

PROPOSAL APPENDIX FORMS

This document indicates the proposal requirements for the RFP which shall be submitted by the deadline set for submission of proposals. Offeror shall complete the appropriate proposal requirements, sign all appropriate forms, and attach (upload) the completed Appendixes to their HlePRO online RFP submission.

APPENDIX CHECKLIST

THE FOLLOWING APPENDIXES IN THIS TABLE MUST BE COMPLETED AS PART OF THE RFP AND SHALL BE UPLOADED WITH THE OFFERORS HlePRO SUBMISSION.

APPENDIX DESCRIPTION	APPENDIX
Proposal Letter	Appendix A
Business Classification Certification Statement	Appendix B
Recent Experience	Appendix C
Project Narrative	Appendix D
Fee Structure	Appendix E
References	Appendix F

The University is not responsible for any issues with the uploading of the Appendixes into HlePRO

APPENDIX A
PROPOSAL LETTER
UNIVERSITY OF HAWAII

We propose to provide the culinary management services named in the Request for Proposals (RFP) No. 24-7677 to Provide Collegiate Licensing Services for University of Hawaii, Honolulu, Hawaii

It is understood that this proposal constitutes an offer.

It is understood and agreed that we have read the University of Hawaii's specifications described in the RFP and that this proposal is made in accordance with the provisions of such specifications. By signing this proposal, we guarantee and certify that all items included in this proposal meet or exceed any and all such specifications.

We agree, if awarded the contract, to deliver goods or services which meet or exceed the specifications.

Respectfully submitted,

Legal Name of Offeror

Date

Authorized Signature (original) **(Typed Name)**

Title

Street Address

Telephone No.

City, State, Zip Code

Fax No.

Social Security OR Federal Tax Payer ID No.

Email

Remittance Address (if different from street address)

Hawaii General Excise Tax License No.

City, State, Zip Code

Location of Offeror's Plant

Offeror is: Individual Partnership Corporation* Joint Venture

State of Incorporation: Hawaii Other:

Is Corporate Seal Available In Hawaii: Yes** No

* Attach to this page evidence of authority of the above officer to submit an offer on behalf of the corporation, giving also, the names and addresses of the other officers.

** If yes, affix corporate seal

APPENDIX B

BUSINESS CLASSIFICATION CERTIFICATION STATEMENT

CONTRACTORS: Please complete the information below. Terms used are taken from the U.S. Small Business Administration (SBA) Rules and Regulations (<https://www.sba.gov/>) and the U.S. Code of Federal Regulations (CFR). The term “controlled” refers to the management and daily operation of the business concern.

The company identified below (check all that apply):

- 1. _____ **IS NOT** a small business concern as defined in the regulations
(If you checked here, STOP. GO TO CERTIFICATION BELOW.)
- _____ **IS a small business concern**, defined as one that is independently owned and operated, is organized for profit, is not dominant in its field, meets the SBA size standard eligibility (see reverse side of this form for examples of size standards), is registered and has its status represented in the U.S. Government’s System for Award Management (SAM) database. See <http://www.sba.gov/content/what-sbas-definition-small-business-concern>.
- 2. _____ IS a **small disadvantaged business concern** of which at least 51% is unconditionally and directly owned and controlled by one or more socially disadvantaged and economically disadvantaged persons who are U.S. citizens. See 13 CFR 124.105 for exceptions.
- 3. _____ IS a **women-owned small business concern** of which at least 51% is unconditionally and directly owned and controlled by one or more women who are U.S. citizens. See 13 CFR 127.
- 4. _____ IS a **HUBZone small business concern** that meets the certification eligibility requirements set by the U.S. SBA. See 13 CFR 126.
- 5. _____ IS a **veteran-owned small business concern** of which at least at least 51% is unconditionally and directly owned by one or more veterans or service-disabled veterans. See 38 CFR 74.
- 6. _____ IS a **service-disabled veteran-owned small business concern** of which at least 51% is unconditionally and directly owned by one or more service-disabled veterans. In the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more service-disabled veterans. The management and daily business operations of which are controlled by one or more service-disabled veterans, or in the case of a veteran with a permanent and severe disability, a spouse or permanent caregiver of such veteran. See 13 CFR 125.11 et al.

