



**STATE PROCUREMENT OFFICE
NOTICE OF REQUEST FOR EXEMPTION
FROM HRS CHAPTER 103D**

12 APR -2 P1:55

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: DBEDT / High Technology Development Corporation (HTDC)
Name of Requesting Department

Pursuant to HRS § 103D-102(b)(4) and HAR chapter 3-120, the Department requests a procurement exemption for the following:

1. Describe the goods, services or construction:
HTDC Sponsorships for events that benefit and serve the Hawaii high tech community.

Note: In 2010-2011 HTDC awarded a total of \$9k in sponsorships. The \$100k request will allow flexibility if budget becomes available.

2. Vendor/Contractor/Service Provider: High Technology Development Corporation	3. Amount of Request: \$ 100,000 per annum
4. Term of Contract From: 4/1/2012 To: 6/30/2012 <i>6/1/2012 5/31/2013 KT per Steve 4/30/12 10:00 am.</i>	
5. Prior SPO-007, Procurement Exemption (PE):	

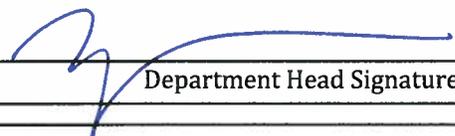
6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:
For sponsorship of events obtaining multiple quotes for procurement is not applicable. Procurement of sponsorships have typically been done through procurement exemptions on a case by case basis. After discussion with SPO, a hybrid RFP process was determined to be an improved process.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:
An open RFP (ref RFP 12-003-HTDC) will be posted inviting application for sponsorship of events throughout the fiscal year that help HTDC fulfill its mission. The RFP is a modified version of the typical RFP process. Applications will be evaluated by a committee against an established set of criteria and recommendations made to the Procurement Officer. Awards will be subject to evaluation factors and available funds.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) completed mandatory training; and 2) who may contact for follow up inquiry, if any.
 (Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
Yuka Nagashima	HTDC	808-539-3601	ceo@htdc.org
Steve Sakuda	HTDC	808-539-3844	steves@htdc.org

**All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
 I certify that the information provided above is, to the best of my knowledge, true and correct.**



 Department Head Signature

 Date 3/30/12

For Chief Procurement Officer Use Only

Date Notice Posted: 4/4/12

Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period 06/01/12 to 05/31/13. The department has determined that it would be in the State's best interest to utilize a modified RFP process to award sponsorships throughout the year dependent on their available budget, market needs, immediate priorities, and other events. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply (i.e. vendor is required to be compliant on the Hawaii Compliance Express) and award is required to be posted on the Awards Reporting System.

If there are any questions, please contact Kevin Takaesu at 586-0568, or kevin.s.takaesu@hawaii.gov.

Approved
 Disapproved
 No Action Required



 Chief Procurement Officer Signature

 Date 5/2/2012

'12 APR -2 P1:55

STATE PROCUREMENT OFFICE
STATE OF HAWAII



State of Hawaii High Technology Development Corp.

LEGAL AD DATE: [Insert PNS posting date]

REQUEST FOR PROPOSALS No. RFP-12-003-HTDC

PROPOSALS FOR HTDC SPONSORSHIP STATE OF HAWAII DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

WILL BE RECEIVED BEGINNING 8:00 A.M. (HST) ON

[DATE RFP OFFERS DUE]

IN THE HTDC OFFICE 2800 WOODLAWN DR. SUITE 100, HONOLULU, HAWAII 96822.

