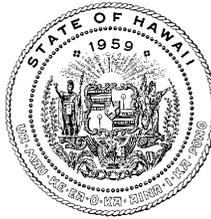




**REQUEST FOR PROPOSAL  
for  
STUDY OF VACATION RENTALS' IMPACT TO HAWAII 2019**

**HTA RFP NO. 19-18**



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

Date of Issuance: April 1, 2019

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

DEADLINE FOR RECEIPT OF PROPOSALS IS  
**Friday, April 26, 2019, 4:30 p.m. HST**  
See Proposal Outline for Submission Requirements

**REQUEST FOR PROPOSAL  
for  
STUDY OF VACATION RENTALS'2019**

**HTA RFP NO. 19-18**

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## SECTION 1 – OVERVIEW AND TIMELINE

### 1.01

#### Provisions, Conditions, Disclaimers and Disclosures

A comprehensive list of provisions is included in Section 6 of this Request for Proposals (“RFP”). Sections 1 through 5 of this RFP offer exceptions, clarifications, details, and reiterations of those provisions.

### 1.02

#### Introduction

The HAWAII TOURISM AUTHORITY (“HTA” or “STATE”) is issuing this Request for Proposals (“RFP”) for Study of Vacation Rentals’ Impact to Hawai’i. The HTA has identified a need to determine the financial impact to the visitor industry and the economic impact to the Hawai’i economy of the shared accommodations business model and the changes to the accommodations sector. The State of Hawai’i would benefit by increased understanding of the impacts of this accommodation type upon traditional accommodation types and Hawai’i tourism.

The last study of this kind was conducted in 2016 using data from the 2016 Hawai’i Housing Study and Survey of Non-Resident Property Owners, which is an add-on to the Hawai’i Housing Study. The State of Hawai’i Department of Business, Economic Development, and Tourism (DBEDT) is conducting the Hawai’i Housing Study for 2019 and Survey of Non-Resident Property Owners.

The 2016 study is posted to the Infrastructure Research section of HTA’s website (<https://www.hawaiitourismauthority.org/research/infrastructure-research/>).

### 1.03

#### Procurement Timeline

The Procurement Timeline represents the HTA’s best estimates. Dates may be subject to change.

RFP 19-18 Study of Vacation Rentals’ Impact to Hawai’i 2019	
ACTIVITIES	SCHEDULED DATE
Distribution of RFP	Monday, April 1, 2019
Deadline to Register for updates on eCivis	Wednesday, April 10, 2019
Deadline to submit written questions to HTA	Wednesday, April 10, 2019
RFP Addendum – Responses to Written Questions	Week of April 15, 2019
Deadline for Protest of Content to RFP	Within 5 calendar days of issuance of Addendum with answer to questions
<b>Deadline for written proposal submissions (by 4:30 pm HST)</b>	<b>Friday, April 26, 2019</b>
Oral Presentation or BAFO Request if necessary	Week of April 29, 2019
Notice of Selection or Non-selection	Week of May 6, 2019
Deadline to Protest of Non-Award	Within 5 business days of notice of non-award
Start of Initial Contract Period	June 3, 2019
End of initial Contract Period	June 30, 2020

#### 1.04

##### **Applicant Qualifications**

This RFP is open to both in-state and out-of-state applicants. However, for this RFP HTA will only accept proposals from applicants with a current Certificate of Vendor Compliance (CVC). See section 4.12 for details.

#### 1.05

##### **Registration**

Interested applicants are encouraged to register for updates. This is done by going to the RFP page on the eCivis website. Please see Section 4.01 of this RFP for instructions. We will not be accepting requests via phone or email.

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 HTA's website

<https://www.hawaiitourismauthority.org/RFPs/>. All dates and times are in Hawai'i Standard Time.

Once completed, this profile will be available for use in future RFPs or RFP applications.

#### 1.06

##### **Hawai'i Tourism Authority**

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

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

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

The HTA's Five-Year Strategic Plan 2016 is available on our website

[https://www.hawaiitourismauthority.org/media/1849/hta15001-strategic-plan\\_web.pdf](https://www.hawaiitourismauthority.org/media/1849/hta15001-strategic-plan_web.pdf)

#### 1.07

##### **Agency Authorization**

HTA is authorized to execute contracts for a period of up to five years under 201B(a)(3) Hawai'i Revised Statutes (HRS); and to develop, implement and coordinate state policies and directions for tourism and related activities taking into account the economic, social, and physical impacts of tourism on the State, Hawai'i's natural environment, and areas frequented by visitors per 201B-7(a)(14) HRS.

Per 201B-7(a)(8) HRS, HTA may enter into contracts and agreements for tourism research and statistics to measure and analyze tourism trends, provide information and research to assist in the development and implementation of state tourism policy, and to provide tourism information on visitor arrivals, visitor characteristics, and expenditures; the number of transient accommodation units available, occupancy rates, and room rates; airline-related data including seat capacity and number of flights; the economic, social, and physical impacts of tourism on the State; and the effects of the marketing programs of the authority on the measures of effectiveness developed.