CERTIFICATION

I hereby certify the information supplied herein to be true and correct. (Any misrepresentation shall be subject to the provisions stated in item B on the next page.)

Company Name: _____

Signature of Company Officer

Company Address: _____

Print Name: _____

Title: _____

Date: _____

Type of Goods/Services: _____

North American Industry Classification System (NAICS) Code: _____

APPENDIX B

- A. A small business concern is one that is independently owned and operated, is organized for profit, is not dominant in its field, has a place of business in the U.S., and operates primarily within the U.S. or makes a significant contribution to the U.S. economy. Size standard eligibility is based on the average number of employees for the preceding 12 months or on sales volume averaged over a 3-year period. See 13 CFR 121.201 for size standards identified by NAICS codes. The size standards for a few industries are shown below and are subject to change at any time.
1. SPECIALTY TRADE CONTRACTORS – “Small” if average annual receipts for preceding 3 years do not exceed \$15 million.
 2. CONSTRUCTION, GENERAL CONTRACTORS – “Small” if average annual receipts for preceding 3 years do not exceed \$36.5 million.
 3. MANUFACTURING – “Small” if 500 employees or less, except for some specific products which will increase the complement of employees to 750 or 1,000.
 4. TRANSPORTATION – “Small” if average annual receipts for preceding 3 years do not exceed the amount shown for specific services.
\$27.5 million – general freight trucking, local.
 5. WHOLESALE TRADE, DURABLE AND NON-DURABLE GOODS – “Small” if 100 employees or less.
 6. RETAIL TRADE – “Small” if average annual receipts for preceding 3 years do not exceed the amount shown for specific products.
\$7.5 million – hardware stores.
 7. SERVICES – “Small” if average annual receipts for preceding 3 years do not exceed the amount shown for specific services:
 - a) \$27.5 million – computer systems design services, custom computer programming services
\$20.5 million – security guards and patrol services
 - b) \$18 million – janitorial services
 - c) \$38.5 million – passenger car rental
 - d) \$32.5 million – office machinery and equipment rental & leasing
 - e) \$7.5 million – general automotive repair

Annual receipts of a concern which has been in business for less than 3 complete fiscal years means the total receipts for the period the concern has been in business divided by the number of weeks in business, multiplied by 52. See 13 CFR 121.104.

- B. Notice. Under 15 U.S.C. 645(d), any person who misrepresents a firm’s status as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, or a small business concern owned and controlled by women in order to obtain a contract to be awarded under the preference programs established pursuant to 15 U.S.C. sections 637(a), 637(d), 638, 644, or 657(a), shall:
1. Be punished by imposition of fine, imprisonment, or both;
 2. Be subject to administrative remedies including suspension and debarment; and
 3. Be ineligible for participation in a program conducted under the authority of the Small Business Investment Act of 1958.

APPENDIX C

**RECENT (WITHIN THE LAST FIVE (5) YEARS) EXPERIENCE
COLLEGIATE LICENSING SERVICES**

Provide a minimum of FIVE (5) references

<u>Name & Address of Firm</u>	<u>Contact Person</u>	<u>Telephone Number</u>	<u>Date of Services</u>	<u>Description of Services</u>
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NOTE: Offerors shall provide as part of their proposal all the requested information in the format specified above.

APPENDIX D
PROJECT NARRATIVE

The following information and format shall be used to evaluate submitted proposals. All OFFERORS are requested to consider the following as MINIMUM information to be provided.

A. UNIVERSITY RELATIONS/ACCOUNT MANAGEMENT

1. Provide an overview of your company and the services that are provided, including but not limited to contractor's years in business, type of services provided, visibility in the collegiate licensing industry, experience in contract management, experience in providing compliance review services, etc.),
2. Resumé of the representative(s) who would be designated as the contact(s) for the University's account, and
3. Listing of all other accounts for which this representative has served as lead contact.

