



Hawaii Community Development Authority  
Department of Business, Economic Development and Tourism  
State of Hawaii

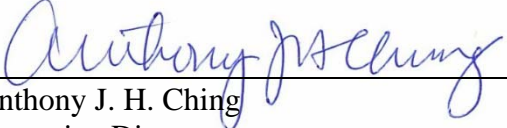
REQUEST FOR PROPOSALS

No.: HCDA 01-2014

February 7, 2014

SEALED PROPOSALS  
FOR

**Development of a Cultural Public Market  
Kakaako Makai, Honolulu, Hawaii**

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

**REQUEST FOR PROPOSALS  
DEVELOPMENT OF A CULTURAL PUBLIC MARKET AT  
KAKAAKO MAKAI, HONOLULU, HAWAII**

The State of Hawaii, Hawaii Community Development Authority (“HCDA”) invites sealed proposals for development of a Cultural Public Market, at Kewalo Basin, Kakaako Makai, Honolulu, Hawaii , (Project).

The Hawaii Revised Statutes (HRS) Section 206E-34 provides that there shall be established within the HCDA a state cultural public market. The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to sections 206E-31, 206E-32, and 206E-33 of the HRS. A public parking lot shall be included in the development of the cultural public market. The HCDA is required to designate and develop state-owned land for the cultural public market and accept, for consideration, input regarding the establishment of the cultural public market from the Department of Agriculture; the Department of Business, Economic Development, and Tourism; the Department of Land and Natural Resources; the Department of Labor and Industrial Relations; and the Hawaii Tourism Authority. The statute further provides that the HCDA consider and determine the propriety of using public-private partnerships in the development and operation of the cultural public market. HCDA shall develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and ensure that the Hawaiian culture is the featured culture in the cultural public market. Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of facilities and services such as retail outlets for ethnically diverse products; venues for businesses with ethnic themes, including restaurants and other service-related businesses; theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts; exhibition space or museums that showcase artwork created by international and local artists; and museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history.

Act 106, Session Laws of Hawaii (SLH) 2012 has authorized general obligation bond funding in the amount of \$2,301,000 for planning, design, and construction of the Cultural Public market.

This Request for Proposals (RFP) is to plan, design, and construct the first phase of the Cultural Public Market, and is issued in accordance with Subchapter 6 of HAR Chapter 3-122, implementing HRS Section 103-D-303, and related administrative rules. As an initial phase of the Cultural Public Market, HCDA is proposing to plan design and construct facilities which may include classrooms, offices, exhibition and public gathering venues. The project site is to be determined however is anticipated to be located within the Kakaako Makai area.

Planning diligence to locate the project site will be led by HCDA and will include consultation and obtaining any express authorization as appropriate from the Office of Hawaiian Affairs for determining the best location for the Cultural Public Market.

To review and/or download a copy of the RFP, interested parties are referred to the State Procurement Office (“SPO”) website <http://hawaii.gov/spo/notices> or the HCDA’s website: [www.hcdaweb.org](http://www.hcdaweb.org).

Copies of the RFP are also available for viewing at HCDA at the address below between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday, except for State holidays.

Developers who download a copy of the proposal are required to register with HCDA by filling out and submitting the Registration Form. Registration forms shall be submitted to HCDA as designated in the RFP and shall establish the official list of Developers for HCDA to contact and notify of addenda and RFP correspondence. It shall be Developer’s responsibility to download any addenda issued by HCDA regarding this RFP. Such addenda will be posted to the SPO and HCDA’s website.

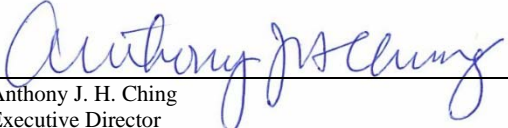
Prospective Developers are encouraged to attend a pre-proposal informational conference scheduled for 10:00 a.m. on **February 18, 2014** at the HCDA office.

