

Division of Aquatic Resources

REQUEST FOR PROPOSALS
No. DAR-RFP-2023-01

SEALED OFFERS
FOR

**Creation and Administration of Ocean Stewardship User Fee
Internet-based Application and Database**

STATE OF HAWAI'I
DEPARTMENT OF LAND & NATURAL RESOURCES

WILL BE RECEIVED UP TO 2:00 PM (HST) ON

May 22, 2023

ELECTRONICALLY THROUGH THE STATE OF HAWAI'I ELECTRONIC PROCUREMENT SYSTEM (HiePRO). DIRECT QUESTIONS RELATING TO THIS SOLICITATION TO LAURA JACKSON at LAURA.A.JACKSON@HAWAII.GOV.



Laura A Jackson
DAR Procurement Officer

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAI'I 96813

NOTICE TO OFFERORS

Specifications for Solicitation No. **DAR-RFP-2023-01 Creation and Administration of Ocean Stewardship User Fee Internet-based Application and Database** are available for download on the State of Hawaii Electronic Procurement System (HlePRO). **All offers are due through electronic submittal on HlePRO by:**

Offers are due: Date: May 22, 2023
Time: 2:00 PM (HST)

At the time of the Award, Offeror shall be compliant with the State Rules and Regulations through Hawai'i Compliance Express (HCE), if not compliant, award shall not be issued. Offeror shall submit the original signed OFFER FORMS for DAR-RFP-2023-01 uploaded to HlePRO.

The award, if awarded, shall be subject to the availability of funds.

Should there be any question on this matter, please contact Laura Jackson at laura.a.jackson@hawaii.gov.

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SECTION ONE

INTRODUCTION, TERMS AND ACRONYMS, KEY DATES

1.1 INTRODUCTION

The State of Hawai'i Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) is requesting proposals to create an efficient, intuitive, secure, and flexible internet-based application and database for the data collection, communication, fee collection, and administration of the ocean stewardship user fee.

DAR Principal Investigator: David Sakoda, Program Manager
David.Sakoda@hawaii.gov.

1.2 CANCELLATION

This request for proposals (RFP) may be canceled and any or all proposals rejected in whole or in part, without liability to the State, when it is determined to be in the best interest of the State.

1.3 TERMS AND ACRONYMS USED THROUGHOUT THE SOLICITATION

BAFO	= Best and Final Offer
CPO	= Chief Procurement Officer
DAGS	= Department of Accounting and General Services
DAR	= Division of Aquatic Resources
GC	= General Conditions, issued by the Department of the Attorney General
GP	= General Provisions
Procurement Officer	= The contracting officer for the State of Hawaii, State Procurement Office
State	= State of Hawaii

1.4 RFP SCHEDULE AND SIGNIFICANT DATES

This schedule represents the State’s best estimate of the schedule that will be followed. All times indicated are Hawai’i Standard Time (HST). If a component of this schedule, such as “Proposal Due deadline” is delayed, the rest of the schedule will likely be shifted by the same number of days. Any changes to the RFP Schedule and Significant Dates shall be reflected in and issued in an amendment. The approximate schedule is as follows:

Release of Request for Proposals	April 18, 2023
Due Date to Submit Questions	April 24, 2023 2:00 PM HST
State’s Response to Questions	May 1, 2023
Proposals Due Date/Time	May 22, 2023 2:00 PM HST
Notice of Award	TBD
Contract Start Date	As determined by the Notice to Proceed

1.5 QUESTIONS ON RFP

The purpose is to provide Offerors an opportunity to submit written questions about the procurement.

All questions shall be submitted by the due date specified in Section 1.4 *RFP Schedule and Significant Dates*, as amended.

The State will respond to questions through Addenda/Amendments by the date specified in Section 1.4, *RFP Schedule and Significant Dates*, as amended.

SECTION TWO

BACKGROUND AND SCOPE OF WORK

2.1 PROJECT OVERVIEW AND OBJECTIVE

The purpose of this project is to create an efficient, intuitive, secure, and flexible internet-based web portal, mobile application, and database for the data collection, communication, fee collection, and administration of the ocean stewardship user fee.