## 1.08

### Tourism Research Branch

The primary goal of the Tourism Research Branch is to increase the availability of tourism research resources and increase knowledge about visitors to Hawai'i. This ensures that comprehensive data are available for stakeholders and policy makers for planning purposes. Select reports can be found on the HTA website at <https://www.hawaiitourismauthority.org/research/>.

## 1.09

### 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. Email is the preferred mode of communication. Please include RFP number in subject line of emails. Unless otherwise specified in a written Addendum to the RFP, the points-of-contact for this RFP are:

Ronald D. Rodriguez, Contract Specialist / Procurement Officer  
Evita Cabrera, Administrative Assistant

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

**Email: [contracting@gohta.net](mailto:contracting@gohta.net)**  
Phone: (808) 973-9449

## 1.10

### Website Reference

The following is a list of websites referenced throughout this RFP. Web addresses under the hawaiitourismauthority.org domain may be subject to change pending the launch of a new website. If necessary, an addendum will be issued with new web addresses.

Item	Website
RFP 19-18 Forms	Available on the eCivis website. <a href="https://gn.ecivis.com/GO/gn_redir/T/mobvnp9qq8ho">https://gn.ecivis.com/GO/gn_redir/T/mobvnp9qq8ho</a>
RFP Registration for Updates	Available via the eCivis website. <a href="https://gn.ecivis.com/GO/gn_redir/T/mobvnp9qq8ho">https://gn.ecivis.com/GO/gn_redir/T/mobvnp9qq8ho</a>
Hawai'i Tourism Authority Website	<a href="http://www.hawaiitourismauthority.org">www.hawaiitourismauthority.org</a>
HTA RFP Website	<a href="http://www.hawaiitourismauthority.org/RFPs">http://www.hawaiitourismauthority.org/RFPs</a>
HTA Research	<a href="https://www.hawaiitourismauthority.org/research/">https://www.hawaiitourismauthority.org/research/</a>
Hawai'i Compliance Express (Certificate of Vendor Compliance)	<a href="https://vendors.ehawaii.gov">https://vendors.ehawaii.gov</a>
eHawaii.gov YouTube Channel	<a href="https://www.youtube.com/user/eHawaiiGov1/videos">https://www.youtube.com/user/eHawaiiGov1/videos</a>
Hawai'i State General Conditions	<a href="https://dhrd.hawaii.gov/wp-content/uploads/2017/08/103D-General-Conditions.pdf">https://dhrd.hawaii.gov/wp-content/uploads/2017/08/103D-General-Conditions.pdf</a>
Chapter 201B HRS. HTA's inception statute.	<a href="https://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0201B/HRS_0201B-.htm">https://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0201B/HRS_0201B-.htm</a>
HTA Five-Year Strategic Plan	<a href="https://www.hawaiitourismauthority.org/media/1849/hta15001-strategic-plan_web.pdf">https://www.hawaiitourismauthority.org/media/1849/hta15001-strategic-plan_web.pdf</a>

### **1.11**

#### **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. Applicants who register for updates will receive

### **1.12**

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

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

## SECTION 2 – CONTRACT SPECS

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### 2.01

#### Scope of Work

The Hawai'i Tourism Authority (HTA) is soliciting proposals from qualified companies to conduct a Shared Accommodations Impact Study to determine the financial impact to the visitor industry and the economic impact to Hawai'i's economy of the shared accommodations business model and the changes to the accommodations sector. Work on the 2019 scope shall commence upon the full execution of a contract between the successful CONTRACTOR and HTA.

Under the supervision of, and in collaboration with the HTA Director of Tourism Research and the HTA staff, the successful contractor shall provide the HTA with the following services:

1. Overall Project Requirements:
  - a. CONTRACTOR shall conduct a Shared Accommodations Impact Study to determine the financial impact to the visitor industry and the economic impact to Hawai'i's economy of the shared accommodations business model and the changes to the accommodations sector.
  - b. CONTRACTOR shall achieve the following objectives for this study:
    - i. Assess current level of Transient Vacation Rentals in Hawai'i including a forecast of future demand and supply.
    - ii. Discuss the new forms of visitor accommodation types, an assessment of the demand for private rooms and shared rooms/space rentals and the impact of these new business models and distribution channels.
    - iii. Identify the financial impacts to the Visitor Industry including net impact on revenue, room rates, jobs and taxes.
    - iv. Quantify the current and expected impact to Hawai'i's economy and community.
    - v. Determine the impact of transient vacation rentals on the local housing and rental market (at the neighborhood level).
    - vi. This study will not:
      1. Make a determination of legal or illegal short-term transient units.
      2. Make policy recommendations on actions for or against vacation rentals.
  - c. CONTRACTOR shall:
    - i. Quantify the existence and availability of shared accommodations in Hawai'i:
      1. Forecast future supply
      2. Research visitor accommodation types
    - ii. Study the direct rooms revenue impact on the lodging market in Hawai'i.
    - iii. Quantify and forecast the demand for shared accommodations, including an assessment of the demand for private rooms and shared rooms/space rentals.
    - iv. Assess the impact of new business models and distribution channels.
    - v. Identify the financial impacts to the Visitor Industry, including net impact on revenue, room rates, jobs, and taxes.

