

Department of Business, Economic Development, and Tourism
Hawai'i State Energy Office
Notice to Providers of Professional Services
Solicitation No. HSEO-PS-24-05-01

The Hawai'i State Energy Office (HSEO), an agency attached to the Department of Business, Economic Development, and Tourism (DBEDT), is leading the State of Hawai'i's clean energy program with management and implementation of statewide programs to promote energy efficiency, renewable energy, and clean transportation to achieve a resilient, clean energy, decarbonized economy. To help reach this goal, HSEO will facilitate projects that will promote and advance the State of Hawai'i's clean energy initiatives. The [HSEO 2022 Annual Report](#) lays out the priorities HSEO is focusing on to guide Hawai'i's transition to a resilient, clean energy economy.

In accordance with §103D-304, Hawai'i Revised Statutes (HRS), the Chief Energy Officer, on behalf of the Head of the Purchasing Agency, is authorized to invite interested individuals or firms engaged in providing professional services for inclusion on a list of providers to be considered for possible professional services projects during fiscal year 2024. Projects under Professional Services contract(s) may be funded, in whole or in part, with federal funds. The funds may be used by HSEO to support projects that ensure dependable, efficient, and economical energy, promote energy self-sufficiency, and provide greater energy security for the State of Hawai'i. HSEO seeks submittals from qualified individuals or firms in the following categories:

Engineering*
Community Planning (GS-020)**
Economist (GS-110)**

*In accordance with §464-2, HRS, no person shall practice professional engineering, architecture, land surveying or landscape architecture in the State of Hawai'i unless the person is duly licensed under this chapter or exempted by §464-3 and 464-5, HRS. No final award can be made without proof of State of Hawai'i licensed personnel.

** As listed in the U.S. Office of Personnel Management Qualifications Standards Handbook.

HSEO is committed to providing equal access consistent with the Americans with Disabilities Act (ADA), the Americans with Disabilities Amendment Act of 2008 (ADAAA), and other state and federal laws. If you have a disability that may restrict your ability to meaningfully participate in this solicitation, we will provide you with reasonable and appropriate accommodation at no cost to you. If you need an auxiliary aid/service or other reasonable accommodation, please contact Kathy Yim at kathy.yim@hawaii.gov. Requests made as early as possible will allow adequate time so that we may best serve you.

For screen reader users: The Hawai'i State Energy Office recognizes the use of diacritical markings of the Hawaiian language such as the 'okina (also called a glottal stop) and the kahakō (also called a macron).

Deadline for Submittals

This solicitation shall remain open through February 29, 2024, unless sooner terminated by HSEO. Firms must submit an electronic submittal only as described under Submittal Requirements by:

JUNE 1, 2023 @ 4:30 p.m. (HST)

First Deadline: To be considered for the first review, submittals must be received no later than 4:30 p.m. (HST) on June 1, 2023. All submittals must be received by email only and must meet the minimum submittal requirement set forth in this solicitation to be considered responsive to the solicitation.

Confirmation of receipt of submittals will be sent after the submittal deadline. If immediate confirmation is desired, firms should request a delivery receipt with its email. Firms will be notified of qualification status after all submittals have been reviewed by the review committees.

Late Submittals: HSEO will continue to receive submittals after the first deadline, but these submissions shall be considered late. To facilitate efficient review of late submittals, submittals received after this first review date may be reviewed quarterly or at the sole discretion of the review committee who may opt to reconvene. No late submittal shall be accepted after 2:00 p.m. (HST) on February 29, 2024, for the fiscal year 2024.

Full details of the submittal requirements for this solicitation are described under the *Required Documents* section on the following pages.

A copy of the solicitation may be accessed on the State Procurement Office website via the following URL:

hands.ehawaii.gov/hands/opportunities > [Enter keyword(s)] professional services > Click anywhere on the solicitation listing to view the detailed information.

The published date for this solicitation is May 1, 2023.