DAR oversees the management and administration of aquatic life and aquatic resources of the State. On Jun 8th, 2021, Act 46 (SLH 2021) was signed into law. Among other things, this Act requires all operators of commercial vessels, watercraft, or water sports equipment that are required to have a commercial operator permit pursuant to section 13-256-3(a), Hawaii Administrative Rules, to collect an ocean stewardship user fee of \$1 from each passenger carried or customer served. The bill requires that the collected fees be transferred to DLNR monthly. The State estimates approximately 871 commercial operators will be required to collect and transfer ocean stewardship user fees to DLNR resulting in an estimate of \$1.2 million in user fees in Year 1 to over \$3 million in user fees by Year 5.

2.2 SCOPE OF WORK

The CONTRACTOR shall develop and implement the following internet-based fee collection web portal, mobile application, and database that includes automated fee collection and processing, a flexible user-interface, communication & reporting features, and support for maintenance, modifications/upgrades.

Automated ocean stewardship user fee payment and donation processing

1. The system will be intuitive for commercial operators to make payments each month based on each operator's monthly passenger/customer count with as much automation as possible (minimal involvement of DAR staff during the payment process) through both the web portal and companion mobile application.
2. The system will automatically generate billing or invoices for commercial operators.
3. The system will allow users to upload attachments to online records (such as a monthly customer listing or passenger manifest).
4. The system will allow refunds to be initiated and processed by DAR staff without having to interface with the contractor.

5. The system will require information security and user authentication to protect data and confirm correct payment; provide a single sign-on when appropriate, and an online username and password retrieval system for customers and staff.
6. Contractor shall establish backup and recovery procedures for all data.

Flexible user-interface

1. The system shall provide user groups (public, admin, etc.) access to payment portal and information. This includes a public-facing portal through both the web portal and companion mobile application for commercial operators to confirm amount owed (for example by entering commercial operator's permit or account number) and make payment.
2. The system shall enable commercial operators to submit information on relevant data points to be determined by DAR (for example, primary port of call and nature of commercial activity).
3. The system will ideally incorporate the information reporting functions of DAR's existing Molokini Shoal Marine Life Conservation District Use Permit portal.
4. The system will allow non-commercial operator users (for example, customers or passengers of commercial operators) to submit monetary donations through a secure payment system without the need to create a user account or log-in.
5. The system shall enable DAR to publish informational material and media (for example, short information videos, PDFs, frequently asked questions) that users may access through both the web portal and companion mobile application.

Communication & reporting features

1. The system will allow for communication between DAR staff and commercial operators via email and/or text. This communication should allow for mass messaging by group type as well as individual messaging.
2. The system will automatically send bill or invoice each month to commercial operators.
3. The system will allow for automatic communication from DAR staff to request submission of customer lists and/or passenger manifests from randomly selected commercial operators.
4. The system will include features for up-to-date reporting of data with selectable fields as appropriate.
5. The system will include a mapping function to overlay data from selectable fields (for example commercial operators' ports of call over area maps).
6. The system will communicate seamlessly with other IT solutions or management technology identified by DAR.
7. The reporting feature should be easily customizable as new state regulations and reporting requirements change.
8. Reporting shall include, but not be limited to, commercial operators, monthly user fee transfers (payments), compliance rates, fiscal reporting, ports of call, nature

of commercial activities, searching by date/commercial operator name/commercial operator permit number/email address.

9. Contractor will identify a local, Hawai'i-based single point of contact and liaison and maintain a support team for DAR's ocean stewardship user fee website.

Support for maintenance, modifications/upgrades

1. Contractor shall provide training to DAR staff in use of the new system.
2. Contractor shall provide a tutorial and support for implementation and rollout to the public.
3. Contractor shall provide support for customer technical issues.
4. Contractor shall provide support at the deployment of new features or system updates or changes.
5. The system must be modifiable and configurable to accommodate additions or updates as needed.