DIRECT QUESTIONS RELATING TO THIS SOLICITATION TO SANDI KANEMORI, TELEPHONE (808)

539-3616, FAX (808) 539-3795 OR E-MAIL AT RFP@HTDC.ORG SUBJECT: RFP-12-003-HTDC

Yuka Nagashima
Procurement Officer

RFP-12-003-HTDC

Name of Company

RFP-12-003-HTDC

PE12-093K

TABLE OF CONTENTS

	<u>Page</u>
SECTION ONE: INTRODUCTION AND KEY DATES.....	2
SECTION TWO: BACKGROUND AND SCOPE OF WORK	4
SECTION THREE: APPLICATION FORMAT AND CONTENT.....	6
SECTION FOUR: EVALUATION CRITERIA AND APPLICANT SELECTION.....	7
SECTION FIVE: SPECIAL PROVISIONS.....	9
SECTION SIX: ATTACHMENTS.....	16
• Attachment 1: APPLICANT FORM, AF-1	
• Attachment 2: SAMPLE APPLICATION HIGHLIGHT	

SECTION ONE
INTRODUCTION AND KEY DATES

1.01 TERMS AND ACRONYMS USED THROUGHOUT THE SOLICITATION

Applicant	= Any individual, partnership, firm, corporation, joint venture, or representative or agent, submitting an application in response to this solicitation.
Application/Proposal	= These terms may be used interchangeably
FY	= Fiscal Year (July to June)
GC	= General Conditions, issued by the Department of the Attorney General
GET	= General Excise Tax
HAR	= Hawaii Administrative Rules
HRS	= Hawaii Revised Statutes
HTDC	= High Technology Development Corporation
MEP	= Manufacturing Extension Partnership
Procurement Officer	= The contracting officer for the State of Hawaii, High Technology Development Corporation
RFP	= Request for Proposals
State	= State of Hawaii, including each department and political subdivision

1.02 INTRODUCTION

The High Technology Development Corporation (HTDC), an agency of the State of Hawaii (State), is accepting applications for sponsorship of events that are closely aligned with HTDC's mission during the remainder of Fiscal Year 2011-2012 (July 1, 2011 – June 30, 2012).

1.03 CANCELLATION

The RFP may be cancelled and any or all proposals rejected in whole or in part, without liability, when it is determined to be in the best interest of the State.

1.04 RFP SCHEDULE AND SIGNIFICANT DATES

The schedule set out herein represents the State's best estimate of the schedule that will be followed. All times indicated are Hawaii Standard Time (HST). If a component of this schedule, such as "Advertising of Request for Proposals" date is delayed, the rest of the schedule will likely be shifted by the same number of days. The approximate schedule is as follows:

Advertising of Request for Proposals	[DATE]
Initial Deadline to Submit Written Questions	[DATE]
State's Response to Written Questions & Posted Addenda	[DATE]
Beginning Date for Submission of Applications (additional applications will be accepted through the FY)	[DATE]
Sponsorship Awards	Multiple, notice provided within 3 weeks of application submission or 6 weeks prior to event, whichever is later.
Expiration of RFP	6/30/2012

SECTION TWO

BACKGROUND AND SCOPE OF WORK

2.01 PURPOSE OF THE REQUEST FOR PROPOSAL

HTDC is posting this open solicitation to provide public notice, promote fair competition, and to create a consistent documented procedure for evaluating and handling event sponsorships. Previous sponsorships have typically been through submission of procurement exemption requests to the State Procurement Office on a case by case basis.

In the past, opportunities to sponsor events were lost if HTDC did not learn about the event with sufficient lead time to submit the exemption request to the State Procurement Office. This solicitation provides a process for HTDC to become aware of events being planned within the fiscal year.

2.02 SPONSORSHIP AMOUNTS IN PAST YEARS

In FY2010-2011 HTDC sponsored 4 events totaling \$9,000 with the largest single award of \$5,000. Previous years have varied due to availability of funds and HTDC initiatives. In FY2011-2012, we anticipate an increased need for sponsorship, with a total budget up to \$100,000 to support the Hawaii Broadband Initiative (HBI). The HTDC Manufacturing Extension Partnership (MEP) program also has two approved procurement exemption requests for its program.