After being determined by HCDA as Prequalified and shortlisted, Developers will be invited to submit one (1) original and five (5) copies of the proposal which will be due and must be received by the HCDA on or before 2:00 p.m. HST, on **March 24, 2014**. The proposal shall be accompanied by an Offer Form as designated in the RFP. Proposals should be mailed or hand delivered to:

Mr. Anthony J. H. Ching, Executive Director  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813

The HCDA reserves the right to amend this RFP by written addenda, to amend the schedule provided herein, or to reject any and all proposals where the HCDA deems it is in the best interest of the State of Hawaii. Further, development of the project, is contingent on the availability and release of State funds.

For more information, contact Ms. Amy Mutart, Project Manager, (808) 594-0300.

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

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**Section A: TERMS AND ACRONYMS**

Addendum	A written document which may be issued by the HCDA during the solicitation period establishing changes to the Request for Proposals.
Authority	The Board of Directors of the HCDA
BAFO	Best and Final Offer
Contact Person	The person designated by the HCDA to receive various communications in writing to in conjunction with the project.
Developer	Any individual, partnership, firm, corporation, joint venture, or representative or agent, submitting an offer in response to this solicitation. Also referred to in this RFP as 'selected offeror' and/or 'design-builder'.
GC	General Conditions, issued by the Department of the Attorney General
HAR	Hawaii Administrative Rules
HCDA	Hawaii Community Development Authority
HRS	Hawaii Revised Statutes
KMCMP	Kakaako Makai Conceptual Master Plan
OHA	Office of Hawaiian Affairs
Proposal	A document submitted by a Developer in the prescribed manner to develop the project in response to this Request for Proposals.
RFP	Request for Proposals, referring to all documents, whether attached or incorporated by reference, utilized for soliciting proposals.
State	State of Hawaii, acting through its authorized representative.

**Section B: BACKGROUND**

The Hawaii State Legislature created the HCDA in 1976 to plan, regulate and implement the redevelopment of community development districts throughout the State. Kakaako was designated the first community development district because it was recognized as underdeveloped and underutilized. The Kakaako Community Development District is comprised of two sub-areas, the Mauka (the area mountain side of Ala Moana Boulevard) and Makai (the waterfront lands on the oceanside of Ala Moana Boulevard) areas.

The Hawaii Revised Statutes (“HRS”) §206E-34 provides that there shall be established within the HCDA a state cultural public market. The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to §§206E-31, 206E-32, and 206E-33 of the HRS. A public parking lot shall be included in the development of the cultural public market. The HCDA is required to designate and develop state-owned land for the cultural public market and accept, for consideration, input regarding the establishment of the cultural public market from the Department of Agriculture; the Department of Business, Economic Development, and Tourism; the Department of Land and Natural Resources; the Department of Labor and Industrial Relations; and the Hawaii Tourism Authority. The statute further provides that the HCDA consider and determine the propriety of using public-private partnerships in the development and operation of the cultural public market. HCDA shall develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and ensure that the Hawaiian culture is the featured culture in the cultural public market. Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of facilities and services such as retail outlets for ethnically diverse products; venues for businesses with ethnic themes, including restaurants and other service-related businesses; theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts; exhibition space or museums that showcase artwork created by international and local artists; and museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history.

As additional background, following an extensive public participation process over four years, the HCDA adopted a conceptual master plan for Kakaako Makai in April 2011. The Kakaako Makai Conceptual Master Plan (“KMCMP”) reflects collaborative planning efforts with community stakeholders and provides the parameters for improvements in Kakaako Makai including a cultural public market. A copy of the KMCMP can be downloaded by going to <http://hcdaweb.org/kakaako-makai-conceptual-master-plan-2/>.

Act 106, Session Laws of Hawaii (SLH) 2012 has authorized general obligation bond funding in the amount of \$2,301,000 for planning, design, and construction of the Cultural Public market.

This Request for Proposals (RFP) is to plan, design, and construct the first phase of the Cultural Public Market. As an initial phase of the Cultural Public Market, HCDA is proposing to plan design and construct facilities which may include classrooms, offices, exhibition and public gathering venues. The project site is to be determined however is anticipated to be located within the Kakaako Makai Area.

Planning diligence to locate the project site will be led by HCDA and will include consultation and obtaining any express authorization as appropriate from the Office of Hawaiian Affairs for determining the best location for the Cultural Public Market.