- vi. Determine the current and expected economic impact to Hawai'i's economy and community.
  - vii. Expand on the impact of transient vacation rentals if found to be a factor in the changing accommodations infrastructure.
  - viii. Determine the impact of transient vacation rentals on the local housing and rental market (at the neighborhood level).
- d. CONTRACTOR shall:
- i. Conduct a custom survey of visitors to Hawai'i by the type of stay, average length of stay, party size and composition. The CONTRACTOR will work with the HTA to develop the survey instrument and presentation of data.
  - ii. Analyze data from the Hawai'i Housing Study and Survey of Non-Resident Property Owners. HTA will provide these data to CONTRACTOR.
  - iii. Submit a report with a narrative analysis of data and findings with key graphs. The CONTRACTOR shall allow the HTA to provide input regarding the report format and presentation of data, findings, and analysis prior to CONTRACTOR beginning work on the report. Input from the HTA shall not significantly impact CONTRACTOR work flow or delivery schedules of the final report.
  - iv. Submit all reports and files in an electronic copy. HTA is committed to providing accessible documents on our website. All reports and files shall be submitted in native file format and, if applicable, accessible PDF format. Please refer to Web Content Accessibility Guidelines (WCAG) for further details.
  - v. Provide any progress report requested by the HTA describing the status of all work required.
  - vi. Furnish any additional reports or information that the HTA may, from time to time, require or request.

## 2.02

### Compensation and Payment Schedule

- a. Awardee will sign a firm-fixed-price contract.
- b. Contractor will be put on a payment schedule tied to deliverables and milestones.

## **SECTION 3 – CONTRACTING PROCESS AND REQUIREMENTS**

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### **3.01**

#### **Award Letter**

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 Workplan, Certificate of Vendor Compliance.)

### **3.02**

#### **Contract Execution Process**

The contract execution process consists of the following steps:

1. HTA received contractor's current Certificate of Vendor Compliance.
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, Hawaii 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.

### **3.03**

#### **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 paragraph 4.05 for information on the certificate of vendor compliance.)

### **3.04**

#### **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.

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. Invoices submitted prior to receipt of the necessary deliverables will not be accepted and will have to be resubmitted. 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.

### **3.05**

#### **Compliance Requirement for Payment**

An active Hawai'i State Certificate of Vendor Compliance (CVC) is required in order to receive first and last payment of any contract term. (In the case of a contract measured in calendar years, that would be first and last payment of the first year, first and last payment of the second year, etc.) 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).

See Section 4.11 of this RFP for details on how to get a CVC.

### **3.06**

#### **Evaluation of Contract Performance**

Work complete and on time as based on the contract requirements.

### **3.07**

#### **Contract End Date and Time of Performance**

Contract end date will be June 30, 2020. All reports are to be completed and delivered as agreed to in the contract and prior to the contract end date.

## SECTION 4 – PROPOSAL OUTLINE AND INSTRUCTIONS

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### 4.01

#### Submission Method

Submission is done via the portal on the eCivis website ONLY. Please follow the following steps:

1. Click on the link [https://gn.ecivis.com/GO/gn\\_redir/T/mobvnp9qq8ho](https://gn.ecivis.com/GO/gn_redir/T/mobvnp9qq8ho)
2. Choose RFP 19-18 from the list. Click on it.
3. Click on the “Apply” button.
4. Click on “Create an account.”
5. Fill in the basic information and click “Sign Up.” You should receive a confirmation email.
6. Click on the link in the confirmation email.
7. Sign in. You will need to type in your login and password again.
8. See the menu on the left-hand column. Click “My Profile.” Fill out profile. (No need to fill in the DUNS. For Congressional District type Hawai‘i.)

*Warning: If you proceed to “My Application” before you fill in “My Profile,” your application will not save and you will need to start over.*

Note: When logging back into the system you will be given a choice of “Portal” or “eCivis” login. Please choose the Portal login.

HTA will accept submission via the online portal only. NO PAPER SUBMISSIONS. NO EMAILED SUBMISSIONS. NO FAX SUBMISSIONS.

### 4.02

#### Submission Deadline and Confirmation of Receipt

The deadline for submission is listed in the Timeline in Section 1 of this RFQ. The eCivis website will automatically timestamp and confirm receipt of your proposal. Any proposal not time-stamped by the deadline will not be accepted.

Note: The eCivis management system may automatically discontinue acceptance of submissions at deadline. Applicants who wait until the last minute to submit their proposals do so at their own risk.

### 4.03

#### Proposal Format

- 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.
- Format should be standard 8 1/2 by 11 inches. Orientation should be primarily portrait, though landscape is welcome for data presentations as appropriate. No odd-sized pages please.
- Slide presentations may be used in the event that an oral presentation is requested.

