the performance of the contractor and may terminate the contract for reasons such as non-performance of the contractor, including the failure to conduct the project or event, failure to exceed HTA targets, change in the funding for this program, or for the convenience of HTA.
- (c) Indemnification and Defense. Paragraph 7 of the General Conditions shall not be changed. This means that, among other things, the STATE will not change this clause to include mutual indemnification; will not qualify contractor liability to include only those acts that are done negligently, recklessly or intentionally; and will not otherwise water down this clause by adding reasonableness language.
- (d) 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 RFP as amended; then
 - (4) HTA regulations, policies, and procedures; then
 - (5) 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.

4. 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 RFP.
- (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 as describe in this section. There are two types of protest:
 - 1. Protest of the contents of the RFP. This could include, for example, protest to any of the RFP requirements or scoring criteria.
 - 2. Protest of non-award. A protest of non-award must be on legal and factual grounds. The protestor must show that the buyer, HTA, violated the rules set forth in the RFP or in statute, and that but for this violation the protestor might have been awarded the contract.
- (c) Timeliness. Interested parties must file any protest regarding the terms of the RFP, the service specifications, or documents referenced in the RFP in writing prior to the deadline for protests of the content of the RFP. 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 may be sent as an email attachment to the email listed below, sent via USPS, or hand delivered. In any event, the protest must be actually received by HTA 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

HTA will consider delivery services other than USPS if received by the HTA on or before the due date.

Chief Administrative Officer: Keith Regan
Procurement Officer: Ronald D. Rodriguez
Mailing Address: Hawai'i Tourism Authority
Hawai'i Convention Center, Level One
1801 Kālakaua Avenue
Honolulu, HI 96815
Email: contracting@gohta.net

5. 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.

6. 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.