The scope of work includes meeting all the detailed requirements as set forth in this RFP.

2.3 OFFEROR'S QUALIFICATIONS

The following are minimum qualifications the Offeror must meet for their proposal submittal to be eligible for evaluation. The Offerors submittal should be sufficiently detailed to clearly show how you meet the minimum qualifications without looking at any other material. Those that are not clearly responsive to these minimum qualifications shall be rejected by the State without further consideration.

Offeror must meet the minimum requirements to be considered responsive. Failure to meet these minimum requirements will cause the Offeror to be rejected from further evaluation. The Contractor shall have the following qualifications:

1. Experience with designing and developing relational databases, web applications, and payment systems.
2. Staff with training and expertise on proposed software platform to be used AND an office and staff located in Honolulu, HI for immediate system troubleshooting.
3. History of successfully meeting project requirements and deadlines while working collaboratively with state agencies.
4. Familiarity with State of Hawai'i aquatic resource management, boating and ocean recreation management, and marine specific regulatory processes.

To illustrate experience and capabilities, the proposal should include the following information with appropriate references to the points above:

1. Description of how your organization fulfills the “Qualifications” outlined above, including a statement as to why your organization is best positioned to develop this application.
2. List of clients for whom you have performed similar work within the last three years and whom may be contacted by the State as to the Offeror's past and current job performance. Offeror shall provide names, titles, organizations, telephone numbers, email, and postal addresses.
3. Background on your corporation/organization/team, including history, staff size and experience, and other relevant information. Provide names and biographies (with resumes) for all members of your team that will participate on this project and identify the specific role everyone will perform.
4. A summary listing of judgments or pending lawsuits or actions against; adverse contract actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling contractual obligations against your firm. If none, so state.
5. A list of sample projects and/or examples of written plans.

2.4 OFFEROR'S RESPONSIBILITIES

1. Perform all tasks in the Scope of Work.
2. Issues brought to the Offeror's attention must be addressed within forty-eight (48) hours.
3. Selected Offeror must provide periodic project update briefings to DAR Project Team.

2.5 DAR RESPONSIBILITIES

1. Review and approve project deliverables.
2. Monitor project progress through status meetings, status reports, and project schedules, bring issues to Contractor's attention in a prompt manner.
3. Issue payment to Vendor upon receiving acceptable deliverables and appropriate invoices while ensuring that vendor is HCE compliant before processing invoices.

2.6 TERM OF CONTRACT

Successful Offeror shall be required to enter in a formal written contract or purchase order to commence work on this project. The initial term of the contract shall be for a six- month period starting on the official commencement date of the Notice to Proceed. The contract may be extended for up to one (1) additional one-month period, or any portion thereof without the necessity of re-bidding, if mutually agreed upon in writing prior to contract expiration. The Contractor or

State may terminate the extended contract period at any time upon two (2) weeks prior written notice.

The initial contract period of performance is intended to begin approximately on June 1, 2023, and end approximately November 30, 2023.

2.7 CONTRACT ADMINISTRATOR

For the purpose of this contract, Laura Jackson, 808-640-1164, or authorized representative, is designated the Contract Administrator.

SECTION THREE

PROPOSAL FORMAT AND CONTENT

3.1 OFFEROR'S AUTHORITY TO SUBMIT AN OFFER

The state will not participate in determinations regarding an Offeror's authority to sell a product or service. If there is a question or doubt regarding an Offeror's right or ability to obtain and sell a product or service, the Offeror shall resolve that question prior to submitting an offer.

3.2 REQUIRED REVIEW

3.2.1 Before submitting a proposal, each Offeror must thoroughly and carefully examine this RFP, any attachment, addendum, and other relevant document, to ensure Offeror understands the requirements of the RFP. Offeror must also 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 required.

