



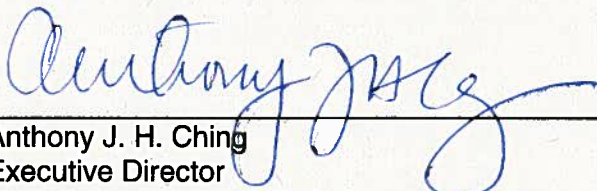
Hawaii Community Development Authority  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM  
STATE OF HAWAII

March 2, 2015

SOLICITATION  
FOR

**Develop Waterfront Commercial Space on Fast Lands Surrounding Kewalo Basin Harbor  
Kakaoko Makai, Honolulu, Hawaii**

Release Date: March 2, 2015

  
\_\_\_\_\_  
Anthony J. H. Ching  
Executive Director  
Hawaii Community Development Authority

**SOLICITATION  
TO DEVELOP WATERFRONT COMMERCIAL SPACE ON FAST LANDS SURROUNDING  
KEWALO BASIN HARBOR  
ON A PORTION OF PARCEL Tax Map Key: 2-1-058:131, DEVELOPMENT PARCEL #2,  
IN THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT  
MAKAI, OAHU, HAWAII**

The Hawaii Community Development Authority (the Authority or HCDA), a body corporate and a public instrumentality of the State of Hawaii, is soliciting proposals to develop mixed-use commercial space on the fast lands surrounding Kewalo Basin Harbor, on a portion of Tax Map Key (TMK): 2-1-058:131, Development Parcel #2, in the Kakaako Community Development District Makai Area on the island of Oahu (such district, the District; such area, the Makai Area, both as described below; and any such proposal, a Proposal).

An electronic copy of this Solicitation may be downloaded from the HCDA website at <http://www.hcdaweb.org>.

For a Proposal to be considered, one signed original and six copies must be delivered by the developer (Respondent) to the Authority by 2:00 p.m. Hawaii Standard Time, Friday, May 1, 2015. Proposals should be sent by registered or certified mail or delivered personally or by an internationally recognized courier service to:

Hawaii Community Development Authority  
Attention: Anthony J. H. Ching, Executive Director  
461 Cooke Street  
Honolulu, Hawaii 96813  
Telephone: 808-594-0300  
Fax: 808-594-0299  
E-mail: [contact@hcdaweb.org](mailto:contact@hcdaweb.org)

Proposals received after March 13, 2015 should be forwarded to our new address:  
Hawaii Community Development Authority  
Attention: Anthony J. H. Ching, Executive Director  
547 Queen Street  
Honolulu, Hawaii 96813  
Telephone: 808-594-0300  
Fax: 808-587-0299

The HCDA reserves the right to amend this Solicitation, or to reject any and all Proposals if the HCDA deems such rejection to be in the best interest of the HCDA and the State.

For more information, please contact Mr. Aedward Los Banos, by telephone at (808) 594-0300 or by email at [Aedward.O.LosBanos@hcdaweb.org](mailto:Aedward.O.LosBanos@hcdaweb.org)

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## SECTION ONE

### INTRODUCTION AND SCHEDULE

#### 1.1 TERMS AND ACRONYMS USED HEREIN

BAFO	=	Best and final offer
Contractor	=	Any individual, partnership, firm, corporation, joint venture, or other entity submitting directly or through a duly authorized representative or agent, a bid for the good, service, or construction contemplated
General Conditions	=	AG-008 103D General Conditions
GET	=	General Excise Tax
HAR	=	Hawaii Administrative Rules
HCDA/Authority	=	Hawaii Community Development Authority, State of Hawaii, currently located at 461 Cooke Street, Honolulu, Hawaii 96813. Effective March 16, 2015, HCDA address will change to 547 Queen Street, Honolulu, Hawaii 96813.
HRS	=	Hawaii Revised Statutes
IFB	=	Invitation for Bids
KCDD	=	Kakaako Community Development District
PLR	=	Priority Listed Respondents
SPO	=	State Procurement Office of the State of Hawaii
State	=	All State of Hawaii Departments and Agencies, participating in this contract

#### SECTION A: INTRODUCTION

The Hawaii State Legislature created the HCDA in 1976 to plan, regulate and implement the redevelopment of specially designated community development districts in the State of Hawaii - including 600-acres in the Kakaako Community Development District (~~%KCDD+~~) located within Honolulu's primary urban core. The KCDD is currently undergoing major redevelopment, with many projects under construction or approved to start construction, and many more proposed developments under review in the Kakaako Mauka District. The Kakaako Makai Area is also undergoing many different improvements, as well as ongoing discussions for development.