2.03 HTDC MISSION

The mission of the High Technology Development Corporation (HTDC) is to facilitate the growth and development of high technology as a viable industry sector in Hawaii's economy. HTDC is an agency of the State of Hawaii created by the State Legislature in 1983 and is administratively attached to the Department of Business, Economic Development and Tourism (DBEDT). HTDC's duties include, but are not limited to:

- developing industrial parks as high technology innovation centers and projects within or outside of industrial parks
- providing support and services to Hawaii-based high technology companies
- collecting and analyzing information on the state of commercial high technology activity in Hawaii
- promoting and marketing Hawaii as a site for commercial high technology activity
- providing advice on policy and planning for technology-based economic development

2.04 HTDC PRIORITIES FOR THE CURRENT FISCAL YEAR

In addition to the mission stated above, HTDC will be actively supporting the Hawaii Broadband Initiative this year. This is the Governor's initiative with the goal of providing affordable, ultra high-speed Internet access for all of Hawaii's citizens by 2018.

2.05 HTDC MANUFACTURING EXTENSION PARTNERSHIP (HTDC-MEP)

To leverage resources, the High Technology Development Corporation also administers the Manufacturing Extension Partnership (HTDC-MEP) program. It is a federal program

designed to help small businesses reduce costs and lead-times while improving quality, productivity, capacity and profits through best practices.

HTDC-MEP serves the high technology sector, but also supports manufacturing businesses in industries such as food processing, construction materials, management consulting, electronics, metals, secondary wood, textile, and biotech.

2.06 SPONSORSHIP SCOPE AND OBJECTIVES

One of the strategies that HTDC uses to fulfill its mission is sponsorship of events that promote the growth of the high tech industry in Hawaii. Events include but are not limited to conferences, seminars, and workshops. Sponsorships provide an efficient way to:

- 1) Create public awareness and support on key initiatives for the high tech industry
- 2) To express State support on events of relevance
- 3) Promote/Market HTDC and its mission
- 4) Deliver HTDC's message to a targeted audience and to hear their concerns
- 5) Form partnerships with organizations that benefit/support HTDC
- 6) Leverage funds into a broader reach
- 7) Partner with private sector entities which in turn provides in-kind match if sponsorship money is disbursed from federally funded projects
- 8) Seed programs, groups and public/private initiatives of relevance and that are aligned with HTDC's mission to cultivate the tech sector

In addition, HTDC uses sponsorship to support its HTDC-MEP program and the manufacturers of Hawaii.

2.07 TERM OF SOLICITATION

This solicitation shall be open from the initial advertising of Request for Proposals through the remainder of the FY. At the end of this term, it is anticipated that a similar solicitation will be issued for FY2012-2013.

SECTION THREE

APPLICATION FORMAT AND CONTENT

3.01 INTRODUCTION

One of the objectives of this RFP is to make application preparation easy and efficient, while giving Applicants ample opportunity to highlight their applications. The evaluation process must also be manageable and effective. When an Applicant submits an application, it shall be considered a complete submission describing the event and how it accomplishes the objectives described in **Section 2.06 SPONSORSHIP SCOPE AND OBJECTIVES**.

Applications must:

1. Include a transmittal letter to confirm that the Applicant shall comply with the requirements, provisions, terms, and conditions specified in this RFP.
2. Include signed Applicant Form AF-1 with the complete name and address of Applicant's firm and the name, mailing address, telephone number, and fax number of the person the State should contact regarding the application.
3. Provide literature describing the event and sponsorship amount requested as described in Pricing section 3.02. The applicant may also optionally include an "Application Highlight" described in Section 3.03 and supplemental information as described in Section 3.04.

Applicants may need to submit multiple applications for the same fiscal year. Each application should be for a single event or a series of related events. Note - HTDC prefers to sponsor few, impactful events.

3.02 PRICING

Provide pricing information on all sponsorship levels offered and the preferred amount/level requested by this application.