3.2.2 Should Offeror find defects and questionable or objectionable items in the RFP, Offeror shall notify the Division of Aquatic Resources in writing prior to the deadline for written questions as stated in the RFP *Schedule and Significant Dates*, as amended. This will allow the issuance of any necessary corrections and/or amendments to the RFP by addendum and mitigate reliance of a defective solicitation and exposure of preproposal(s) upon which award could not be made.

3.3 PROPOSAL PREPARATION COSTS

All costs incurred by the Offeror in preparing or submitting a proposal shall be the Offeror's sole responsibility whether or not any award results from this RFP. The State shall not reimburse such costs.

3.4 TAX LIABILITY

3.4.1 Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS Chapter 238. Contractor is advised that they are liable for the Hawaii GET at the current 4.5% for sales made on Oahu. If, however, an Offeror is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, Offeror shall state its tax-exempt status and cite the HRS chapter or section allowing the exemption.

3.4.2 Federal I.D. Number and Hawaii General Excise Tax License I.D. Offeror shall submit its current Federal I.D. No., and Hawaii General Excise Tax License I.D. number in the space provided on Offer Form, page OF-1, thereby attesting that the Offeror is doing business in the State and that Offeror will pay such taxes on all sales made to the State.

3.5 PROPERTY OF STATE

All proposals become the property of the State of Hawaii.

3.6 CONFIDENTIAL INFORMATION

3.6.1 If an Offeror believes that any portion of a proposal, offer, specification, protest, or correspondence contains information that should be withheld from disclosure as confidential, then the Offeror shall inform the Procurement Officer named on the cover of this RFP in writing and provided with justification to support the Offeror's confidentiality claim. Price is not considered confidential and will not be withheld.

3.6.2 An Offeror shall request in writing nondisclosure of information such as designated trade secrets or other proprietary data Offeror considers to be confidential. Such requests for nondisclosure shall accompany the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal.

3.7 EXCEPTIONS

Should Offeror take any exception to the terms, conditions, specifications, or other requirements listed in the RFP, Offeror shall list such exceptions in this

section of the Offeror's proposal. Offeror shall reference the RFP section where exception is taken, a description of the exception taken, and the proposed alternative, if any. The State reserves the right to accept or not accept any exceptions.

No exceptions to statutory requirements of the AG General Conditions shall be considered.

3.8 PROPOSAL OBJECTIVES

3.8.1 One of the objectives of this RFP is to make proposal preparation easy and efficient, while giving Offerors ample opportunity to highlight their proposals. The evaluation process must also be manageable and effective.

3.8.2 Proposals shall be prepared in a straightforward and concise manner, in a format that is reasonably consistent and appropriate for the purpose. Emphasis will be on completeness and clarity and content.

3.8.3 When an offeror submits a proposal, it shall be considered a complete plan for accomplishing the tasks described in the RFP and any supplemental tasks the Offeror has identified as necessary to successfully complete the obligations outlined in this RFP.

3.8.4 The proposal shall describe in detail the Offeror's ability and availability of services to meet the goals and objectives of this RFP as stated in Section 2.2 SCOPE OF WORK.

3.8.5 Offeror shall submit a proposal that includes an overall strategy, timeline and plan for the work proposed as well as expected results and possible shortfalls.

3.9 PROPOSAL FORMS

3.9.1 To be considered responsive, the Offeror's proposal shall respond to and include all items specified in this RFP and any subsequent addendum. Any proposal offering any other set of terms and conditions that conflict with the terms and conditions providing in the RFP or in any subsequent addendum may be rejected without further consideration.

3.9.2 Offer Form, Page OF-1. Offer Form, OF-1 is required to be completed using Offeror's exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable, in the appropriate space

on Offer Form, OF-1. Failure to do so may delay proper execution of the Contract.

The Offeror's authorized signature on the Offer Form, OF-1 shall be an original signature in ink, which shall be required before an award, if any, can be made. The submission of the proposal shall indicate Offeror's intent to be bound.

- 3.9.3** Offer Form, Page OF-2. Pricing shall be submitted on Offer Form OF-2. The price shall be an all-inclusive cost, including the GET, to the State. No other costs will be honored. Any unit prices shall be inclusive.

