

Division of Aquatic Resources

REQUEST FOR PROPOSALS
No. DAR-RFP-2023-02

SEALED OFFERS
FOR

Pupukea MLCD Carrying Capacity Study

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-2023-02 Pupukea MLCD Carrying Capacity Study** are available for download on the State of Hawaii Electronic Procurement System (HiePRO). **All offers are due through electronic submittal on HiePRO 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 HiePRO.

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 Hawaii legislature has directed the Department of Land and Natural Resources (DLNR) to establish a three-year pilot program¹ to assess the carrying capacity in the Pupukea Marine Life Conservation District (MLCD) on the Island of Oahu. DLNR-Division of Aquatic Resources (DAR) in turn, would like to hire a contractor to monitor, document, and assess the effectiveness of closures and other restrictions on access to high-traffic areas of the MLCD including the imposition of fees as well as propose any other long-term management plans to reduce the negative human impact on the health and abundance of marine life in the MLCD. This project will provide the data, propose plans, and submit a report to DLNR-DAR.

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

¹ Due to funding delays, the actual pilot program will be less than three years. Please refer to the Term of Contract set forth in section 2.6, below.

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 State of Hawaii 31st legislature, via Act 31, approved by the Governor on June 8, 2022, has directed the Department of Land and Natural Resources (DLNR) to establish a three-year pilot program to assess the carrying capacity in the Pupukea Marine Life Conservation District (MLCD) on the Island of Oahu. The legislature finds that the protected beaches and bays of the Pupukea MLCD are very popular on the North Shore of Oahu. So popular in fact that they are concerned that the unabated levels of tourism may threaten the health and abundance of the marine life within the MLCD as well as limit the use and enjoyment of the area by residents.

The legislature believes “that allowing the unlimited human access to sensitive marine areas like the Kapoo Tidepools, and Shark’s Cove is contrary to Native Hawaiian cultural traditions of adaptive management, including kapu, or closures, to ensure abundance in perpetuity. Based on carrying capacity studies on Hanauma Bay, several measures were adopted to restrict unfettered human access to protect marine life there. The goal of this pilot project will be to conduct a pilot program to identify and assess various management options to reduce the impact of humans on the health and abundance of marine life in sensitive areas of the MLCD.

The winning bidder/vendor of this project will coordinate with various stakeholders including DLNR, City and County of Honolulu, University of Hawai’i, and community groups to assess the carrying capacity of priority areas within the MLCD, propose and implement a range of management measures, assess their effectiveness and propose long-term management strategies. All this information will be compiled into a final report that will be submitted to DLNR-DAR. Funding is limited from State of Hawaii General Funds and will not exceed \$270,000.

2.2 SCOPE OF WORK

- 1. Convene in collaboration with DLNR-DAR at least bi-annual meetings with stakeholder groups.** Stakeholders should include DLNR, City and County of Honolulu, UH, HIMB, NGOs, and community organizations. The purpose of these meetings is to gather input from stakeholders and provide updates on the Pupukea Carrying Capacity Pilot project.
- 2. Conduct carrying capacity study of prioritized areas within the MLCD.** Stakeholders will help prioritize sensitive areas within the MLCD to focus the study. The study should

identify current use of area, impacts from use, and appropriate indicators to measure effectiveness of pilot management options and long-term effectiveness of any management measures adopted. This study should also identify potential management measures to address the impacts identified in the study and include what authorities exist to implement them and approximate cost.

- 3. Implement pilot management measures.** A selection of management measures should be chosen from the carrying capacity study to implement. Options that can be implemented and tracked during the contract term should be prioritized. These measures could include, but are not limited to, voluntary kapu, mandatory kapu, imposition of fees, etc. Implementation of management measures should not be dependent on DAR's commitment of resources or issuance of permits. Contractor should monitor, document, and assess the effectiveness of management measures. The results will be compiled and shared in the final report to DLNR-DAR.
- 4. Conduct feasibility study on any additional management measures that cannot be implemented within the timeline of the pilot project.**
- 5. Propose long-term management options,** based on results from pilot implementation of management measures and feasibility study. Prioritize management measures and provide recommendations for implementation based on lessons learned from pilot project.
- 6. Provide final report to DLNR-DAR** by November 1, 2025, so DAR in turn can provide report to legislature no later than January 1, 2026. This final report should include results from pilot project, feasibility study for additional management measures and a proposal for long-term management options.

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. Demonstrated experience working within Pupukea MLCD or surrounding area.
2. Documented three (3) to five (5) years' experience implementing collaborative community-based research, monitoring and implementing management measures.
3. Experience partnering with Division of Aquatic Resources and demonstrated ability to build partnerships with state, county, and community organizations.
4. Complaint with the State's Rules and Regulations through the Hawaii Compliance Express.

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.

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 the following, starting on the official commencement date of the Notice to Proceed.

NTP + 10 months:

- 2 meetings held with stakeholders
- Carrying Capacity Study completed

NTP + 20 months:

- Implementation of Management Options
- 2 more meetings held with stakeholders
- Monitoring of effectiveness of management options

NTP + 28 months:

- 2 more meetings with stakeholders
- Continued monitoring
- Feasibility report
- Final report

The initial contract period of performance is intended to begin approximately on June 1, 2023, and end by November 1, 2025.

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 list of key personnel and associated resumes for those who will be dedicated to the project.
- 2) One or more letters of support from partner agencies that Offeror has worked with.
- 3) 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.

4) A list of sample projects and/or examples of written plans.

c. Pricing.
See Offer Form OF-2.

3.11 RECEIPT AND REGISTER OF PROPOSALS

Proposals will only be received within the State of Hawaii Electronic Procurement System (HlePRO). All offers are due through electronic submittal on HlePRO 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 for DAR-RFP-2023-02 and all other proposal documents uploaded to HlePRO.

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. 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 = 40
 - 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 studies and presenting results for diverse stakeholder groups
 - Evidence of project management
 - Success working with the state and community groups
2. Program Objectives and Timeline. Total points = 20
 - Project objectives, details, and relevant information adequately address the description of work and can be completed within the award period
 - Objectives align with the deliverables outlined in Act 31

3. Evidence of Experience Coordinating with Diverse Stakeholder Groups. Total points = 15
 - Demonstrated success working with the state of Hawaii when developing and implementing similar projects
 - Provider has experience coordinating with diverse partners to implement projects

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
 - Evidence of budgeting experience and detailed enough to show how funds will support deliverables