B. LICENSING ADMINISTRATION

1. Provide a summary of the staff and department structure of Offeror's licensing administration staff. Indicate the responsibilities of each staff member.
2. Outline the Offeror's specific resources and policies regarding Offeror's ability to inspect and verify the quality, safety and suitability of any product to carry the University's indicia.
3. Provide a specific summary of the product testing and other standards required by the Offeror relative to minimizing the liability of the University's licensed products.
4. Provide a summary of the how the Offeror's artwork approval tool works and indicate the length of time that the reviewed graphics are accessible to the University for review and the availability of archived files for the University to download and review.
5. Indicate the Offeror's willingness to submit samples of any licensed item at no cost to the University as a part of the licensing process. Discuss the

- Offeror's position on maintaining samples at its location as a part of the licensing process.
6. Provide a summary of the how the Offeror's licensee database works, and samples and the types of reports that are accessible to the University.
 7. Provide specific information on any special licensing programs that the Offeror has developed and implemented for university clients to capitalize on university's successes (e.g., commemorative dates, national championships)
 8. Provide a list of the different types of license agreements that are offered to manage the University's program:
 - a) Provide a sample of each licensing agreement and explain how and when each is used; and
 - b) Describe the process for approving new licensees.
 9. Explain the Offeror's artwork approval tool, including reports and how the University will have access to the tool. Indicate whether there are personnel in the office that are able to provide online graphic review services, in the event that the University's licensing staff is not able to do so for an extended period of time.

C. ROYALTY REPORTING/ADMINISTRATION

1. Describe the method by which the Offeror will track royalties by licensee and product category and provide comprehensive reports to the University on royalties collected.
2. Explain the Offeror's electronic database system and how the University will have access to that database.
3. Describe the checks and audit trails that will be used by the Offeror in the allocation of University royalties received from licensees.
4. Provide samples of reports that would be provided to the University in the analysis of quarterly and annual royalties.
5. Describe how quarterly checks are transmitted to the University and whether or not electronic transfer of funds is available.

D. CONTRACT COMPLIANCE, TRADEMARK PROTECTION AND ENFORCEMENT PROGRAM

1. Provide a listing of licensees audited by the Offeror during fiscal year ended June 30, 2023 on behalf of universities whose accounts generated revenues between \$350,000 and \$750,000 for which it serves as licensing agent. An audited licensee is defined as any audited company with which the Offeror licensing company had a license agreement during the 2022 calendar year. Describe any additional activities that the Offeror uses to educate licensees about proper royalty reporting techniques.
2. When auditing regional and national companies, describe how the University will be included in these audits.
3. Describe, including specific examples, the licensing Offeror's trademark protection and enforcement program in each of the following areas:
 - a) Local, regional and national network of resources used to (1) identify infringement in traditional and non-traditional retail segments, and (2) to quickly and aggressively respond with appropriate remedies. Include information as to specific enforcement actions that you have taken, conducted or participated in; number of items seized or confiscated; and where applicable, indicate names of law enforcement agencies involved in the action(s).
 - b) Internet, online auctions, and use of trademarks by non-University entities or third parties not authorized to use University trademarks. Include information on the frequency of monitoring these activities, enforcement action taken and the results.
 - c) Game-day and post-season enforcement programs, including specific enforcement actions that you have conducted or participated in at events such as regular season athletic events, bowl games, championship events, and post-championship enforcement. Describe the scope of such actions and the results obtained. Discuss costs incurred for these actions and how they were funded. Also indicate the number of enforcement staff that the Offeror has on staff and the availability of these staff to the University in a hot market situation. Indicate whether or not the Offeror has a program in place to maintain seized inventory at no cost to the University as a part of its infringement resolution program, and how the seized inventory is destroyed.

- d) Internal and external resources to assist with trademark applications, renewals and other required filings as needed and requested, including collecting necessary information and specimens required for filing with the U.S. Patent and Trademark office. Discuss experience in assisting with these activities.
 - e) How enforcement activities will be handled, including process (i.e., cease and desist letters, working with law enforcement officials, etc.) and effectiveness of these activities.
4. Discuss the availability of qualified licensing and intellectual property counsel on-staff. Identify any and all fees associated with access to this staff. Indicate the level of collegiate trademark and/or general intellectual property experience of any on-staff counsel and their number of years with the Offeror.