Questions Prior to Submission

All procedural questions regarding this solicitation must be submitted in writing via email to: dbedt.hseo.solicitations@hawaii.gov. Only questions received by May 10, 2023, at 4:30 p.m. (HST) will be accepted. The State will respond to written questions via addenda by posting responses on the Hawai'i State Procurement Office website at the URL listed above. It will be the Provider's responsibility to ensure that all addenda have been reviewed prior to submission.

Submittal Requirements: Interested firms should submit an electronic file with the following information in PDF format.

Email Electronic Submittal Only

Required Documents:

1. **Expression of Interest.** Submit a signed letter stating an expression of interest in providing professional services to the Hawai'i State Energy Office. This letter should include the name and email address of the point of contact for your firm. Specify, in this letter, the category of professional services for which you wish to be considered. Include Federal Tax I.D. number and Hawai'i General Excise Tax License I.D. number and attest that the Provider will pay such taxes on all sales made to the State.
2. **DPW Form 120.** Complete the DPW FORM 120.
NOTE: A fillable DPW Form 120 is attached to this solicitation listing on the State Procurement Office's (SPO) website at hands.ehawaii.gov/hands/opportunities.
3. **Statement of Qualifications.** Submit a statement of qualifications (SOQ) for a specific discipline listed on page one, highlighting the Provider's qualifications, expertise, and experience. Include resumes of key personnel and staff and identify their roles and expertise. Attach a copy of their license, if applicable.
4. **Proof of Insurance Coverage.** Submit a Certificate of Insurance as proof of insurance coverage. This proof of insurance for the following minimum insurance coverages and limits is required in order to be awarded a Contract. If selected for award, the Contractor shall procure at its sole expense and maintain acceptable coverage, in full force and effect, throughout the term of the Contract, the following insurance coverages:
 - a. General liability insurance for a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate. The State of Hawai'i shall be named as additional insured with the following language in the Description of Operations section of the form: "The State of Hawai'i, including all of its departments and attached agencies, their officers, employees and agents are named as additional insureds, as respects the named insureds' activities on their behalf."
 - b. Automobile liability insurance for a limit of not less than \$1,000,000 per accident, \$1,000,000 per person and \$1,000,000 per property damage. The State of Hawai'i shall be named as additional insured.
 - c. Professional liability insurance for a limit of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate.

Note: Provider(s) must agree by entering into a contract or agreement with the State to a Waiver of Subrogation for each required policy herein. When required by the insurer or should a policy condition not permit Providers to enter into a pre-loss agreement to waive subrogation without an endorsement, the Provider(s) should agree to notify the insurer and request the

policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent.

In addition, each insurance policy required by contract shall contain the following clauses:

- a. "The State of Hawai'i is added as an additional insured with respect to operations performed for the State of Hawai'i."
- b. "It is agreed that any insurance maintained by the State of Hawai'i will apply in excess of, and not contribute with, insurance provided by this policy."

If a Provider is not able to provide the above insurance certificates at the time of submittal, a letter from an insurance company, stating they will insure the firm, if selected, for the insurance policies and the amount of minimum coverage required above, will be acceptable as proof of insurance.

5. **Conflict of Interest.** Submit a statement indicating any conflicts of interest in performing services for DBEDT, HSEO, and/or the State of Hawai'i. Statement should indicate "none," if appropriate. If applicable, list memberships on State boards, commissions, or other potential conflicts. For additional information, please refer to the State Ethics Code, Chapter 84, Hawai'i Revised Statutes, or go to the Hawai'i State Ethics Commission Web site at: ethics.hawaii.gov.

6. **Qualifications Questionnaire.** Submit a completed *Qualifications Questionnaire*, provided herein as Exhibit 1A.

Note: A fillable Qualifications Questionnaire is attached to this solicitation listing on the State Procurement Office's (SPO) website at hands.ehawaii.gov/hands/opportunities.