3.03 APPLICATION HIGHLIGHT

To facilitate the evaluation process, applicants may provide a brief summary sheet titled "APPLICATION HIGHLIGHT" highlighting facts that should be considered against each line item in Scoring Criteria specified in **Section 4, EVALUATION CRITERIA**. The preferred format is a list of facts opposed to a descriptive written paragraph. If a summary sheet is not provided, the evaluation committee will score based on the provided materials. A sample is included the appendix of this RFP as Attachment 2.

3.04 SUPPLEMENTAL INFORMATION

Include as attachments all other relevant material to be considered – information about the host, related events, other sponsors, speaker bios, etc. The additional material should help the selection committee better understand the benefit of sponsoring the event. Please limit attachments to **five** pages.

SECTION FOUR
EVALUATION CRITERIA AND APPLICANT SELECTION

The total number of points used to score this application is 100.

General Criteria:

- A. Is the event relevant to high-tech and/or specific to the needs of the tech or manufacturing community: (e.g. Hawaii Broadband Initiative, Commercializing R&D, venture capital funding, etc.) Yes ____ No ____
- B. Is the primary beneficiary of the event the Hawaii public/community opposed to a group/company/individual? Yes ____ No ____

If the answer to either question above is No, the application will not be scored.

- C. Number and total \$ of sponsorships awarded from HTDC in current FY. HTDC prefers to sponsor few, impactful events. # ____ \$ ____

Scoring Criteria

1. Alignment with HTDC's mission:

- a. Event topics relevance to HTDC priority areas for the FY _____(10)
- b. Event topics relevance to overall mission _____(10)
- c. Event addresses an unfulfilled need for HTDC's FY initiatives _____(10)
- d. Event assists small businesses to form, grow, or become more efficient _____(10)

2. Impact/Quality of event:

- a. Innovation of event as relevant to HTDC (differentiation from other events) _____(5)
- b. Market appeal to HTDC affiliated companies (value of event in time, cost, and relevance) _____(5)
- c. Quality of key speakers/participants from previous years or commitments for current year (World class, Local authority, Domain expert) _____(5)
- d. Event host has demonstrated previous experience facilitating events of the same magnitude and/or has a well-defined plan for the event _____(5)

3. Alignment with HTDC's organization:

- a. Volunteered time/sponsored HTDC event in the past year or commitment to contribute to HTDC event in the coming year _____(10)
- b. Demonstrated contributor to the tech community _____(10)

4. Promotion/Partnership opportunity for HTDC:

- a. Marketing opportunity for HTDC (1pt each – TV/Radio interview, TV mention, radio mention, website/print, banner/booth) _____(5)
- b. HTDC offered an opportunity to play a desired role (panel, presenter, coordinator, booth, etc.) in event. _____(5)
- c. Quality (brand name) of cosponsors/partners/participants for event _____(5)
- d. Total Cost/HTDC Sponsorship for event (leverage) Max score of 5 given to events with leverage ratios greater than 5:1. _____(5)

Overall Score _____ (100)

Reviewed by: _____

Date: _____

Recommendation: _____

Comments/Notes/Justification:

SECTION FIVE
SPECIAL PROVISIONS

5.01 SCOPE

All resulting agreements shall be in accordance with this RFP, including the special provisions in this section, the Scope of Work specified herein, and the General Conditions (GC), included by reference and available at the HTDC.

5.02 RESPONSIBILITY OF APPLICANT

Applicant is advised that in order to be awarded a sponsorship under this solicitation, applicant will be required to be compliant with all laws governing entities doing business in the State pursuant to HRS §103D-310(c) and verified through Hawaii Compliance Express (HCE).

Timely Registration on HCE. If the Applicant is not compliant on HCE at the time of award, the Applicant will not receive the award. The HCE process can be delayed if any corrective actions are required. Therefore, the Applicant is advised to register on HCE as soon as possible.

Refer to the Section 5.13 Award of Sponsorship for instructions on registering for HCE.