3.10 PROPOSAL CONTENTS

Proposals must:

- 3.10.1** Include a transmittal letter to confirm that the Offeror shall comply with the requirements, provisions, terms, and conditions in this RFP.
- 3.10.2** Include a signed Offer Form OF-1 with the complete name and address of Offeror's firm and name, mailing address, telephone number, and fax number of the person the State should contact regarding the Offeror's proposal.
- 3.10.3** If subcontractor(s) will be used, append a statement to the transmittal letter from each subcontractor, signed by an individual authorized to legally bind the subcontractor and stating:
- a. The general scope of work to be performed by the subcontractor.
 - b. The subcontractor's willingness to perform for the indicated.
- 3.10.4** Provide all the information requested in the RFP in the order specified.
- 3.10.5** Be organized into sections, following the exact format using all titles, subtitles, and numbering, with tabs separating each section below. Each section must be addressed individually, and pages must be numbered.
- a. Transmittal Letter
See Attachment 1, Offer Form OF-1.
 - b. Experience and Capabilities:

- 1) A complete, relevant, and current client listing.
 - 2) The number of years Offeror has been in business and the number of years Offeror has performed services specified by this RFP.
 - 3) A list of key personnel and associated resumes for those who will be dedicated to the project.
 - 4) A list of at least three (3) references from the Offeror's client listing that may be contacted by the State as to the Offeror's past and current job performance. Clients should be of a similar size, function, and business as DAR. Offeror shall provide names, titles, organizations, telephone numbers, email, and postal addresses.
 - 5) A summary listing of judgements or pending lawsuits or actions against, adverse contract actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling contractual obligations against your firm. If none, so state.
 - 6) A list of sample projects and/or examples of written plans.
- c. Proposal including an overall strategy, timeline, and plan for implementation date of January 1, 2024.
 - d. Pricing.
See Attachment 2, Offer Form OF-2.
 - e. Exceptions.

3.11 RECEIPT AND REGISTER OF PROPOSALS

Proposals will only be received within the State of Hawaii Electronic Procurement System (HiePRO). All offers are due through electronic submittal on HiePRO by May 22, 2023, by 2:00 PM (HST).

At the time of the Award, Offeror shall be compliant with the State Rules and Regulations through Hawai'i Compliance Express (HCE), if not compliant, award shall not be issued. Offeror shall submit the original signed OFFER FORMS and all other offer documents for DAR-RFP-2023-01 uploaded to HiePRO.

3.12 BEST AND FINAL OFFER (BAFO)

If the State determines a BAFO is necessary, it shall request one from the Offerors. The Offerors shall submit its BAFO and any BAFO received after the deadline or not received shall not be considered.

3.13 MODIFICATION PRIOR TO SUBMITTAL DEADLINE OR WITHDRAWAL OF OFFERS

3.13.1 The Offeror may modify or withdraw a proposal before the proposal due date and time.

3.13.2 Any change, addition, deletion of attachment(s) or data entry of an Offer may be made prior to the deadline for submittal of offers.

3.14 MISTAKES IN PROPOSALS

3.14.1 Mistakes shall not be corrected after award of contract.

3.14.2 When the Procurement Officer knows or has reason to conclude before award that a mistake has been made, the Procurement Officer may request the offeror to confirm the proposal. If the Offeror alleges mistake, the proposal may be corrected or withdrawn pursuant to this section.

3.14.3 Once discussions are commenced or after best and final offers are requested, any priority-listed Offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

3.14.4 If discussions are not held, or if the best and final offers upon which award will be made have been received, mistakes shall be corrected to the intended correct offer whenever the mistake and the intended correct offer are clear on the face of the proposal, in which event the proposal may not be withdrawn.

3.14.5 If discussions are not held, or if the best and final offers upon which award will be made have been received, an Offeror alleging a material mistake of fact which makes a proposal non-responsive may be permitted to withdraw the proposal if: the mistake is clearly evident on the face of the proposal but the intended correct offer is not; or the Offeror submits evidence which clearly and convincingly demonstrates that a mistake was made.