## **Section C: RFP OBJECTIVE**

The intent of this RFP is for HCDA to engage a fee developer (“Developer”) who meets the requirements described herein and to enter into contract for planning, design, construction, permitting, construction management, of the 1<sup>st</sup> phase of the Cultural Public Market (CPM) in Kakaako Makai. The facility will be located on a site that is to be determined in Kakaako Makai (herein after also referred to as “Project”).

Objectives of this RFP include:

- To solicit submissions from Developers for a development cost proposal to plan, design, and construct a facility that meets the programmatic requirements described in this RFP.
- Proposals shall reflect planning, design development, contract documents, construction, and construction management that is congruent with the vision, and concept in this RFP, and shall reflect the Developer’s total Project costs for turnkey delivery to the HCDA.
- Delivery of the Project within budget.

The HCDA intends to enter into a development agreement with the selected Developer to act as a fee developer on behalf of the HCDA. Developer’s rights are not vested by mere selection of the Developer by HCDA through this RFP unless the HCDA and the Developer are able to execute a development agreement acceptable to the HCDA.

## **Section D: PROJECT OVERVIEW**

Developers are required to submit qualifications to HCDA to develop the Project. Statements of qualifications shall be submitted to HCDA whereby a short list will be established of up to 3 responsible Developers. HCDA will issue prompt notice to all Developers as to which Developers have been short listed.

The conceptual design parameters of the Project are provided by HCDA. For purposes of evaluation of cost proposals, Developers are expected to utilize given conceptual parameters in this RFP to develop project cost proposals.

Developers understand that the primary purpose of the RFP is to evaluate all Developer’s qualifications, and their proposals on an equal basis and that parameters for design may be subject to design development changes upon locating the project site. HCDA desires to work in tandem with the selected Developer and to provide input as conceptual design is refined into final plans.

Capital Improvement Project (CIP) funding allocation for the design and construction of this Project has been appropriated by the Hawaii State Legislature to HCDA, however, development of this Project will be subject to the availability of these funds. Total funding available for the Project is \$2,301,000. Proposals from Developers that exceed the funding for the project will not be considered.

HCDA reserves the right to accept and/or reject any or all proposals that are submitted, regardless of circumstances.

**Site Conditions:**

**Table 1: Land Use Data**

State Land Use	Urban
Zoning	HCDA, Kakaako Community Development District, Makai Area Plan and Rules
Special District	Kakaako Community Development District, Makai Area
Lot Area	Approximately 15,000 s.f. Exact location of project site is to be determined.

Developers may assume sewer, water, cable, and electrical utilities are available and accessible to the project site. The Developer is tasked with confirming the location and points of connection of all utilities to the parcel.

An Environmental Hazard Evaluation report was prepared in June 2009 identifying potential environmental hazards in the Kakaako Makai area. In 2010, temporary remediation was conducted by HCDA at various locations, and work was completed in 2011. Developers shall note development of certain areas in the Makai area require measures for soil handling and management to mitigate risks during construction. Additional requirements of the State of Hawaii's Department of Health Environmental Hazard and Evaluation Office (HEER) for site development may be required, and should be vetted in diligence conducted as part of the Environmental Assessment.

For detailed information regarding the subject environmental reports, refer to the As-Built documents in Exhibit J.

**Section E: RFP DOCUMENTS**

It is recommended that prospective Developers review the RFP before the pre-proposal meeting. Exhibits to this RFP include the following documents:



- A** - The Kakaako Makai Area Plan
- B** - Kakaako Makai Area Rules
- C** - Kakaako Makai Area Design Guidelines
- D** - Deleted
- E** - Prequalification Form
- F** - Offer Form
- G** - Deleted
- H** - Contract
- I** - RFP Registration Form
- J** - As-Builts for Kakaako Makai

**Section F: RFP SCHEDULE AND SIGNIFICANT DATES**

The schedule set out herein represents HCDA’s best estimate of the schedule that will be followed. All times indicated are Hawaii Standard Time (HST).