5.03 CONTRACT ADMINISTRATOR

For the purposes of this contract, Sandi Kanemori, (808) 539-3616 is designated the Contract Administrator.

5.04 OVERVIEW OF THE MODIFIED RFP PROCESS

- a. The RFP is issued pursuant to Subchapter 6 of HAR Chapter 3-122, implementing HRS Section 103D-303. This solicitation is a modified version of the typical RFP process per Procurement Exemption xx-xxx-K
- b. The procurement process begins with the issuance of the RFP and the formal response to any written questions or inquiries regarding the RFP. Changes to the RFP will be made only by Addendum.
- c. All proposals and other material submitted by Applicants become the property of the State and may be returned only at the State's option.
- d. The Procurement Officer, or an evaluation committee selected by the Procurement Officer, shall evaluate the application in accordance with the evaluation and selection criteria in Section Four. Applications may be accepted on evaluation without discussion or the Procurement Officer may enter discussions to clarify issues regarding the Applicant's proposal before finalizing the evaluation.
- e. After evaluation, the Procurement Officer or the evaluation committee will make its recommendations. The Procurement Officer will award the sponsorships IF the proposal is determined to be advantageous to the State taking into

consideration the evaluation factors set forth in Section Four AND AVAILABLE FUNDS.

- f. If the award is equal to or exceeds \$2500, it will be posted on the SPO website. Once an award notice is posted, all proposals, successful and unsuccessful, become available for public inspection. Those sections or material in the proposal that the Applicant and the State agree are confidential and/or proprietary specified in 5.09 should be identified by the Applicant and shall be excluded from access.
- g. The Procurement Officer or an evaluation committee reserves the right to determine what is in the best interest of the State for purposes of reviewing and evaluating applications submitted in response to the RFP. The Procurement Officer or an evaluation committee will conduct a comprehensive, fair and impartial evaluation of applications received in response to the RFP.
- h. Notice of sponsorship award or decline will be provided by email within 3 weeks of submission of application or 6 weeks prior to event whichever is later.

5.05 REQUIRED REVIEW OF RFP

Applicant shall carefully review this solicitation for defects and questionable or objectionable matter. Comments concerning defects and questionable or objectionable matter must be submitted per Section 5.06 below, and must be received by the HTDC prior to the deadline to submit written questions as stated in the RFP Schedule and Significant Dates, Section 1.04. This will allow issuance of any necessary corrections and/or amendments to the RFP.

5.06 QUESTIONS ABOUT THE RFP

All questions must be submitted in writing and directed to the HTDC Contract Administrator. Questions may be submitted through email to RFP@htdc.org with subject line "Ref: 12-003-HTDC". HTDC will respond to written questions by the date indicated in Section One, 1.04 RFP Schedule and Significant Dates, or as amended by posting an addendum to the solicitation.

5.07 APPLICATION PREPARATION

- a. **APPLICANT FORM, AF-1.** See Attachment 1. Application shall be submitted using Applicant's exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable; and to indicate exact legal name in the appropriate spaces on Applicant Form page AF-1. Failure to do so may delay proper execution of the contract.

The authorized signature on the first page of the Application Form shall be an original signature in ink. If unsigned or the affixed signature is a facsimile or a photocopy, the application shall be automatically rejected unless accompanied by other material, containing an original signature, indicating the Applicant's intent to be bound.

- b. **Offer Guaranty.** An offer guaranty is NOT required for this RFP.

- c. **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. Vendors are advised that they are liable for the Hawaii and the applicable use tax. If, however, an Applicant is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, Applicant shall state its tax exempt status and cite the HRS chapter or section allowing the exemption.
- d. **Original Applications and Copies to be Submitted.** Applicant shall submit one (1) original application marked "ORIGINAL" and 1 copy of the original marked "COPY". It is imperative to note that the Applicant submit only one original and the required number of copies. **DO NOT SUBMIT MORE THAN ONE ORIGINAL.**

Applicant is encouraged to submit typewritten offers. If handwritten, it should be clearly printed. Applicant is cautioned that illegible applications may be automatically rejected to avoid any errors in interpretation by the reviewers during the evaluation process.
- e. Costs for developing the Application are solely the responsibility of the Applicant, whether or not any award results from this solicitation. The State of Hawaii will not reimburse such costs.
- f. All applications become the property of the State of Hawaii.