Technical irregularities are matters of form rather than substance evident from the proposal document, or insignificant mistakes that can be waived or corrected

without prejudice to other Offerors; that is, when there is no effect on price, quality, or quantity. If discussions are not held or if best and final offers upon which award will be made have been received, the Procurement Officer may waive such irregularities or allow an Offeror to correct them if either is in the best interest of the State. Examples include the failure of an Offeror to: return the number of signed proposals required by the request for proposals; sign the proposal, but only if the unsigned proposal is accompanied by other material indicating the Offeror's intent to be bound; or to acknowledge receipt of an amendment to the request for proposal, but only if it is clear from the proposal that the Offeror received the amendment and intended to be bound by its terms; or the amendment involved had no effect on price, quality or quantity.

SECTION FOUR

EVALUATION CRITERIA

4.1 RECEIPT AND REGISTER OF PROPOSALS

Submission of a proposal shall not create rights, interest, or claims of entitlement in any proposer, including the best evaluated proposer. The State reserves the right, at its sole discretion, to reject any and all proposals in accordance with applicable laws and regulations; including, but not limited to unreasonably high prices, failure of all proposals to meet technical specifications, error in the request for proposals, cessation of need, unavailability of funds, or a determination by the procurement agency that proceeding with the procurement would be detrimental to the best interests of the State.

4.2 WEIGHTING AND EVALUATION OF PROPOSALS

Proposals will be ranked by an evaluation committee consisting of three or more government officials. Evaluation criteria and their associated points are listed below. In addition to the general criteria below, additional points may be given to proposals that incorporate the reporting functions of DAR's existing Molokini Shoal Marine Life Conservation District Use Permit portal. The award will be made to the responsible provider(s) whose proposal is/are determined to be the most advantageous to the State based on the evaluation criteria listed in this section. Proposals will be reviewed for inclusion of necessary documents and proposal requirements; any proposals that do not contain the required documents may be deemed unacceptable. All acceptable proposals will be viewed by an evaluation committee as specified in this section. The State reserves the right to determine what is in the State's best interest in this evaluation process. The proposal with the most value for the State may not necessarily be the proposal offering the lowest cost. The State reserves the right to select portions of a proposal, or to reject any and all proposals.

Evaluation Criteria - Those proposals that are determined to be acceptable shall be evaluated based upon the criteria detailed below. The evaluation process will award points for each criterion based on the total available points for that criterion (e.g., Total points = 100: high score = 100, low score = 0). The sum of all criteria will equal the total proposal score. Those proposals failing to receive a minimum qualifying score (65) shall be disqualified from further consideration. The total number of points used to score this proposal is 100.

Proposals submitted will be evaluated using the following criteria:

1. Evidence of Experience. Total points = 20
 - Provider has professional qualifications and experience that will allow them to perform actions described in the RFP and submitted proposal
 - Previous experience and proficiency in designing and developing relational databases, web applications, and payment systems
 - Demonstrated success working with the state of Hawaii when developing and implementing similar projects
2. Program Objectives and Timeline. Total points = 40
 - Project objectives, details, and relevant information adequately address the description of work and can be completed within the award period
 - Proposed methods to achieve the project objectives are determined to be the best option
 - Project staff can start within a reasonable amount of time
 - Proposal outlines how the system can integrate with existing system
3. Portal Adaptability. Total points = 15
 - Proposal addresses how the portal can be updated or modified to improve user experience and ease of operation
4. Budget. Total points = 25
 - The budget should be adequate to complete the scope of work and budget expenses should be relevant to project objectives
 - Budget should illustrate experience with development of online services and include information detailing common issues that can delay or increase cost
 - Budget should include cost information for development phase as well as maintenance phase once the application has been built
 - Budget should include details about system modifications (adding data table fields or new license types)
 - Budgets should explore flexible financing mechanisms (transaction-based fee schedule).