Kakaako Makai Area Design Guidelines (~~%Design Guidelines+~~) were published by the HCDA in February 2002. The Design Guidelines were established to supplement the objectives of the Makai Area Plan and Rules with the intent to guide physical development of the Makai Area, including: architectural character, environmental quality, and visual impression created by individual project components. A copy of these documents are included in this Solicitation as Appendix E.

In September of 2005, the HCDA adopted the revised Makai Area Rules that govern development and the Makai Area Plan. The Makai Area Rules are designed to guide the redevelopment of the area while the Makai Area Plan establishes the redevelopment goals and

objectives. A copy of these documents are included in this Solicitation as Appendix A and B and is available on our website (<http://dbedt.hawaii.gov/hcda/plans-rules>).

The HCDA adopted the Kakaako Makai Conceptual Master Plan in April 2011. The Conceptual Master Plan includes a vision statement and guiding principles for the future planning and development for the Makai area. A copy of this plan is included in this Solicitation as Appendix C and is available on our website (<http://dbedt.hawaii.gov/hcda/plans-rules>).

All of these documents should be appropriately referenced in the Project proposal and any Best and Final Offer (BAFO), as applicable.

## **SECTION B: PURPOSE AND OBJECTIVES**

The purpose of the HCDA issuing this Solicitation is to seek development proposals in order to select and enter into a development agreement for planning, design, construction, financing, and operation of a mixed-used commercial space along the waterfront along with other complementary waterfront amenities in Kakaako Makai, TMK: 2-1-058:131(por) (Project). The HCDA anticipates leasing the development parcel to a developer selected through this Solicitation for the development of the Project.

Recently, the HCDA entered into a public private partnership for improvements in the harbor, with Kewalo Harbor LLC, a wholly-owned subsidiary of the Howard Hughes Corporation. The HCDA also looks to start work on the Fisherman's Wharf loading dock. To optimize the multi-million dollar investment in the harbor and realize the Conceptual Master Plan, the HCDA, through this solicitation, seeks to revitalize the fast lands surrounding the harbor, honoring its rich history. A synopsis of the history of Kewalo Basin Harbor is included in this proposal as Appendix E and is also available on our website (<http://dbedt.hawaii.gov/hcda/kewalo-basin-harbor-development>)

Proposals should present a concept that honors the history of the site, and is copacetic with the vision and guiding principles of the Makai Area Conceptual Master Plan and other concepts referenced in the introduction. Brief highlights of these elements are provided below, respondents should reference the full appendices for further detail.

### **Site History:**

Kewalo Basin Harbor is the only commercial small boat harbor in the State. It has a rich commercial history as the historic home to Hawaii's aku boat fleet and other commercial fishing vessels. The surrounding fast lands were commercialized in support of the Harbor.

Historically the Charter Boat Building was built to service the commercial activities in the Harbor. Currently, the approximately 3,000 square foot building is vacant. The site also includes 15 parking stalls at grade fronting the building.

At the entrance of the Kewalo Basin, the Charter Boat Building can be re-purposed to prominently mark the entrance of the harbor.

A more comprehensive synopsis of the site's history and HCDA's vision for Kewalo Basin is included in this Solicitation as Appendix E

## **Makai Area Conceptual Master Plan:**

### Vision Statement

Kakaako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kupuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with the scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kakaako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

### Specific to Kewalo Basin Waterfront:

*"As much of the property surrounding Kewalo Basin Harbor is vacant, stakeholders see an opportunity to facilitate enhanced public access to, and enjoyment of, the waterfront. While much of Kewalo Basin Harbor activity will continue to capitalize on the existing maritime attractions such... represent(ing) a unique opportunity to combine public access with commercial endeavors."*

*"These improvements will create activity needed to stimulate pedestrian traffic and add to the dynamics already present in the area. These activity nodes, the pedestrian promenade and physical landscape improvements, will also entice Basin visitors to stroll the area and discover the nearby retail shops, restaurants, museums and cultural facilities..."*

The complete Makai Area Conceptual Master Plan is included in the Solicitation as Appendix C.