7. **Provider References.** Submit the names and phone numbers of three clients who may be contacted, at least two clients for whom services were rendered during the preceding calendar year. Submit a completed Subcontractor References form, if applicable. Append additional pages to either form, as necessary.

NOTE: A fillable Reference Form is attached to this solicitation listing on the State Procurement Office's (SPO) website, hands.ehawaii.gov/hands/opportunities.

- a. All references will be verified.
- b. References will be verified by phone or email. If references are called by phone, calls will be made during normal business hours of the location of the business. Otherwise, a *Vendor Reference Check Questionnaire Form* may be emailed to verify references.
- c. Only references received in a timely manner will be used toward evaluation of the Provider.

8. **Judgments and Ongoing Litigation.** Submit a Statement indicating any judgments issued against the firm and/or any ongoing litigation involving the firm that are public record. Statement should indicate "none," if appropriate.

9. **Appendix.** (Optional) Submit an appendix with any promotional brochures, descriptive literature, collateral material or any other relevant information or material which the firm believes would be useful and pertinent in establishing its qualifications to provide the type of services set forth in the solicitation. Limit the appendix to no more than 20 pages.

Format of Submittal

All submittals must be sent electronically via email in PDF format to:

Kathy Yim
dbedt.hseo.solicitations@hawaii.gov

In the subject line of the email, state the solicitation number and your firm's name and category of professional service (i.e., HSEO-PS-24-05-01 (Your Firm's Name - Category)).

Firms must specify in the Expression of Interest letter the category of professional services for which they wish to be considered.

NOTE: Firms are required to submit a separate submittal packet with the required documents for each category they are applying for.

All submittals shall be organized in the order stated in the Required Documents (1-9) and all pages should be sequentially numbered in one PDF file.

Providers must send a separate email for each category of professional services. A maximum file size of 15 MB per email is allowed. If your document exceeds the maximum file size, please attempt to reduce the size of the document, or submit more than one email for a category.

General Information

Professional Services are procured under the requirements of the §103D-304, HRS, and are subject to competitive selection.

- 1. List of Qualified Persons.** Qualified responders to this solicitation will be placed on a list to provide such professional services and, if the need arises, may be considered for selection in accordance with §103D-304, HRS. Should additional needs arise, HSEO may issue additional solicitations for professional services categories.

A minimum of three responsive, responsible providers will be required to process the submittals. If there is an insufficient number of submittals for a specific discipline, HSEO will hold all submittal(s) until future submittal packets are received. If additional submittals are not received by the closing date of February 28, 2023, all non-processed electronic submittals shall be discarded.

- 2. Discussions.** The Selection Committee may conduct confidential discussions with any firm on the qualified list regarding the services which are required and the services the firm is able to provide. Qualified firms may be asked to submit additional information specific to the anticipated project at that time. In conducting discussions, there shall be no disclosure of any information derived from the competing professional service providers. The HOPA or designee shall negotiate a contract with the highest-ranked firm for the anticipated project, including a rate of compensation which is fair and reasonable, established in writing, and based upon the estimated value, scope, complexity, and nature of the services to be rendered.

3. Selection Criteria and Award. As projects arise, selection criteria specific to the project shall be established and employed to select a Contractor for the project. The selection committee shall rank a minimum of three persons from the qualified list and send the ranking to the head of the purchasing agency for approval to begin contract negotiations with the highest-ranked person. The criteria to be employed in descending order of importance are:

1. Experience and professional qualifications relevant to the project type;
2. Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies;
3. Capacity to accomplish the work in the required time; and
4. Any additional criteria determined in writing by the selection committee to be relevant to HSEO's needs or necessary and appropriate to ensure full, open, and fair competition for professional services contracts, which may include the Applicant's staffing factors.