#### 4.04

##### 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
  - Authorization Letter
  - Experience and Professional Qualifications
  - Proposal
  - Price/Budget
- Attachments
  - Certificate of Vendor Compliance
  - W9
  - Letters of Recommendation – up to five

#### 4.05

##### Cover Page:

Include RFP number and name as it appears on the cover page of this RFP, name of applicant firm, RFP contact information.

#### 4.06

##### Table of Contents:

Please present materials in the order outlined in Section 4.04. Please include page numbers.

#### 4.07

##### Authorization Letter:

- Letter **must** state the following:
  - *The undersigned authorized official acknowledges and certifies that the information contained in this proposal and application is true and correct to the best of my knowledge, has been duly authorized by the governing body of the organization. I also acknowledge, on behalf of the organization, that we accept the State's General Conditions (Exhibit 1) without exceptions, and that the Proposal is considered firm for one hundred twenty (120) days after the proposal's due date.*
- Letter **must** be signed by a person authorized to bind the company.
- Letter may also serve as a cover letter if the applicant chooses to include other statements or information, but this letter is primarily an authorization.

#### 4.08

##### Experience and Professional Qualifications (25 points)

While the HTA recognizes that a company profile generally will include some marketing, the main purpose of including this section is so that the evaluators can get to know the company. Applicant may include a web address for evaluators to refer to. Evaluators are under no obligation to review your website.

- Description of Organization: Provide a brief history of the establishment, development, and accomplishments of the organization.
- Qualifications and Expertise: Describe the qualifications and expertise of the individuals responsible for implementing the project.
- Related Projects: List experience with past projects with comparable scope of work and complexity to this RFP. Provide up to five client references for projects, at least three of which the company has worked with within the last three years.
- Capability: Show that the company has adequate staffing and resources to complete the work effectively and on time.

#### 4.09

##### **Quality and Reasonableness of Proposal for Minimum Requirements (50 points)**

Applicant is to describe how they will accomplish the scope outlined in Section 2 of this RFP.

- Identification of Measures, Reporting Regions, and Frequencies
- Data Collection
- Data Processing
- Reporting

#### 4.10

##### **Price/Budget (25 points)**

- Applicant is to propose a payment schedule based on suggested milestones (e.g. achieving certain sample levels).
- For calendar year 2019, contractor will necessarily need to set up a system and build sample to minimum levels. Applicant is to provide timeline for getting program up and running and provide a corresponding pay schedule.

#### 4.11

##### **Certificate of Vendor Compliance (CVC)**

HTA is requiring an active Hawai'i State Certificate of Vendor Compliance (CVC) in order to be able to apply for this RFP. 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.

## **SECTION 5 – SCORING / EVALUATION CRITERIA**

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### **5.01**

#### **Threshold Considerations**

In addition to meeting the requirements of the RFP, the proposal must pass a threshold judgement of whether it fills the needs of the service being solicited. If the proposal is judged to be unfit it may be put aside as nonresponsive. This judgement may be made by HTA prior to scoring, or it may be made during the scoring process by the evaluators themselves.

Please see Section 6, Provisions, Conditions, Disclaimers and Disclosures, for further information regarding disqualification.

### **5.02**

#### **Evaluation Committee**

Proposals will be evaluated by a Committee whose members include 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.

### **5.03**

#### **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 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.

### **5.04**

#### **Violations**

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.

### **5.05**

#### **Evaluation / Award Process**

Members of the Evaluation Committee will score the proposals using the scoring criteria described in this Section of the RFP. Applicants will be ranked based on scores. The evaluation committee reserves the right, at any time prior to award recommendation, to request selected applicants to provide an oral presentation in support of their application.

Once the recommendation to award is approved by the HTA President and CEO, a final contract will be executed by both parties with the applicant proposal serving as the basis of the agreement.

**5.06**

**Submission Materials and Criteria**

HTA may make an award decision based on initial proposal only. HTA also reserves the option to request and use any combination of the following: additional information or materials, revised or amended information or materials, oral interviews, reference checks, responses to requests for clarifications, responses to requests for best and final offer (BAFO).

**5.07**

**Scoring Worksheet**

Below is a facsimile of the scoring worksheet to be used by the evaluators:

Evaluator Scoring  
Worksheet  
RFP 19-18

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

5.08  
Scoring Guidelines

Assessment	Scoring Guidelines	Evaluator Score (Total)
<b>Poor</b>	<ul style="list-style-type: none"> <li>Proposal is inadequate in many basic aspects for the scored category (team, expertise, approach or price)</li> <li>Evaluator has very low confidence in the applicant's ability to perform as promised or as required</li> </ul>	1-20
<b>Marginal</b>	<ul style="list-style-type: none"> <li>Proposal minimally addresses the requirements, but one or more major considerations of the category are not addressed, or lacking in some essential aspects for the specific criteria</li> <li>Evaluator has low confidence in the applicant's ability to perform as promised or as required</li> </ul>	21-40
<b>Adequate</b>	<ul style="list-style-type: none"> <li>Proposal adequately meets the minimum requirements for the category and is generally capable of meeting the state's needs for specific criteria</li> <li>Evaluator has confidence in the applicant's ability to perform as promised or as required</li> </ul>	41-60
<b>Good</b>	<ul style="list-style-type: none"> <li>Proposal more than adequately meets the minimum requirements of the specific criteria, and exceeds those requirements in some aspects</li> <li>Evaluator has high confidence in the applicant's ability to perform as promised or as required</li> </ul>	61-80
<b>Excellent</b>	<ul style="list-style-type: none"> <li>Proposal fully meets all requirements and exceeds most requirements</li> <li>Evaluator has extremely high confidence in the applicant's ability to perform as promised or as required</li> </ul>	81-100