## **SECTION C: SCOPE OF WORK**

The Respondent whose Proposal is accepted by the HCDA will provide the following principal services.

The Respondent will be responsible for assembling a Development Team, including at minimum a contractor, architect/planner, and managing agent. The Development Team will design, construct, lease and maintain the completed space.

### **I. Site Description**

The proposed development site (Site) is approximately 13,000 square foot located on a parcel (TMK: 2-1-058:131(por)) on the island of Oahu, in the State of Hawaii (see Appendix D, Development Parcel). The Site is within the City and County of Honolulu and the KCDD. The KCDD is located on the southern shore of the island of Oahu, and lies between Waikiki and Downtown/Capitol District off of Ala Moana Boulevard.

Approximate boundaries of the development parcel is provided in Appendix D.

### **II. Program Requirements**

The HCDA is issuing this Solicitation to revitalize the underutilized fast lands surrounding Kewalo Basin Harbor. Consistent with the Kakaako Makai Conceptual Master Plan, there

was an emphasis for the site to serve as a gathering place with a priority placed on open space and harbor/shoreline related activities. These elements are reflected in our Makai Area Plan and Rules in its zoning as, Waterfront Commercial. This allows a Floor Area Ratio (FAR) of 0.20 and maximum allowable building height of 45 feet along with a list of allowable uses. Therefore, it is expected that the Project will provide space for both commercial and community-based facilities.

Other typical program requirements, such as parking, open space, etc., can be referenced in the Makai Area Rules. Proposals shall follow development parameters consistent with the Makai Area Plan and Rules and the Kakaako Makai Conceptual Master Plan. Proposals shall also conform to permissible uses for the Site.

### III. Design Guidelines

The following guidelines are provided as advisory; however, substantial deviation of these guidelines will disqualify Proposals.

These guidelines shall augment the Kakaako Makai Area Design Guidelines and are not intended to supersede other rules or regulations by the HCDA or other agencies having jurisdiction. Proposals should follow development parameters consistent with the Makai Area Plan and Makai Area Rules, and any other legal or administrative requirements.

Any and all variances from the Makai Area Plan and Rules shall be clearly indicated in the Respondent's Proposal and considered in the selection process.

#### **Site and Streetscape:**

- Relationship to the Harbor and Surrounding Neighborhood:
  - The facade materials should visually and physically harmonize with the Kewalo Basin Harbor and immediate neighborhood.
  - Color, texture, material, and fenestration should be used to relate to adjacent buildings, and reinforce the human scale at the base level.
  - The design should be pedestrian friendly and provide architectural elements that generate activity, interest and interaction at the harbor promenade and street level.
  - Emergency and community vehicular access shall be maintained through the site allowing access to Kewalo Basin Park.
- Outdoor Space:
  - A variety of outdoor spaces should be programmed and landscaped for specific uses that engage both the harbor promenade and Ala Moana Beach Park.
  - Outdoor spaces should be buffered from vehicular service areas.
  - Publicly accessible outdoor space should be integrated throughout on multiple floors of the Project (as applicable).
  - Wherever possible, windows should be located to ensure surveillance of public outdoor spaces.
  - Adequate exterior lighting should be maintained for pedestrian walkways.
- Promenade Street Frontage:

- The ground floor of the Project should activate the harbor promenade, Ala Moana Boulevard, and Ala Moana Beach Park.
- The building should feature use of special materials, details, or changes in color or texture to distinguish the ground floor from rest of the building and create greater variation at the pedestrian scale.
- Building Massing:
  - Views between the Kewalo Basin Harbor and Ala Moana Beach Park shall be maintained through the Project, to the extent possible.

**Building:**

- Uses:
  - A variety of uses should be integrated throughout the Project to encourage use of the facility throughout the entire day and into the evening.
  - Uses should complement the Harbor and adjacent neighborhood activity.
- Community Spaces:
  - A variety of community gathering spaces should be programmed as community living rooms+to allow for resting, community interaction, as well as other active uses.
  - Common spaces should be conveniently located and directly accessible from public circulation.
  - Public Restrooms shall be provided for community use and shall be conveniently located near and visible from pedestrian and bicycle pathways.
- Service Spaces:
  - The trash facilities and utilities should be centrally located and screened from view from neighboring properties, the Kewalo Basin Harbor and the street.
- Parking:
  - Vehicular and bicycle (long and short-term) accommodations may be provided on site.
  - Minimum parking requirements are specified in the Makai Area Rules. The majority of Kewalo Basin Harbor parking required for the commercial facilities shall be provided on Development Parcel #1 within a regional parking structure.
  - Mechanical parking is highly encouraged.
  - All existing Kewalo Basin Park parking shall be maintained and utilized solely by park users. The Project shall not rely on the Park parking.