<b>Publication of Request for Proposals</b>	February 7, 2014
<b>Pre-Proposal Conference</b>  Time: 2:00 p.m.  Location: Hawaii Community Development Authority 461 Cooke Street Honolulu, Hawaii 96813	February 18, 2014
<b>Deadline for Developer Prequalification Submittal</b>  Time: 2:00 p.m.  Location: Hawaii Community Development Authority 461 Cooke Street Honolulu, Hawaii 96813	March 7, 2014
<b>HCDA Establishes Short List of Responsible Developers</b>	March 12, 2014
<b>Final Deadline to Submit Written Questions to the HCDA</b>  Time: 2:00 p.m.  Location: Hawaii Community Development Authority 461 Cooke Street Honolulu, Hawaii 96813	March 21, 2014

<b>Proposal Due Date</b>  Time: 2:00 p.m.  Location: Hawaii Community Development Authority 461 Cooke Street Honolulu, Hawaii 96813	March 24, 2014
<b>Evaluation Committee Review and Recommendations</b>	April 2, 2014
<b>Developer Selection by Authority</b>	May 7, 2014

**Registration of RFP holders.** All interested Developers downloading an RFP shall register with HCDA as an RFP holder which will establish the official recipient list for HCDA notifications and communication regarding this RFP including but not limited to notices of Addenda, and other Project correspondence. Registration Form is attached as Exhibit I, and shall be faxed or emailed to the HCDA Contact Person.

**The Pre-Proposal Conference** will take place at the date, time, and place specified above. Prospective Developers may submit written inquiries to the Contact Person to be answered at the Pre-Proposal Conference by the date specified. These inquiries, and new oral questions as time permits, will be answered at the Pre-Proposal Conference. Spontaneous answers to any oral questions will be provided by the HCDA; however, Developers are informed that responses to the oral questions will not be binding. If Developer wishes to receive a formal answer to oral questions arising from discussions at the Pre-Proposal Conference, the Developer shall submit such questions to the Contact Person by the Final Deadline for Written Inquiries. All official responses will be provided in writing via addendum to the RFP.

**Prequalification of Developers.** Whereas a shortlist of up to three responsible Developers may be identified by HCDA prior to the submittal of proposals. Developer shall submit their qualifications with the information required under RFP Section H, no later than the date specified and will be notified by HCDA as to which Developer have been shortlisted. The shortlisted Developers will proceed with preparation of proposals and submittal by the date specified herein.

**Questions and inquiries** concerning this RFP after the Pre-Proposal Conference must be submitted to the HCDA in writing as indicated and up until the date specified above. Questions shall be directed to the Contact Person.

**The terms and requirements of this RFP cannot be changed** prior to the date for receipt of proposals except by duly issued and written addendum which will be posted on the HCDA website. Developers on the official list of interested Developers will be notified of addenda that may be posted. Developers will be responsible for obtaining any issued addenda from the HCDA website.

**One (1) original and five (5) copies of Developer’s proposals are due** by the date and time specified above. Timely receipt of offers shall be evidenced by the date and time registered by the HCDA time stamp clock. Proposals received after the deadline shall be returned unopened. Proposals shall be placed in a sealed envelope(s) or container(s). An “Offer Form” (Exhibit F) shall be enclosed in the proposal package.

**Developers may modify or withdraw their proposal** prior to the established proposal due date in writing to the Contact Person. The modifications or withdrawal may be mailed, hand-delivered or transmitted by facsimile machine. Modifications or withdrawals must be accompanied by a duly executed certificate of resolution authorizing the signer to modify or withdraw the proposal.

The RFP may be cancelled and any or all proposals rejected in whole or in part, without liability, when it is determined to be in the best interest of the HCDA. The HCDA shall not be liable for any costs, expenses, loss of profits or damages whatsoever, incurred by the Developer in the event this RFP is cancelled or a proposal is rejected.

**Section G: ISSUING OFFICER AND CONTACT PERSON**

This RFP 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  
Phone: (808) 594-0300  
Fax: (808) 594-0229

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

Amy Mutart, Project Manager  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813  
Phone: (808) 594-0300  
Fax: (808) 594-0229  
Email: amy.mutart@hcdaweb.org

Please note that copies of documents transmitted by Developers via facsimile machines shall be limited to written inquiries, confirmation of receipt of addenda, and to the modification or withdrawal of an offer.

## **Section H: DEVELOPER AND PROJECT REQUIREMENTS**

### **H.1 Developer Responsibilities and Terms**

The submission of a proposal shall constitute representation by the Developer of compliance with all requirements of the RFP, and that the RFP documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of performance of the work.