5.08 PRICING

The pricing shall be the all-inclusive sponsorship amount to the State and **no other costs will be honored.**

5.09 CONFIDENTIAL INFORMATION

If an applicant believes any information, data, or other material submitted contains information that should be withheld as confidential, then the Procurement Officer named on the cover of this RFP must be so advised in writing and provided with justification to support confidentiality claim. Price is not considered confidential and will not be withheld.

An Applicant shall request in writing nondisclosure of designated trade secrets or other proprietary data considered confidential. Such data shall accompany the application, be clearly marked, and shall be readily separable from the application in order to facilitate eventual public inspection of the non-confidential portion of the application.

If a request is made to inspect the confidential or proprietary data, the head of the purchasing agency or designee shall consult with the Attorney General and make a written determination in accordance with HRS Chapter 92F. 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 HRS Section 92F-42(1).

5.10 SUBMISSION OF APPLICATION

The submission of an application shall constitute an incontrovertible representation by the Applicant of compliance with every requirement of the RFP, and that the RFP

documents are sufficient in scope and detail to indicate and convey reasonable understanding of all terms and conditions of the scope of services.

Before submitting an application, each Applicant must:

- (1) Examine the solicitation documents thoroughly. Solicitation documents include this RFP, any attachments, plans referred to herein, and any other relevant documents;
- (2) 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.

Applications shall be received at the HTDC, 2800 Woodlawn Dr. Suite 100, Honolulu, HI 96822, from the date of the posting throughout the remaining fiscal year.

5.11 APPLICATION OPENING

Applications shall not be opened publicly, but shall be opened in the presence of two or more procurement officials. After a contract is awarded, the following information shall be open to the public: the contract, the list of qualified persons, the Evaluation Committee's criteria for selection, and the application submitted by the qualified persons, except any confidential portions.

5.12 CANCELLATION OF RFP AND APPLICATION REJECTION

The State reserves the right to cancel this RFP and to reject any and all applications in whole or in part when it is determined to be in the best interest of the State, pursuant to HAR Section 3-122-96 through 3-122-97.

The State shall not be liable for any costs, expenses, loss of profits or damages whatsoever, incurred by the Applicant in the event this RFP is cancelled or an application is rejected.

5.13 AWARD OF SPONSORSHIP

Method of Award. Awards will be made to the responsible Applicants whose proposals are determined to be the most advantageous to the State based on the evaluation criteria set forth in the RFP.

Responsibility of Applicant. Pursuant to HRS Chapter 103D-310(c), the selected applicant shall at the time of award be compliant with all laws governing entities doing business in the State including the following chapters:

1. Chapter 237, tax clearance;
2. Chapter 383, unemployment insurance;
3. Chapter 386, workers' compensation;
4. Chapter 392, temporary disability insurance;
5. Chapter 393, prepaid health care; and
6. Chapter 103D-310(c), Certificate of Good Standing (COGS) for entities doing business in the State.

The State will verify compliance on Hawaii Compliance Express (HCE).

Hawaii Compliance Express. The HCE is an electronic system that allows applicants 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.

Applicant should 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 contract and final payment.

Timely Registration on HCE. Applicants are advised to register on HCE soon as possible. If a recipient is not compliant on HCE at the time of award, the Applicant will not receive the award.

5.14 ADDITIONAL TERMS AND CONDITIONS

The State reserves the right to add terms and conditions during the Sponsorship negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluation.

5.15 SPONSORSHIP EXECUTION

Successful Applicants receiving an award shall enter into a written agreement.