Award(s), if any, will be posted online at: hands.ehawaii.gov/hands

- 4. Incomplete Submittals.** Submittals received by the due date, with minor deficiencies, may be considered "incomplete." Providers will be notified of the deficiency and will have three working days from the notification date to submit all the required items or their submittal will be considered unresponsive and disqualified from consideration.
- 5. Late Submittals.** Submittals received after the initial due date will be considered late. Qualified late applicants may be considered for projects for the remainder of the fiscal year after the necessary review process.
- 6. Contract/Contract Terms.** If selected for a project, Provider will be required to enter into a contract with the State.

Awards will be for the current fiscal year and may include optional provisions to extend the Contract for additional years, but will be determined as appropriate for each project, and dependent upon available funding. All payments and term extensions are subject to the availability of funds and allotment by the Director of Finance, State of Hawai'i. The State agrees to make every reasonable effort to obtain all required approvals and perform and fulfill all requirements necessary to facilitate the availability and allotment of funds to pay Contractor's compensation under this Contract; however, due to the current economic situation, early termination of the Contract may be required due to potential funding reductions. The "103D General Conditions, Form AG-008" shall be used for such Contract and is provided herein.

- 7. Responsibility of Providers.** Providers are advised that in order to be awarded a Contract under this solicitation, the Provider will be required to be compliant with all laws governing entities doing business in the State, including the following chapters and pursuant to HRS §103D-310(c):
- 1) Chapter 237, General Excise Tax Law.
 - 2) Chapter 383, Hawai'i Employment Security Law.
 - 3) Chapter 386, Worker's Compensation Law.
 - 4) Chapter 392, Temporary Disability Insurance.
 - 5) Chapter 393, Prepaid Health Care Act.
 - 6) §103D-310(c), Certificate of Good Standing for entities doing business in the State.

8. Vendor Certificate Required. Although not a pre-requisite for bidding, all potential providers should be prepared to submit proof of compliance with §103D-310(c), HRS, and §3-122-112, Hawai'i Administrative Rules (HAR), if selected for an award. If a Provider is not compliant at the time of award, the selected Provider may not receive the award. The State reserves the right to move on to the next responsive, responsible Provider who is compliant. The State will verify compliance on Hawai'i Compliance Express (HCE). Offerors who do not participate in HCE may submit paper compliance certificates to HSEO at the time of award.

Vendors may use HCE, which is an electronic system that allows Providers doing business with the State to quickly and easily demonstrate compliance with applicable laws. It is an online system that replaces the necessity of obtaining paper compliance certificates from the Department of Taxation, Federal Internal Revenue Service, Department of Labor and Industrial Relations, and Department of Commerce and Consumer Affairs.

Providers intending to use HCE to demonstrate compliance are encouraged to register with HCE prior to submitting an offer at <https://vendors.ehawaii.gov>. The annual registration fee is \$12.00, and the 'Certificate of Vendor Compliance' is accepted for the execution of a contract and final payment.

Vendors not utilizing HCE to demonstrate compliance shall provide paper certificates to the HSEO's Contracts Office. All certificates must be valid on the date they are received by HSEO. Timely application for all applicable clearances is the responsibility of the Provider.

Upon receipt of paper compliance certificates, HSEO will verify their validity with the respective issuing agencies. The selected Provider must maintain its compliance throughout the term of the Contract.

9. Campaign Contributions by State and County Contractors Prohibited. Providers are hereby notified of the applicability of §11-355, HRS, which states that campaign contributions are prohibited from specified State or County government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body between the execution of the contract through the completion of the contract. For more information, contact the Campaign Spending Commission at (808) 586-0285 or go to their website at hawaii.gov/campaign.

10. No Guarantee of Work. Persons/Firms included on the annual list of qualified providers are in no way guaranteed a contract with the State. Contracts for professional services shall be awarded based on demonstrated competence and qualifications for the type of services required, at fair and reasonable prices, pursuant to §103D-304, HRS.

11. Right to Cancel. The State reserves the right to cancel this solicitation, in whole or part, to reject any or all submittals, and to waive any minor defects in said proposals when it is determined to be in the best interest of the State, pursuant to §103D-308, HRS, and §§3-122-96 through 3-122-97, HAR.