E. RETAIL SIGNAGE, CAMERA-READY ART AND STYLE GUIDE

1. Indicate the number of staff members that the Offeror has assigned to performing marketing and creative services on behalf of client universities. Briefly describe the background and qualifications of these individuals.
2. Describe in detail how the Offeror will work with the University to develop an annual university-specific retail signage campaign to call attention to and promote the sale of officially licensed products.
3. Provide examples of university-specific retail signage campaigns that have been developed by the Offeror for use by university clients.
4. Provide a specific synopsis of the technical qualifications of the Offeror as it relates to artwork, digital logo development, and custom logo development. Indicate the specific types of equipment and software used for these services and the technical qualifications of the staff assigned to these areas.

F. TECHNOLOGY SERVICES

Provide a brief overview of the Offeror's current and future technology tools that will be used in the management of the University's licensing program. Indicate the specific capabilities of any system(s) that the University, licensees, and retailers will be able to utilize and how they are beneficial to managing the University's licensing program. Describe your commitment to technology and how your employees focus on technology in their roles and responsibilities.

G. LICENSING EXPERTISE

1. Provide a list of all licensing industry trade shows that are attended by Offeror's staff on an annual basis. Describe the specific activities provided on behalf of client universities while in attendance at these shows.
2. Describe the Offeror's involvement in other educational programs specific to the collegiate licensing, legal, and marketing arenas. Indicate presence at any other educational meetings relevant to collegiate trademark licensing and marketing.
3. Provide a brief statement on the Offeror's position on new market development, specifically as it relates to identifying new markets, new licensees, and/or new products. Indicate the number of staff members assigned to new market development and provide specific examples of successful programs that have been developed as a result of these efforts. In particular, examples should focus on identifying new licensees and distribution channels.
4. Provide a brief summary of the current and future projects that the Offeror is working on to enhance market share for its university clients. Indicate the Contractor's specific involvement in bringing these programs(s) to fruition for its university clients.
5. Provide a complete list of the retail store(s) where the Offeror held meetings with the key store buying and/or marketing personnel during the past fiscal year. Indicate specific locations for all of these retail locations and indicate whether the store buyer has local buying authority or national buying authority.
6. Cite specific examples of involvement that the Offeror has had at the locations of key national licensees meet and/or provide presentations with key local and/or national licensees sales and/or marketing staff to discuss increasing University merchandise sales.
7. Cite specific examples of involvement that the Offeror has had at universities similar in size to the University of Hawaii and that are located in tourist destinations and discuss how the University's emblematic merchandise are promoted, distinguished from tourist driven merchandise in non-traditional collegiate markets.

8. Discuss strategies to enhance and grow the University's licensing program and revenues, including a timeline on how any changes will be implemented. Cite specific examples of involvement that the Offeror has had with universities similar in size to the University of Hawaii where the strategies have been instituted and/or accomplished.
9. Describe how you would manage the relationship with the University's Collegiate Licensing Office and University administrators.
10. Describe how you would engage licensees and potential licensees located within Hawaii.
11. Describe how you would pursue licensing opportunities on behalf of the 10 campus University of Hawaii System while meeting the needs of each campus.

APPENDIX E
FEE STRUCTURE

Offerors shall provide the percentage for which the Offeror will keep based on the total annual royalties collected as the ‘Percentage to the Contractor’. Offerors shall provide the percentage for annual royalties collected up to \$500,000.00 and in excess of \$500,000.00. For purposes to determine the Offeror who is to receive the maximum number for points, Offeror shall complete the following table.

Annual Royalties		Percentage to the Contractor		Amount
\$500,000.00	x		=	\$
\$600,000.00	x		=	\$
TOTAL AMOUNT			=	\$

Total Amount shall include all cost associated with collegiate licensing services, including but not limited to, personnel, insurance, administrative and advance fees, enforcement, travel, postage, creative services, and applicable taxes

Included in this pricing structure shall be an annual guarantee of payment of \$225,000.00, AFTER “percentage to the Contractor”. To be clear, in the event that annual royalties drop below \$225,000.00 in any given calendar year, the Contractor shall compensate the University a minimum of \$225,000.00 annually.

The Contractor shall contribute a minimum of \$25,000.00 over the course of the Agreement which shall be paid in yearly installments of \$5,000.00 by July 1st of each contract year to establish a marketing budget to help promote the sale of licensed merchandise.

APPENDIX F

REFERENCES

Offeror shall provide the name of company, address, contact name, and phone number for at least FIVE (5) references.