No work pertaining to the sponsorship award shall be undertaken by an Applicant prior to the commencement date set forth in the agreement. The State of Hawaii is not liable for any work, contract, costs, expenses, loss of profits, or any damages whatsoever incurred by the Applicant prior to the official award date.

5.16 PAYMENT

HRS Section 103-10, provides that the State shall have thirty (30) calendar days after receipt of invoice or satisfactory completion of event to make payment. For this reason, the State may reject any offer submitted with a condition requiring payment within a shorter period. Further, the State will reject any offer submitted with a condition requiring interest payments greater than that allowed by HRS §103-10, as amended.

The State may not recognize any requirement established by the Applicant and communicated to the State after award of the Sponsorship, which requires payment within a shorter period or interest payment not in conformance with statute.

5.17 PROTEST

A protest shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts giving rise thereto; provided that a

protest based upon the content of the solicitation shall be submitted in writing prior to the date set for receipt of offers. Further provided that a protest of an award or proposed award shall be submitted within five (5) working days after the posting of award of the Sponsorship.

The notice of award, if any, resulting from this solicitation shall be posted on the Procurement Reporting System, which is available on the SPO website: <http://www.hawaii.gov/spo2/source/>.

Any protest shall be submitted in writing to the HTDC Procurement Officer, 2800 Woodlawn Dr. Ste 100. Honolulu, HI 96822. Parties who protest will be offered a consultation prior to the formal protest added to the file. Due to the limited size and scope of projects, decisions of the evaluation committee/Procurement Officer are final.

5.18 NON-DISCRIMINATION

The Applicant shall comply with all applicable federal and State laws prohibiting discrimination against any person on the grounds of race, color, national origin, religion, creed, sex, age, sexual orientation, marital status, handicap, or arrest and court records in employment and any condition of employment with the Applicant or in participation in the benefits of any program or activity funded in whole or in part by the State.

5.19 CONFLICTS OF INTEREST

The Applicant represents that neither the Applicant, nor any employee or agent of the Applicant, presently has any interest, and promises that no such interest, direct or indirect, shall be acquired, that would or might conflict in any manner or degree with the Applicant's performance of this contract.

5.20 CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS

It has been determined that funds for this Sponsorship have been appropriated by a legislative body.

Therefore, Applicant, if awarded a Sponsorship in response to this solicitation, agrees to comply with HRS Section 11-205.5, which states that campaign contributions are prohibited from a State and county government contractor during the term of the agreement if the Applicant is paid with funds appropriated by a legislative body.

5.21 ADDITIONS, AMENDMENTS AND CLARIFICATIONS

Approvals. Any agreement arising out of this offer may be subject to the approval of the Department of the Attorney General as to form, and is subject to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.

Records Retention. The Applicant and any subcontractors shall maintain the books and records that relate to the Agreement and any cost or pricing data for three (3) years from the date of final payment under the Agreement.

Competency of Offeror. Prospective Offeror must be capable of performing the work for which offers are being called. Either before or after the deadline for an offer, the

purchasing agency may require Offeror to submit answers to questions regarding facilities, equipment, experience, personnel, financial status or any other factors relating to the ability of the Offeror to furnish satisfactorily the goods or services being solicited by the STATE. Any such inquiries shall be made and replied to in writing; replies shall be submitted over the signatures of the person who signs the offer. Any Offeror who refuses to answer such inquiries will be considered non-responsive.

Preparation of Application. An Applicant should submit only one application for each event or series of events Applicant is seeking sponsorship. If an Applicant submits more than one application for each event, then all such applications shall be rejected.