IV. Financing

**Assemble Financing:**

The Respondent shall provide in their Proposal clear indications for sources of construction and permanent financing, whether by loan(s) or grant(s), etc. Financing terms shall not subordinate the land or any portion of the land underlying the project.

The Respondent shall provide an equity contribution in the form of cash and/or payment of pre-development costs, secure necessary construction and permanent financing, provide



guarantees if required, and meet any other terms and conditions as required by the HCDA, other lenders, and/or investors.

**Private Financing:**

If Respondent is proposing private financing, a letter of interest from lenders must be included. Letters must be dated no earlier than three months from the date of submission of the Respondent's Proposal. The letters should indicate a willingness to provide construction and permanent financing in an amount and with terms consistent with the Proposal.

**Public Financing:**

If Respondent is proposing public financing from a City or State agency then it should be clearly described what funds will be sought and any incumbent requirements for that funding.

**Competitive Sources:**

Any Proposal that includes funding or financing which is awarded on a separate competitive basis must submit an alternate scenario using non-competitively awarded sources and must provide appropriate letters of interest from those sources.

V. Due Diligence

While compliance with the applicable laws and regulations may occur after the selection of a Proposal, the Respondent should take into consideration these requirements and indicate if they expect them to have any influence on their Proposal. The preparation of supporting documents, as well as the review and approval by other agencies, should be factored into the Proposal.

**Obtain Permits and Approvals.** The Respondent will be required to obtain all valid permits and approvals, as required by City, State, and Federal agencies, prior to commencing work.

**Hawaii Revised Statutes ("HRS") Chapter 6E.** The Respondent will be responsible for complying with all applicable provisions of HRS Chapter 6E.

**Adequate Infrastructure.** The Respondent may be responsible for demonstrating the availability of infrastructure is sufficient to accommodate the level of development presented in the Proposal.

**HRS Chapter 343.** The Respondent will be responsible for complying with all applicable provisions of Chapter 343, HRS.

**Participate in Public Hearings.** The Respondent may be required to participate in one or more public hearings, at which the Respondent will present the Proposal to the community.

Additionally, in the course of processing a Development Permit, the HCDA may request clarification, correction, or supplemental information.

## **SECTION D: RESPONSE TO THIS REQUEST**

### **I. Conditions**

- a. Respondent shall prepare its Proposal at its own expense.
- b. A Proposal may be organized in any manner that the Respondent believes will best present the information required in Section D.III below.
- c. If Respondent wishes the HCDA to keep confidential trade-secret or other proprietary material included in a Proposal, Respondent must indicate in writing those portions of the Proposal that contain such material. Pursuant to Hawaii Administrative Rules (HAR) §3-122-58, material designated for confidential treatment must be readily separable from the remainder of the Proposal to facilitate inspection of the remainder. Comingling of confidential and non-confidential information will result in all information being treated as non-confidential.
- d. Respondent and any subcontractor must comply with all applicable laws or regulations, including but not limited to, Federal Register 24 CFR, Part 85, and to all other pertinent Federal, State and County laws such as the following: Equal Employment Opportunity, Non-Discrimination in Employment, Anti-Kickback Act, Labor Standards, Work Hour, Women's Business Enterprises, Non-Segregated Facilities, Environmental Protection, Conflicts of Interest, Access, Inspection and Retention of Work and Records, Consolidated List of Persons or Firms Currently Debarred, Violations of Various Public Contracts Acts Incorporating Labor Standard Provision, Unauthorized Lobbying, Affirmative Action, and Interest Exclusion.
- e. The HCDA may cancel this Solicitation in whole or in part at any time without cause and without liability to any Respondent, prospective Respondent, or other party, if such action is determined to be in the best interest of the State. In submitting a Proposal, the Respondent expressly agrees that the HCDA shall not be liable for any loss of profit, predevelopment costs, lost opportunity, consequential damages, or other damages or claims of any kind relating to, in connection with, or in any way arising in connection with the Respondents preparation and submittal of the Proposal.
- f. Respondent shall certify in its Proposal that it is submitted without collusion or fraud, that Respondent has not offered or received any kickback or inducement from any developer, supplier, manufacturer, subcontractor, or any other party in connection with the Proposal, and that Respondent has not conferred upon or offered or promised to confer upon any past or present member, officer, or employee of the HCDA (or any other party related to or designated by such individual or any party on behalf of or for such individual's benefit, such as a creditor of the individual) any payment, gift, loan, subscription, advance deposit, travel services or other compensation of any value, nominal or otherwise.
- g. The HCDA reserves the right to request clarification of any part of a Proposal or to request additional information required to evaluate the Proposal. Any incomplete or conditional Proposal or Proposal not in conformity with this Request will be rejected.