12. Availability of Funds. The State anticipates funding through June 30, 2024, subject to appropriation and availability of funds. The State may add additional funds, depending upon circumstances, such as receipt of additional federal or state funds, reallocation of existing funds, or grant modifications. In the event a professional services contract requires a modification, such as an extension of the contract term with or without additional funds, a supplemental contract shall be executed between the State and the Provider.

13. Confidentiality. All government records are open to the public unless access is restricted by law. The Uniform Information Practices Act requires an agency to make a government record available for inspection and copying, unless the agency can show that an exception to disclosure under Chapter 92F-13, HRS, authorizes the agency to restrict or deny access to that record. All Offerors are advised that confidential information in a proposal, offer, specification, protest, or correspondence may be subject to disclosure. The State may only restrict or deny access to items deemed confidential pursuant to Chapter 92F, HRS. Any data submitted to the State that the Offeror wishes to remain confidential shall be clearly marked and be readily separable from the submittal in order to facilitate eventual public inspection of the non-confidential portion of the submittal.

If an Offeror believes that any portion of a proposal, offer, specification, protest, or correspondence contains information that should be withheld from disclosure pursuant to Chapter 92F-13, then the Offeror shall inform the Procurement Officer named in this solicitation, in writing, and provide the Procurement Officer with justification to support the Offeror's confidentiality claim at the time of submittal. Price is not considered confidential and will not be withheld; however, actual costs or pricing information that would enable competitors to estimate profit margins and production costs may be marked as confidential. These include selling prices, inventory balances, profit margins, purchase activity, cost of goods and freight charges.

Pursuant to §3-122-63(b), HAR, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination on any request for confidentiality in accordance with Chapter 92F, HRS. If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with § 92F-15.5(a), HRS.

14. Public Inspection. The contents of any submittal shall not be disclosed during the review, evaluation, discussion, or negotiation process. Once the award notice is posted, all submissions become available for public inspection. Those sections that the Provider and the State previously agreed are confidential shall be excluded from access; therefore, all confidential and/or proprietary information must be identified by the Provider at the time of submission. If a person is denied access to a State procurement record, that person may appeal the denial to the Office of Information Practices in accordance with §92F-15.5, HRS.

15. Provider's Authority to Submit an Offer. The State will not participate in determinations regarding a Provider's authority to sell a product or service. If there is a question or doubt regarding a Provider's right or ability to obtain and sell a product or service, the Provider shall resolve that question in its favor prior to submission.

16. Proposal Preparation Costs. Any and all costs incurred by the Provider in preparing a submittal shall be the Provider's sole responsibility whether or not any award results from this solicitation. The State shall not reimburse any such costs.

17. Tax Liability. Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS Chapter 238. The Provider is advised that it is liable for the Hawai'i GET at the current 4.712% for sales made on islands of O'ahu, Hawai'i, and Kaua'i and 4.1666% on Maui. If, however, a Provider is a person exempt by the HRS from paying the GET and therefore not liable for the taxes otherwise leviable on transactions made

under this solicitation, the Provider shall state its tax-exempt status and cite the HRS chapter or section allowing the exemption. The Provider shall provide its current Federal I.D. number and Hawai'i General Excise Tax License I.D. number in the Expression of Interest letter and attest that the Provider is doing business in the State and that the Provider will pay such taxes on all sales made to the State unless exempted as referenced above.

18. Property of State. All proposals become the property of the State of Hawai'i.

19. No Meetings with Providers. Providers who respond to this notice will not be granted meetings with members of the Hawai'i State Energy Office staff during the active procurement process unless at the request of the Selection Committee in connection with this solicitation.