Before submitting a proposal, each Developer must:

- a. Examine the solicitation documents thoroughly. Solicitation documents include this RFP, any attachments, plans referred to herein, addendum, and any other relevant documents.
- 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 Developer that is ultimately selected by the HCDA for this Project shall be responsible for all planning, design, permitting, construction, and construction management of the Project lien free, including but not limited to the following:

- a. The selected Developer shall accept the property in an “as is” condition, without any express or implied warranties or representations of any kind.
- b. The selected Developer’s plans and construction documents shall be prepared in accordance with the Kakaako Makai Area Plan and Rules, the KMCMP, applicable codes and guidelines of the City and County of Honolulu and any applicable Federal and State requirements.
- c. Comply with requirements regarding Chapter 343, HRS, for an environmental impact statement (EIS) or an environmental assessment (EA).
- d. Comply with requirements if applicable for NPDES, and SMA permits.
- e. Ensure that the Project shall utilize indigenous species of plants for its landscaping whenever and wherever feasible pursuant to §15-174-26(9), HAR.
- f. Submit copies of as-built plans for all Project improvements to HCDA after construction has been completed. As-built plans and

specifications shall be transmitted in hard copy as well as electronic format.

- g. Compliance with Chapter 104, HRS, for the payment of minimum prevailing wages to mechanics and laborers employed on the Project for the corresponding work classifications as determined by the Department of Labor and Industrial Relations. This contract shall also comply Chapters 103D and 103B HRS, and all applicable administrative rules.
- h. To the extent possible, the Project shall comply with §196-9, HRS, and the Governor's Administrative Directive No. 06-01, dated January 20, 2006, as follows:
  - 1. Design and construct buildings to meet and receive certification for U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards. As appropriate for the type of construction, the buildings should meet LEED Silver level for new commercial construction and major renovation, LEED for existing building operations, and LEED for commercial interiors.
  - 2. Incorporate energy efficiency measures to prevent heat gain in residential facilities of one to three stories by providing R-19 or equivalent insulation on roofs, R-11 or equivalent in walls, and high-performance windows to minimize heat gain and, if air conditions, to minimize cool air loss. Where possible, orient buildings to maximize natural ventilation and day lighting without heat gain, and optimize building roof exposure for solar water heating.
  - 3. Incorporate design features to conserve energy and water usage pursuant to Chapter 344, HRS (State Environmental Policy) and §226-18, HRS, of the Hawaii State Plan. If the Project does not incorporate solar water heating into its design, the Developer(s) shall submit to HCDA, either a written approval of a cost-benefit comparative analysis by the Energy Branch of the Department of Business, Economic Development and Tourism, or a cost-benefit comparative analysis bearing the stamp and signature of a licensed mechanical engineer, concluding that the use of the proposed conventional water heating system for the Project is more cost effective than a solar water heating system. The analysis shall be based on the projected life-

cycle costs to purchase and operate the water heating systems. If the life-cycle analysis is positive, the facility shall incorporate solar water heating. If water heating entirely by solar is not cost-effective, the analysis shall also evaluate the life-cycle, cost-benefit of solar water heating for preheating water.

4. Implement water and energy efficiency practices in operations to reduce waste and increase conservation.
  5. Incorporate principles of waste minimization and pollution prevention: reduce, reuse, and recycle as a standard operating practice, including programs for construction and demolition waste management and office paper and packaging recycling programs.
  6. Use life cycle cost-benefit analysis to purchase energy efficient equipment such as Energy Star products and use utility rebates, where available, to reduce the purchase and installation costs. Energy Star products meet strict efficiency guidelines set by the U.S. Environmental Protection Agency and the U.S. Department of Energy.
  7. Procure environmentally preferable products, including but not limited to recycled and recycled-content, bio-based, and other resource-efficient products and materials.
- i. The selected Developer shall enter into agreement with the State in accordance with terms attached in Exhibit H.

## **H.2 Developer Prequalification Submittal**

### **2.1 Prequalification Form**

Prior to the submittal of proposals, Developer's shall submit their qualifications to HCDA to demonstrate Developer's and its team's experience, capacity, history of reliable, quality work, with the submittal of a completed Prequalification Form in Exhibit E.