SCORING NOTES

1. Preparation. Evaluators will read the RFP requirements and then review the applicant's Proposal response and assess how well it meets the needs of the HTA as defined by the RFP.
2. Worksheet Mandatory. The Evaluator Worksheet will be used by the evaluators. Evaluators will record their score on the Evaluator Worksheet. Scores will be based on the number of

points for each evaluation component, which is provided in the Scoring Range column of the worksheet.

3. Independent and Individual Review. The committee will review the received Responses and independently score each Proposal. Scores will be in accordance with the Scoring Rating System and will represent each evaluator's best subjective judgment.
4. Scoring Rating System. Each scored item will receive a score based on the rating descriptions. Use whole numbers only. A zero score is not allowed.
5. Convening Committee Meetings. The committee meeting(s) will be convened by the HTA Procurement Officer on the date and time designated. Each member will bring his/her completed Response evaluation forms. The members will discuss the individual scores and, as a result of the discussion, each member may adjust the member's individual scoring up or down as appropriate. There is no requirement that members reach agreement on the score for a particular question/requirement. In the event the members do not reach agreement on a score for a particular question/requirement, the HTA Procurement Officer will average the individual scores to determine the Proposer's score for that particular question/requirement.
6. Award Amounts. Award amounts are determined based on the applicant's request, the average evaluator score, the overall score ranking, and the collective agreement of the evaluators regarding what is in the best interests of the State.
7. Maintaining Agency Records. All evaluation/negotiation documents/forms completed by each evaluator and by the committee will be collected by the HTA Procurement Officer and become part of the official record and subject to the Hawai'i Open Records Act.

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

## **SECTION 6 – PROVISIONS, CONDITIONS, DISCLAIMERS, AND DISCLOSURES**

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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. Procurement Timetable**

Note that the schedule of procurement key dates provided herein represents the HTA's best estimate of a schedule that will be followed and may be changed from time to time. Any changes to this schedule will be directly transmitted to applicants who have registered for updates as described in the Overview and Timeline section of this RFP. Any changes to the timetable can also be seen in the Addendums posted to the RFP on the HTA website referencing this RFP. Contract start dates are subject to the issuance of a notice-to-proceed. Some items on the Procurement Timetable may not be necessary or may be for informational purposes only.

### **4. Contracting Office**

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

### **5. Pre-Submittal Orientation Meetings**

HTA will be holding pre-proposal information sessions as noted in the Procurement Timeline. A schedule of times and locations are included as an attachment to this RFP.

### **6. Submission of Written Questions**

- (a) Written Questions. HTA welcomes written questions from applicants in order to ensure openness and transparency and improve understanding of the RFP. Applicants may submit written questions in electronic format, as a separate email attachment, to the email address of the point-of-contact identified in Section I of this RFP. To expedite responses, applicants are asked to submit questions on a Microsoft Word document. Each question must cite the RFP

paragraph that is the source of the question. HTA will respond to written questions as discussed below.

- (b) Deadline. Deadline for submission is listed in the Procurement Timeline.
- (c) Responses. The HTA Procurement Officer will combine the questions from all applicants into a single list. Similar questions may be combined and responded to as a single question. The HTA will provide the combined set of questions and responses to all applicants at the same time. The applicant who submitted the question will not be identified in the responses. The HTA will act in good faith in providing responses, but may decide, in its sole discretion, not to respond to some questions. Questions and answers will be documented in an Addendum to the RFP. The addendum will be posted on the RFP web page and will be and will be emailed directly to those who have registered per the instructions in Section 1 of the RFP.

## **7. Proposal**

- (a) Statement of Qualifications. An applicant must submit a completed Form A – Applicant Information Form, and all the requested documents, exhibits, attachments, executed and/or responsive appendices, acknowledgments, written comprehensive narratives, and other information described in and submitted in response to this RFP.
- (b) Proposal Submittal. Deadline for submission is listed in the Procurement Timetable.
  - (1) See Section I Overview and Timeline for delivery instructions. All proposals must be actually received by the HTA no later than the submittal deadline. Proposals may be rejected if received after the designated date and time. The official time will be recorded via the email signature if emailed, or by the time clock maintained at the HTA Drop-Off Site if delivered as a flash drive.
  - (2) Interested parties must submit a proposal in the manner outlined in the Proposal Outline section of this RFP. Video, audio, or other similar multimedia materials will not be accepted as part of the submission, but applicants are welcome to include a website address which evaluation committee members may or may not access at their own discretion.
- (c) RFP Submittals Become the Property of HTA. All proposals and other materials submitted will become the property of the HTA and will not be returned. The HTA reserves the right to retain all submittals and to retain any ideas in a submittal regardless of whether an Applicant is selected. Submittal of any response to this RFP indicates acceptance by the Applicant of the conditions contained within the RFP document.
- (d) Contract. The RFP and the applicant's selected proposal will, by reference, become a part of the final Contract between the selected Applicant and the HTA resulting from this solicitation process.
- (e) Expenses. Each applicant is solely responsible for all expenses incurred for the preparation of their proposal and its participation in any pre-award presentation or discussions and other activities related to the evaluation process and the development and submission of any proposal provided by an applicant in response to this RFP, including without limitation, any travel related or presentation expenses incurred to present or discuss the applicant's Proposal submission. An applicant may not bill the HTA for any costs or expenses associated with its response to this RFP. Any incumbent under any HTA contract may not use HTA-funded resources to prepare its Proposal.