20. State and Federal Special Terms and Conditions. HSEO may choose to include Special Conditions in the contracts related to such matters as ownership and copyright, liquidated damages, and the exchange, handling, safekeeping, and ownership of confidential and personal information. The Special Conditions shall serve to supplement the State's General Conditions; both documents remain part of the Contract with full force and effect. In the case of a conflict between the General Conditions and Special Conditions, the Special Conditions shall control to the extent necessary to resolve the conflict. If awarded, the Provider agrees to adhere to all state and/or federal special terms and conditions associated with the funding.

21. Debriefing/Protest. An Offeror may file a protest pursuant to Hawai'i Revised Statutes (HRS) §103D-701, prior to receipt of offers, on any phase of a solicitation including, but not limited to, specifications or disclosure of information marked confidential in the bid or offer.

Pursuant to HAR §3-126-3, a protestor initially should seek an informal resolution of the protestor's complaint with the procurement officer named at the end of the solicitation prior to the deadline for receipt of offers.

Pursuant to HAR §3-122-60, a non-selected Offeror may request a debriefing to understand the basis for award.

A written request for debriefing shall be made within three working days after the posting of the award of the contract. The Procurement Officer or designee shall hold the debriefing within seven working days to the extent practicable from the receipt date of written request.

Any protest by the requestor following a debriefing shall be filed within five working days, as specified in HRS §103D-303(h).

If a debriefing was not requested, a protest shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts giving rise to the protest, after the posting of award of the contract under HRS 103D-303.

To expedite handling of protests, the envelope should be labeled "PROTEST" and either personally hand delivered to the Procurement Officer, Attention: Kathy Yim, 235 S. Beretania Street, Room 502, Honolulu, Hawai'i, 96813 or sent via registered or certified mail, return receipt requested.

At a minimum, the protest shall contain the following information:

- Name and address of the protestor;
- Appropriate identification of the procurement;
- A statement of the reasons for the protest; and
- Supporting exhibits, evidence, or documents to substantiate any claims unless not available with the required filing time, in which case the expected availability date shall be indicated.

Any protest pursuant to HRS §103D-701 and HAR §3-122-70, must be received within the deadline specified by statute. Submit the required information, in writing, to the following procurement officer for this solicitation:

Mr. Mark B. Glick
Chief Energy Officer
Attention: Kathy Yim
Hawai'i State Energy Office
235 S. Beretania St., Room 502
Honolulu, HI 96813

Awards, if any, resulting from this solicitation shall be posted to the State Procurement Office (SPO) website via Hawai'i Awards & Notices Data System.

22. Americans with Disabilities Act. The CONTRACTOR shall be responsible for producing all deliverables and reports in an accessible format that is compliant with Title II of the Americans with Disabilities Act (ADA) and Sections 504 and 508 of the Rehabilitation Act of 1973, as amended in a native document in an ADA-accessible format and may include, but not be limited to: a Microsoft Suite Product, Adobe Acrobat PDF format and other formats as directed by the STATE. As directed by the STATE, the CONTRACTOR shall produce all reports and deliverables into the appropriate communication auxiliary aid(s).

23. Hawaiian Diacritical Markings. The HSEO recognizes the use of diacritical markings of the (modern) Hawaiian language including the 'okina ['] or glottal stop and the kahakō [ō] or macron. To the extent possible or unless waived by the STATE, the CONTRACTOR shall produce all deliverables using Hawaiian diacritical markings as directed by the STATE during the duration of the Contract period.

Mark B. Glick
Chief Energy Officer
Hawai'i State Energy Office
Department of Business, Economic Development, and Tourism

(Internet Posting: May 1, 2023)

EXHIBITS

Exhibits are uploaded separately under this solicitation listing on the State Procurement Office's Hawai'i Awards & Notices Data System site.

- 1A. Qualifications Questionnaire (Fillable)
- 2A. Contractor and Subcontractor Reference Forms (Fillable)
- 3A. State of Hawai'i General Conditions
- 4A. Special Conditions U.S. Department of Energy
- 5A. DPW 120 Form (Fillable)