### **2.2 Listing of Past Projects**

Developers and their team shall provide a listing of verifiable experience. Information shall include but not be limited to:

- i. Project Name, Location, Development Date
- ii. Photographs
- iii. Description/Scope of Work
- iv. Role of the Developer's team
- v. Name of a contact person of associated with the completed project
- vi. References

### **2.3 Project Organization and Staffing**

Developer shall submit an organization chart of the development team demonstrating organization and staffing.

Developer may submit any additional information as they deem appropriate to support their prequalifications.

## **H.3 Development Proposal Submittal**

### **3.1 Conceptual Design Program**

HCDA is not requesting a design proposal from the Developer under this RFP. Developers are expected to take HCDA's conceptual design parameters and the programmatic requirements described herein to develop Project costs and schedule.

Programmatic requirements for design include the following. It is anticipated a building(s) would accommodate the following uses for the initial phase of the Cultural Public Market:

#### Ground Level

Dining: To seat approximately 20 people including full service kitchen.

Gift Shop: To sell convenience items to patrons, shall include storage space.

Classroom: For 30 persons. For education and multi-purpose use and shall provide space for storage.

Restrooms: Mens and womens facilities shall be accessible from exterior of building.

### Second Level

Office: Two private offices, a reception area, open space for flexible layout of three additional staff and a conference room for up to 20 persons.

Restrooms: Mens and womens facilities shall include showers.

### Outdoor Facilities

Outdoor  
Pavilion: Multipurpose covered area.

Landscape  
& Amenities: Railings at waters edge, paving, canopies, landscape, parking.

## **3.2 Development Cost Proposal**

Proposals shall include the following:

### **a. Project Budget and Cashflow**

- Developers shall prepare a project budget and cash flow, detailing all costs for due diligence, planning, design, design development, contract documents, permitting, construction, construction management, and delivery of project lien free and in accordance with contract terms attached.
- A detailed project budget shall include line items including but not limited to planning, environmental due diligence, architectural design and engineering fees, construction, permitting, general overhead/profit, contingency, etc.
- The total project cost shall be clearly identified and be all inclusive.
- Cash flow shall reflect projected monthly expenditures through build-out.
- Additionally, one (1) electronic copy of the project budget and cashflow must accompany the submission, formatted in unlocked, Microsoft Excel.

### **b. Project Schedule**



- A project schedule shall be submitted in Gantt chart form beginning upon execution of a contract through construction completion.

**c. Statement of Non-Collusion**

The Developer 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.

**3.3 Submittal Copies**

Developers shall submit one (1) Original and five (5) copies of the proposal. An Offer Form (Exhibit F) shall accompany the submittal and shall have an original, authorized signature of the Developer.

**Section I: RFP SELECTION PROCEDURE**

1. Only proposals received on or before the required due date will be considered. Proposals shall not be opened publicly, but shall be opened in the presence of two (2) or more HCDA officials. All proposals and other material submitted by Developers become the property of the State and may be returned at the State's option.
2. Proposals which do not fully comply with the submittal requirements above will not be further considered.
3. An Evaluation Committee formed by the HCDA will evaluate the proposals in accordance with the evaluation factors in Section J of this RFP. The proposals shall be classified initially as acceptable, potentially acceptable, or unacceptable. The award will be made to the responsive, responsible Developer whose proposal is determined to be the most advantageous to the State based on the evaluation factors.
4. The Evaluation Committee may conduct interviews or discussions with Developers who submit proposals determined to be acceptable or potentially acceptable. Proposals may be

accepted on evaluation without discussion. The objective of these discussions is to clarify issues regarding the Developer’s proposal before a BAFO is tendered.

5. If during discussions there is a need for any clarification or change in the RFP, the RFP will be amended by an addendum to incorporate such clarification.
6. The date and time for submittal of a BAFO, if any, is to be determined by the HCDA. Developers will be notified by duly issued addendum of the due date and time. If a Developer does not submit a notice of withdrawal or a BAFO, the Developer’s immediate previous offer shall be construed as its BAFO.
7. In accordance with the evaluation factors in Section L for BAFO, the Evaluation Committee will make its final evaluations and recommendation of the highest ranked proposal.
8. Upon approval of the selection of a Developer, the HCDA will issue notice of contract award to the responsible Developer.