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

## **8. Multiple or Alternate Proposals**

An applicant may submit separate proposals for different projects if the projects are clearly different and distinguishable. Multiple or alternate proposals from the same applicant for the same project are not allowed. In the event alternate or multiple proposals are submitted, all of the applicant's submissions may be rejected at the discretion of the HTA Procurement Officer.

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

Two-Step Process. Proposals submitted under this RFP may be evaluated in a two-phase elimination process. The first phase will compare each proposal to the requirements of this RFP for compliance and will include a comparative evaluation of the various applicants' proposals. The second phase, if needed, may include applicant oral interviews, interviews with general manager candidates, reference checks, best and final offer (BAFO), contract negotiations and other evaluation methods deemed appropriate by the HTA. Applicants must pass the first phase to be considered for evaluation in the second phase. Final selection for award will be made from among the remaining applicants in the final phase.

## **10. Rejection of Proposals**

- (a) Requirements Must Be Met. The HTA reserves the right to consider as acceptable, responsible and responsive only those proposals submitted in accordance with all requirements set forth in this RFP, that demonstrate an understanding of the services to be provided, and challenges associated therewith.
- (b) Changing Terms. Any proposal requiring any contract terms or conditions contradictory to those included in this RFP and the General Conditions attached as Exhibit 1 may be rejected in its entirety without further notice. Applicants may suggest alternate terms or conditions with a specific explanation of how the change would result in improvements to price, schedule, or performance. The suggestion must specifically quantify the impact. Such suggestions are not accepted or implemented unless included in the final terms and conditions in the Agreement signed by both parties.
- (c) Reasons. A Proposal may be automatically rejected for any one or more of the following reasons:
  - (1) Failure to cooperate or deal in good faith;
  - (2) Inadequate accounting system or internal controls;
  - (3) Late proposals;
  - (4) Failure to submit in accordance with the RFP requirements, or failure to supply an adequate response to the RFP;
  - (5) Lack of demonstrated experience or expertise; and
  - (6) Failure to maintain standards of responsibility. Any Applicant found to have falsified any information to the HTA in relation to this or any other procurement, or which has been suspended or barred from doing business with the HTA, the State of Hawai'i including any of its subdivisions and agencies or the United States government, or which has been convicted of a felony related to procurement contracting with any unit of government, or which has failed to maintain necessary licensure or meet its tax or other obligations to a government agency may be rejected.

- (d) The HTA, however, reserves the right to waive any or all informalities, irregularities or deficiencies when it considers a waiver to be in the best interests of the STATE.
- (e) Protests. Any protest of rejection of a proposal must be received by HTA within five (5) calendar days after receiving notice from HTA of the rejection of an applicant's proposal.

### **11. RFP Amendments**

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

### **12. Register of Proposals**

After the date established for receipt of Proposals, HTA will prepare a Register of Proposals received, including, for all proposals, the name of each applicant and the date the HTA received the applicant's proposal and any modifications to the proposals. The Register of Proposals will be open to public inspection only after award of the contract(s) under this RFP. Proposals and modifications may be subject to disclosure under Hawai'i Uniform Information Practices Act provided in chapter 92F, Hawai'i Revised Statutes.

### **13. Opening and Storage of Proposals**

Proposals will be time-stamped based on the email signature if submitted electronically, or as stamped by HTA reception if submitted physically. Submission will be maintained in an electronic file by HTA.

### **14. Public Inspection**

Procurement files, including proposals, will be open to public inspection in accordance with the Uniform Information Practices Act (UIPA) and to the extent allowed by law only after all contracts under this RFP has been awarded and executed by all parties.