(A conditional Proposal is one conditioned upon the satisfaction of any condition, such as Respondent's entering into a contract with a third party.)

- h. No security deposit is required to submit a Proposal.
- i. A Respondent may submit only one Proposal for this Solicitation. Multiple or alternative Proposals from a Respondent will disqualify the Respondent.
- j. It is HCDA's intent to enter into a development agreement for the Project with the Respondent selected through this Solicitation. It is expressly made clear here that selection of the Respondent by the HCDA does not by itself invest any development rights to the Respondent until the Respondent successfully executes a development agreement with the HCDA.

## II. Respondent's Requirements

### **Responsibilities and Terms:**

The submission of a Proposal shall constitute representation by the Respondent of compliance with all requirements of the Solicitation, and that the Solicitation documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of performance of the Work.

Before submitting a Proposal, each Respondent must:

- a. Examine the solicitation documents thoroughly. Solicitation documents include this Solicitation, any attachments, plans referred to herein, addendum, and any other relevant documents. All necessary documents for this Solicitation will be made available on HCDA's website.
- b. Become familiar with State, local, and Federal laws, statutes, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work.

The Respondent that is ultimately selected by the HCDA for this Project shall be responsible for all improvements, costs and expenses associated with and required for the design, development, construction, operations, and management of the Project including but not limited to the following:

- a. The selected Respondent shall accept the property in an "as is" condition, without any express or implied warranties or representations of any kind.
- b. All predevelopment duties, including site investigation and other due diligence activities, planning, design, and permitting the Project, preparing and processing any analyses, and obtaining all necessary entitlements and government approvals, preparation of environmental impact statement or environmental assessment documents, and the off-site and on-site improvement requirements for development of the site.
- c. Designing, constructing, and operating the facilities including leasing, management, maintenance, and security.

- d. Providing financing for the entire Project without subordinating the land.

### III. Proposal Requirements and Format

#### **Qualifications:**

Proposals shall include the following information at minimum to demonstrate Respondent's experience, qualifications, and history of reliable, quality work:

- a. Identification of the Respondent. Provide the complete name and address of Respondent's firm. Provide the name, mailing address, email address, telephone number, and fax number of the primary contact for the Proposal. Identify Development Team's key personnel by position and expertise. Provide the associated resumes of the Development Team and key design consultants, joint ventures or limited partners, and number of years in business.
- b. Provide previous relevant project experience by Respondent and project team (including joint venture partners) with brief descriptions of previous projects, relevant photographs, dates, locations, concepts, land uses, sizes, construction costs, and role of the development entity, etc.
- c. Provide previous experience in ongoing management and operation of affordable rental housing projects by Respondent and project team of properties with uses similar to those described in this Solicitation including description of previous projects and role of consultants in the Proposal.
- d. Provide satisfactory evidence that the Respondent has the financial capability to develop the Project as described in this Solicitation. This can be in the form of audited financial statements of the company for the past two consecutive years.
- e. Provide at least four (4) references for the Respondent identifying name, contact address, telephone number and email address for the contact person.

#### **Development Proposal:**

Development portion of the Proposal shall include the following:

##### **a. Development Concept**

Provide a narrative description of the design concept, rationale, and development program. Include a summary of uses and floor areas. The submittal should include statements indicating how the design concept satisfies the development objectives and conditions specified in the Solicitation. There should also be a description of the benefits to be realized by the State as a result of the Respondent's development concept.