**Section J: EVALUATION FACTOR**

The Evaluation Committee will review and evaluate proposals in accordance with the following criteria.

<b>Evaluation Factor</b>	<b>Points</b>
<b>DEVELOPER QUALIFICATIONS</b>	<b>50</b>
- Developer identification and key members of the development team.	5
- Successful, relevant project experience; skills, abilities, knowledge of and capacity to undertake the type of project proposed.	20
- Project organization and staffing. Demonstrating qualified personnel, expertise, capacity to perform the requested services under the RFP.	20
- Developer’s References	5
<b>PROJECT COST AND SCHEDULE</b>	<b>50</b>
- Project budget and cashflow is fair and reasonable, and is within State’s budget.	40
- Reasonableness of project schedule.	10
<b>TOTAL POINTS:</b>	<b>100</b>

**Section K: PROPOSAL REQUIREMENTS FOR BEST AND FINAL OFFERS**

Any proposal clarifications that are needed to tender a BAFO will be described in writing and issued in Addenda to Developers.

**Section L: EVALUATION FACTOR FOR BEST AND FINAL OFFERS**

The Evaluation Committee will conduct final review and evaluate BAFO proposals in accordance with the following criteria.

<b>Evaluation Factor</b>	<b>Points</b>
<b>DEVELOPER QUALIFICATIONS</b>	<b>50</b>
- Developer identification and key members of the development team.	5
- Successful, relevant project experience; skills, abilities, knowledge of and capacity to undertake the type of project proposed.	20
- Project organization and staffing. Demonstrating qualified personnel, expertise, capacity to perform the requested services under the RFP.	20
- Developer's References	5
<b>PROJECT COST AND SCHEDULE</b>	<b>50</b>
- Project budget and cashflow is fair and reasonable, and is within State's budget.	40
- Reasonableness of project schedule.	10
<b>TOTAL POINTS:</b>	<b>100</b>

**Section M: GENERAL PROVISIONS**

1. Any costs incurred by the Developer in preparing and submitting a response to this RFP will be the sole responsibility of the Developer and will not be reimbursed by the HCDA.
2. The HCDA may modify the RFP prior to the date fixed for proposal submission by issuance of an addendum or addenda to all parties who submitted notice of intent to offer.
3. The HCDA may cancel this solicitation without cause and at no cost to the HCDA, in whole or in part, if such action is determined to be in the best interest of the State.
4. The Developers shall provide in writing those portions of the un-priced proposal that contain trade secrets or other proprietary data that are to remain confidential. Written requests for confidentiality shall be submitted with the RFP. The request must state

specifically what elements of the response are to be considered confidential and/or proprietary. Confidential and proprietary information must be readily identified, marked and separated/packaged from the rest of the submittal. Co-mingling of confidential and proprietary information and other information is not acceptable. Any information that will be included in any resulting agreement cannot be considered confidential. Material not identified and segregated in compliance with this paragraph may not be treated as confidential by the HCDA.

5. The State's General Conditions that will be contractually required are included in Exhibit H. The HCDA's General Provisions for Construction Contracts shall be required and are also attached in Exhibit H. Special conditions may be required by the HCDA.
6. The Developer and any sub-consultants under the Developer must comply in all respects with contract provisions as contained in, but not limited to, all 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.
7. The HCDA reserves the right to request clarification of any aspect of received proposals or to request additional information that might be required to evaluate the submittals. Responses that are incomplete or conditioned or are not in conformity with this RFP may be rejected.
8. Developer, upon award, must comply with all laws governing entities doing business in the State, including the following Chapters of HRS:
  - Chapter 237, HRS, tax clearance;
  - Chapter 383, HRS, unemployment insurance;
  - Chapter 386, HRS, workers' compensation;
  - Chapter 392, HRS, temporary disability insurance; and
  - Chapter 393, HRS, prepaid health care; and must produce documents to the HCDA to demonstrate compliance, including an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations. Developers must submit the required documentation identified in, and must comply with, HAR §3-122-112.

**Section N: EXHIBITS**

See attachments.