### **15. Presentations and Discussions with Applicants (if applicable)**

- (a) Applicants Defined. As used herein in this RFP, "Applicants" means only those individuals, persons, or entities submitting proposals that are acceptable or potentially acceptable and does not include those who submitted unacceptable Proposals.
- (b) Presentations and Discussions defined. As used herein in this RFP, "Presentations" means non-written communication by Applicants to the Evaluation Committee under conditions set by the HTA. "Discussions" means any communication between an individual applicant and the Evaluation Committee or HTA staff for the purpose of allowing the HTA to complete its Proposal evaluation. Oral interviews may include Presentations and Discussions.
- (c) Discretionary. In its discretion, the HTA may decide to select based on written proposals alone as submitted and without any oral presentations or discussions.
- (d) Invitation. After evaluation of the proposals, the HTA may invite applicants it considers to be in the competitive range to participate in pre-award presentations and discussions. The HTA may limit the number of proposals in the competitive range to a reasonable number that will permit an efficient competition among the most highly rated proposals.
- (e) Participation. Each applicant that accepts the invitation will be required to provide access to the applicant's team assigned to this effort. The applicant's team may include a project manager that the applicant proposes to assign as part of the core project team.
- (f) Objectives. There are several objectives of the Presentation and Discussion, including:

- (1) To compare the HTA's requirements to the services proposed by the applicant as described in the written Proposal;
  - (2) To allow the applicant to demonstrate how the requirements can be satisfied by the proposal;
  - (3) To identify significant gaps in required and proposed services as described in the written proposal; and
  - (4) To provide the applicant with an opportunity to discuss their methodology, scope of services and project plan.
- (g) Location. The Presentation and initial Discussions will be at the HTA's facilities in the Hawai'i Convention Center on O'ahu, or by video conference at the HTA's discretion. Discussions may continue orally or in writing and may be done over the phone, by email, letter, or other method. All discussions must be originated by HTA.
- (h) Results. The HTA evaluation committee will evaluate each applicant on its participation in the Presentation and Discussions as part of its Phase Two Proposal evaluation unless HTA decides, in its sole discretion, to make an award based on written proposals alone.
- (i) Conduct of Discussions. Applicants in the competitive range will be accorded fair and equal treatment with respect to any opportunity for Presentations and Discussions and revisions of proposals. The HTA Procurement Officer for this RFP will establish schedules and procedures appropriate for this phase of the procurement. If during discussions there is a need for any substantial clarification of, or change in, the RFP, the RFP may be amended by a modification to incorporate such clarification or change. Auction techniques (revealing one applicant's price to another) and disclosure of any information derived from competing Proposals are prohibited. Any substantial oral clarification of a proposal must be reduced to writing by the applicant.
- (j) Best and Final Offer Discussions. HTA may, in its sole discretion, request that applicants submit a best and final offer (BAFO). The HTA may invite applicants it considers to be in the competitive range to participate in BAFO Discussions. The Procurement Officer may limit the number of proposals in the competitive range to a reasonable number that will permit an efficient competition among the most highly rated Proposals.

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

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

## **17. Notice of Selection**

- (a) Notice of Selection. An award letter will be sent to the selected applicant/s. The letter will introduce the awardee to their HTA manager and provide information regarding next steps, including a list of any outstanding documentation needed.
- (b) Notice of Non-Selection. A notice will also be sent to all non-selected applicants upon completion of the evaluation process. The notice of non-selection triggers the right to request a

debriefing and starts the clock for protests based on non-selection. The debriefing may be written or oral and may be included in the Notice of Non-Selection.

- (c) Execution. The designated HTA manager will work with the awardee to draft a Statement of Work based on the winning proposal to be incorporated into the contract or agreement. The contract needs to be signed and notarized by the awardee, signed by HTA, and approved by the attorney general's office. Once the contract is executed, the selected applicant/awardee will be referred to as the "Contractor."
- (d) HTA Board of Directors Funding Approval. Funding for contracts and options is subject to the approval of an annual fiscal year budget by the HTA Board of Directors. In the event the Board does not fund the budget item used to fund this contract, the contract may be terminated for the convenience of the government.
- (e) Start Work Date. No work is to be undertaken by the selected applicant prior to the contract commencement date after contract execution by both parties. HTA is not liable for any costs incurred prior to the official starting date.

## 18. Confidential Information

- (a) Procurement Sensitive Information. Each proposal will be considered to contain procurement sensitive information whether or not it is so marked. No part of a proposal will be released to other applicants or the public prior to contract execution. In the event that the RFP is cancelled, release of procurement files for inspection will be subject to applicable laws.
- (b) Marking Confidential and Proprietary Materials. If an applicant believes any portion of a proposal contains proprietary and/or commercial information that should be withheld from the public due to competitive injury that would result from public release during or after the solicitation, the applicant must mark designated proprietary data as confidential and provide justification to support confidentiality. Such data must accompany the proposal, be clearly marked, and must be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections. Any request for confidentiality is subject to review by STATE regarding applicability of the request to State law. Unless designated "Confidential and Proprietary," the proposal will be available for public inspection after the award of the contract.
- (c) Acceptable Markings. Applicants that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the HTA except for evaluation purposes will be subject to the restrictions stated below.
  - (1) An applicant must mark the title page with a legend substantially similar to the following in accordance with the applicant's standard procedure or advice of counsel or other experts:  
*"This Proposal includes proprietary and confidential data that may not be disclosed outside the HTA and may not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this Proposal."*
  - (2) The applicant must mark each sheet of data the applicant wishes to restrict with a legend substantially similar to the following in accordance with the applicant's standard procedure or advice of counsel or other experts:  
*"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this Proposal."*

- (3) If, however, a contract is awarded as a result of, or in connection with, the submission of data, HTA will have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit HTA's right to use information contained in proposals if it is obtained from another source without restriction.
- (d) Post-Award Disclosures. HTA may disclose the following information in post award debriefings to other applicants:
  - (1) The overall evaluated cost or price and technical rating of the successful applicant. (Note that the total price is not considered confidential and will not be withheld.)
  - (2) The range of scores and relative ranking of the applicant, if any ranking was developed by HTA during source selection.