SECTION SIX

ATTACHMENTS

- Attachment 1: APPLICANT FORM, AF-1
- Attachment 2: SAMPLE APPLICATION HIGHLIGHT

APPLICANT FORM
AF-1

SPONSORSHIP
STATE OF HAWAII
HIGH TECHNOLOGY DEVELOPMENT CORPORATION
RFP-12-003-HTDC

Procurement Officer
High Technology Development Corporation
State of Hawaii
Honolulu, Hawaii 96822

Dear HTDC:

The undersigned has carefully read and understands the terms and conditions specified in the RFP, and in the General Conditions, by reference made a part hereof and available upon request; and hereby submits the following application to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this application, 1) he/she is declaring his/her application is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

Applicant is:

- Sole Proprietor Partnership *Corporation Joint Venture
 Other _____

*State of incorporation: _____

Hawaii General Excise Tax License I.D. No. _____

Payment address (other than street address below): _____

City, State, Zip Code: _____

Business address (street address): _____

City, State, Zip Code: _____

Respectfully submitted:

Date: _____

(x) _____

Authorized (Original) Signature

Telephone No.: _____

Name and Title (Please Type or Print)

Fax No.: _____

E-mail Address: _____

** _____

Exact Legal Name of Company (Applicant)

**If Applicant is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

SAMPLE APPLICATION HIGHLIGHT

Event: 2011 HAWAII SBIR CONFERENCE

Applicant: Company XYZ

Request: \$5000 Government Sponsorship

General Criteria:

- A. 2010 - Hawaii tech companies brought in \$1.5 million of federal SBIR money
Conference teaches best practices (Yes)
Brings DOD Federal program managers to Hawaii companies
- B. Event serves Hawaii Small Businesses doing R&D
Especially for dual use community (Yes)
- C. HTDC has not sponsored any other Company XYZ events in 2011 (0,0)

Scoring Criteria

- 1. *Alignment with HTDC's mission:*
 - a. N/A (0)
 - b. SBIR is a federal funds to help small businesses and promote innovation
HTDC administers Hawaii SBIR grants and actively promotes SBIR
Current HTDC affiliated companies receiving SBIR are: tech company A,B,C
(10)
 - c. HTDC hosted this conference in 2010; Company XYZ will host it this year
with the assistance of HTDC. We have coordinated this effort with HTDC.
(10)
- 2. *Impact/Quality of event:*
 - a. Only SBIR conference in Hawaii for 2011.
One-on-one with federal program managers and Dawnbreaker (5)
 - b. 2-day event at \$130 per head, conference attended by over 80 last year at
similar cost, attendees include tech company a, b, c. (5)
 - c. Commitments from 6 head federal managers, Dawnbreaker, leading IP
attorney, Ratheon (5)
 - d. Company XYZ hosted 6 conferences this year. All were paid attendance and
drew over 40 attendees each. See attached for details.
The plan for the conference is: 2 days, Phase 1 DOD program managers
share best practices, Phase 1 local success stories panel, phase 2 expert
panel Q&A, and one-on one session (5)
- 3. *Alignment with HTDC's organization:*
 - a. Company XYZ was a cosponsor for the 2010 SBIR conference
Guest speaker at conference X hosted by HTDC
Cosponsored event X with HTDC (10)
 - b. In 2011 volunteer panelist at 10 events. (Include attachment with details - 10)

4. Promotion/Partnership opportunity for HTDC:

- a. Prominent display of HTDC on banner, website, radio and print ads. Coverage of conference scheduled on local news with interview opportunity for HTDC. \$5k budgeted for promotion of the event including services of a public relations consultant to secure local media. (5)
- b. HTDC is offered a banner and opportunity to host a half hour break out session (5)
- c. Local cosponsors: tech company A, media company B, agency C, national cosponsors: corporate A is providing free service for a year for attendees valued at \$20k (5)
- d. Ask \$5k from HTDC. Total event cost \$50k. Ratio = 10:1. (Include attachment with breakdown - 5)

As an example, this SAMPLE application highlight (based on a conference HTDC held last year) would be considered a strong application and may receive a grade of 90 out of 100 and recommended by the evaluation committee to receive the full \$5000 request.