##### **b. Design Proposal**

At a minimum, proposals shall include a site plan and floor plans supporting the proposal. The following drawings shall be included in the proposal:

- An overall Project design narrative and description of the manner in which the development conforms to the Makai Area Plan, Rules and Design Guidelines.
- Dimensioned, Project plans. All plans must be drawn to scale, with a maximum size of 11+x 17+

Project plans shall include the following:

- A location map, including the Project site in relation to the surrounding property and adjacent streets.
- A site plan with the following information:
  - Location, size, and dimensions of all proposed and existing structures and associated site improvements.
  - All setbacks.
  - Parking and loading stall layout.
  - An analysis of the pedestrian, bicycle and vehicular circulation, access, and accommodations on the site and connecting to adjacent sites.
- Floor plans and floor area calculations.

*Optional* and to the extent available, proposals *may* include elevations and site renderings.

- Exterior elevations and sections, including the following information:
  - All building heights and envelopes measured from ground elevation.
  - All building dimensions and finish grades.
  - Materials and color for all exterior finishes.
- Location and size of required open space.
- Green building elements within the design.
- Information on development phasing (if applicable).
- Building cross and longitudinal sections and exterior elevations at 1/16"=1'-0" scale.
- Vignettes and/or 3 dimensional renderings of the proposed development illustrating its relationship to the surrounding areas, character and scale.

Any and all variances from the Makai Area Plan and Rules shall be identified for HCDA consideration.

**c. Business Plan, Financing, and Benefit to the State**

Provide the following to support feasibility and key assumptions of the Proposal, including but not limited to items below. Those Respondents selected as Priority-Listed Respondents (PLR) may be required to generate more detailed information when requested by the HCDA for the Best and Final Offer (BAFO):

- Market and feasibility analysis, including market support, and assumptions. Proposed marketing and leasing plan, tenant concepts.
- Provide proforma development budget, cash flow, and income and operation analysis for the proposed lease term of the Project. Assumptions shall be

clearly stated.

- Description of the Respondent's proposed deal and lease structure to the State. This is intended to provide the HCDA the concept on lease terms and benefits to the State. Revenue to the State shall be clearly identified with the assumptions/qualifications relating to these estimates. Similarly any financial participation from the City, State or Federal government on development cost for any component of the Project shall be clearly identified.
- Financing concept and supporting documents should provide sufficient information for the HCDA to ascertain the Respondent's ability to finance the proposed Project with equity and/or borrowed funds and the likely source of those funds. The Respondent shall submit any letters of interest and support from possible lender candidate(s) for this Project.

**d. Statement of Non-Collusion**

The Respondent shall certify in its Proposal that its response is made without collusion or fraud, that it has not offered or received any kickbacks or inducements from any other developer, supplier, manufacturer, or subcontractor in connection with the Proposal, and that it has not conferred on any HCDA officer or employee, past or present, any payment, loan, subscription, advance deposit, travel services or items even of nominal value.

**Submittal Format:**

**a. Original and Copies**

Respondent shall submit one (1) Original and fourteen (14) copies of the Proposals. A transmittal letter shall accompany the submittal and shall have an original, authorized signature of the Respondent.

**b. Sections**

Proposals shall be organized into sections, following the format below with tabs separating each section.

**(i) Respondent Qualifications**

- Identification of Respondent
  - Development Team
  - Resumes
- Previous Relevant Project Development
- Previous Relevant Project Operation/Management
- Financial Capacity
- References

**(ii) Development Proposal**

- Program Narrative
- Design Proposal
  - All required Drawings/Information

- Any Optional drawings provided

**(iii) Business Plan**

- Business Plan Narrative
- Feasibility Analysis
- Budget and Proforma
- Deal Structure and Benefit to the State
- Financing Concept
- Schedules