## **19. 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; provided that any information labelled as confidential commercial or proprietary information may be withheld subject to review by STATE regarding applicability of the request to State law.

## **20. Vendor Clearance**

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

There is an annual registration fee for the service. To register, go to: <https://vendors.ehawaii.gov>, complete the easy step-by-step process and pay with a credit card.

## **21. Legal Requirements**

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

## **22. Campaign Contributions by State and/or County Contractors**

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

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

- (a) Fixed Price. This contract is a fixed price contract. Contractor will be responsible for completing all the work agreed to in the proposal and contract within the budget agreed to in the proposal contract unless otherwise agreed to by HTA. HTA approval is required for any expenses to be reimbursed.

- (b) Period of Performance. See Timeline for any contract term and options.
- (c) Not to Exceed. The HTA will set a not-to-exceed amount for goods and services under this contract based on contractor proposal and subsequent negotiations. The contractor must not exceed that limit without the express written consent of the HTA delivered via a supplemental to the contract.
- (d) Payments. Vendor shall propose a payment schedule. Please note that HTA cannot pay for any goods or services until they are delivered and accepted.
- (e) 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.
- (f) 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.
- (g) Interpretation. The order of precedence for interpreting the contract will be:
  - (1) Hawai'i State law; then
  - (2) HTA regulations, policies, and procedures; then
  - (3) The Executed Agreement with any modifications, amendments, or other properly documented changes; then
  - (4) The RFP as amended; 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.

## 24. Execution of Contract

- (a) Exceptions. Proposals requiring any exceptions to the General Conditions included as Exhibit 1 to this RFP may be rejected in their entirety without further notice. Applicants may suggest alternate terms in the form of special conditions with a specific explanation of how the change would result in improvements to price, schedule, or performance. Such suggestions are not accepted or implemented unless included in the final terms and conditions in the Agreement signed by both parties.
- (b) Execution. Upon the receipt of all required information, documentation, attachments, and the certificate of vendor compliance the contractor and the HTA will execute the final written agreement.
- (c) Unauthorized Work. Unless otherwise agreed, a contractor may not perform any work prior to the execution of a written contract by HTA and a contractor. All unauthorized work performed

by the contractor prior to the execution of the written contract will be at the contractor's sole cost and expense.

## 25. Protests

- (a) Raising Concerns. Interested parties who have concerns regarding a solicitation, specifications, award, or other decision of the procurement officer should first discuss the concern with the HTA Procurement Officer within the protest time periods provided for in this 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's President and Chief Executive Officer. Grounds for protest must be based in
- (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. Written protest must be actually received by HTA within five (5) working days after the Applicant has been informed of award or non-award. Protest may be delivered via email or via a reliable delivery service, but the protest must actually be received by HTA by the deadline:

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 Addresses:	HTA Contracts Office - <a href="mailto:contracting@gohta.net">contracting@gohta.net</a> Keith Regan – <a href="mailto:keith@gohta.net">keith@gohta.net</a> Ronald D. Rodriguez – <a href="mailto:ronald@gohta.net">ronald@gohta.net</a>

## 26. Availability of Funds

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

## 27. Cancellation of Request for Proposal

The HTA may cancel the RFP and any or all Proposals may be rejected in whole or in part, when it is determined to be in the best interests of the HTA. Each applicant is solely responsible for all expenses

incurred for the preparation of the Proposal and its participation in any pre-award presentation or discussions and other activities related to the evaluation process even if the process does not result in award of a contract to any party.

### **28. Electronic Transmissions**

HTA may transmit letters or provide responses to questions to applicants via facsimile or email (in lieu of letters by mail) for all matters regarding this RFP solicitation after receipt of Proposals. HTA will use the facsimile number and the email address provided by the applicant on the Applicant Interest Form (Form A). If the HTA sends letters via facsimile machine or email, successful transmission of the letter, as evidenced by the transmission report generated by the HTA's facsimile machine or the "Sent" date shown on the HTA's email, will constitute official notification to and receipt by the applicant. The date and time recorded on the HTA's transmission report or "Sent" email will be the official date and time of receipt by the applicant.

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

Applicants shall avoid all conflict of interests that will not prevent and deter fraud, waste, and abuse, or will not provide increased economy to maximize to the fullest extent practicable, the purchasing value of public funds. Any credible and reliable proof of such conflict of interest shall be cause to terminate any contract with HTA and withhold any funding or compensation.

### **30. Suspended or Debarred Contractors**

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

### **31. Collusion**

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