**(iv) Statement of Non-Collusion**

**SECTION E: RESPONDENT SELECTION PROCEDURE**

1. Only Proposals that are received on or before the required due date, Friday, May 1, 2015 at 2:00 p.m. and that comply with applicable provision of Section D above will be considered. All proposals and other material submitted by Respondents become the property of the State and may be returned at the State's option.
2. Proposals which do not fully comply with the applicable requirements of Section D above will not be further considered. HCDA Staff shall review all proposals for compliance, classifying them as acceptable or unacceptable. The HCDA reserves the right to reject any and all Proposals if the Authority deems such rejection to be in the best interest of the Authority and the State.
3. During the staff review phase, prior to the Authority meeting, staff may, if it deems necessary or advisable to do so, conduct interviews and discussions (collectively, ~~%Discussions+~~) with Respondents whose Proposals determined to be eligible for acceptance to seek further clarification on items contained in a proposal. Proposals may also be accepted or rejected without holding any Discussions. However, a complete list of Respondents shall be provided to the Authority, the list will provide a rationale for any rejected proposal.
4. Respondents of qualified, acceptable Proposals shall be notified and will have the opportunity to present their proposal to the Authority who will make a decision at an Authority meeting . date to be determined.
5. If during the Authority meeting the Authority is unable to identify a clear awardee, the Authority retains the right establish and identify a PLR, from which to seek additional information to clarify issues and have the Respondents provide a BAFO for presentation at a subsequent meeting for final decision-making
6. If during discussions there is a need for any clarification or change in the Solicitation, the Solicitation will be amended by an addendum to incorporate such clarification. Addenda to the Solicitation will be distributed only to the PLR.
7. A Respondent may be asked to disclose potential conflicts of interest during the selection process.

8. Public hearings may be conducted in accordance with Act 61, Session Laws of Hawaii 2014 in the selection process. A presentation of the recommended Respondent's BAFO may be conducted at the public hearing in front of the HCDA. When rendering a decision regarding the acceptance of a Proposal, the HCDA will render its decision at a separate public hearing to provide the general public with the opportunity to testify at its decision-making hearing. The recommended Respondent may be required to present its development proposal to the HCDA at these public hearing. The HCDA shall be the final decision makers in accepting the Respondent's Proposal, and shall not be bound solely by the recommendation of the Committee. If the HCDA does not accept the selection of the recommended Respondent, the HCDA may request revisions to the recommended Respondent's Proposal and/or reconsider Proposals submitted by other Respondents at HCDA's sole discretion.
9. Upon approval of the selection of a Respondent by the HCDA, the HCDA Executive Director will negotiate a lease and development agreement for the development of the Project, after the Respondent has completed a project specific Environmental Assessment, the term and conditions of which will be subject to approval by the HCDA.
10. The HCDA may impose a deadline from the date of the HCDA's approval of the Respondent, for the compilation of a project specific Environmental Assessment and for the negotiation and execution of a lease and development agreement. If the HCDA and the Respondent do not execute the development agreement by the end of such deadline, the HCDA may terminate negotiations and thereafter consider Proposals submitted by the next highest-ranked Respondent.
11. The selected Respondent must complete a set of schematic site plans, floor plans, and elevations that include any modifications to the original plans included in the Proposal in response to this Solicitation, as agreed upon by the HCDA and the Respondent, and submit them to the HCDA for review and approval.

## **SECTION F: ISSUING OFFICER AND CONTACT PERSON**

This Solicitation is issued by the HCDA. The Issuing Officer's name, address, telephone number, and facsimile number are as follows:

**Anthony J. H. Ching**, Executive Director  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813  
Telephone: (808) 594-0300  
Facsimile: (808) 594-0299

All communications with the HCDA during this Solicitation by the Respondent, their officers, employees, consultants, and agents shall be directed to the Contact Person, whose name, address, telephone number, and facsimile number are as follows:

**Aedward Los Banos**, Asset Manager  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813



Telephone: (808) 594-0300  
Facsimile: (808) 594-0299

Effective March 16, 2015, HCDA address and facsimile number will change as follows, telephone numbers will remain the same:

547 Queen Street  
Honolulu, Hawaii 96813  
Facsimile: (808) 594-0299

### **SECTION G: AMENDMENT OF THE SOLICITATION**

The HCDA reserves the right to amend the Solicitation at any time if deemed necessary and if it is in the best interest of the HCDA and the State.

### **SECTION H: APPENDICES**

Respondents may access the Proposal documents made available on the HCDA website. It is recommended that Respondents access the Proposal packet before the Pre-Proposal Conference.

Exhibits to this Solicitation include the following documents:

- A. Kakaako Makai Area Plan, September 2005;
- B. Kakaako Makai Area Rules, September 2005;
- C. Kakaako Makai Conceptual Master Plan, April 2011
- D. Development Lot #2 Map
- E. Kewalo Basin Harbor Vision
- F. Kakaako Makai Area Design Guidelines