

State of Hawaii  
Department of Human Services  
Benefit, Employment, and Support Services Division  
Employment and Training Program Office

**Request for Proposals**

**HMS 903-13-01-S  
Domestic Violence Legal Services for  
TANF Recipients**

**March 1, 2013**

**Note:** *It is the applicant's responsibility to check the public procurement notice website, the request for proposals website, or to contact the RFP point-of-contact identified in the RFP for any addenda issued to this RFP. The State shall not be responsible for any incomplete proposal submitted as a result of missing addenda, attachments or other information regarding the RFP.*

March 1, 2013

**REQUEST FOR PROPOSALS**

**DOMESTIC VIOLENCE LEGAL SERVICES FOR TANF RECIPIENTS**

**RFP No. 903-13-01-S**

The Department of Human Services, Benefit, Employment, and Support Services Division, Employment and Training Program Office, is requesting proposals from qualified applicants to provide domestic violence legal services for Temporary Assistance for Needy Families (TANF) recipients, statewide. The contract term will be from July 1, 2013 through June 30, 2014.

Proposals shall be mailed, postmarked by the United States Postal Service on or before April 15, 2013, and received no later than 10 days from the submittal deadline. Hand delivered proposals shall be received no later than 4:30 p.m., Hawaii Standard Time (HST), on April 15, 2013, at the drop-off site designated on the Proposal Mail-in and Delivery Information Sheet. Proposals postmarked or hand delivered after the submittal deadline shall be considered late and rejected. There are no exceptions to this requirement.

The Employment and Training Program Office will conduct an orientation on March 15, 2013 from 10:00 a.m. to 12:00 noon HST, at 820 Mililani Street, Suite 606, Honolulu, Hawaii. All prospective applicants are encouraged to attend the orientation.

The deadline for submission of written questions is 4:30 p.m., HST, on March 21, 2013. All written questions will receive a written response from the State on or about March 28, 2013.

Any inquiries and requests regarding this RFP should be directed to Ms. Sandra Leong at 820 Mililani Street, Suite 606, Honolulu, Hawaii 96813, telephone: (808) 586-7090, fax: (808) 586-5744, e-mail: sandraleong@dhs.hawaii.gov.

## PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET

**NUMBER OF COPIES TO BE SUBMITTED: 4**

ALL MAIL-INS SHALL BE POSTMARKED BY THE UNITED STATES POSTAL SERVICE (USPS) NO LATER THAN April 15, 2013 and received by the state purchasing agency no later than 10 days from the submittal deadline.

### All Mail-ins

Department of Human Services  
Benefit, Employment, &  
Support Services Division  
820 Mililani Street, Suite 606  
Honolulu, HI 96813

### DHS RFP Coordinator

Sandra Leong, Program Specialist  
Ph: 808-586-7090  
Fax: 808-586-5744  
sandraleong@dhs.hawaii.gov

ALL HAND DELIVERIES SHALL BE ACCEPTED AT THE FOLLOWING SITE UNTIL **4:30 P.M., Hawaii Standard Time (HST), on April 15, 2013.** Deliveries by private mail services such as FEDEX shall be considered hand deliveries. Hand deliveries shall not be accepted if received after 4:30 p.m., April 15, 2013.

### Drop-off Site

**Oahu:**  
Department of Human Services  
Benefit, Employment, & Support Services  
Division  
820 Mililani Street, Suite 606  
Honolulu, HI 96813

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# **Section 1**

## **Administrative Overview**

# Section 1

## Administrative Overview

**Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.**

### 1.1 Procurement Timetable

**Note that the procurement timetable represents the State's best estimated schedule. If an activity on this schedule is delayed, the rest of the schedule will likely be shifted by the same number of days. Contract start dates may be subject to the issuance of a notice to proceed.**

<u>Activity</u>	<u>Scheduled Date</u>
Public notice announcing Request for Proposals (RFP)	March 1, 2013
Distribution of RFP	March 1, 2013
RFP orientation session	March 15, 2013
Closing date for submission of written questions for written responses	March 21, 2013
State purchasing agency's response to applicants' written questions	March 28, 2013
Discussions with applicant prior to proposal submittal deadline (optional)	April 9-11, 2013
Proposal submittal deadline	April 15, 2013
Discussions with applicant after proposal submittal deadline (optional)	April 17-18, 2013
Final revised proposals (optional)	April 22, 2013
Proposal evaluation period	April 23-26, 2013
Provider selection	April 29, 2013
Notice of statement of findings and decision	April 29, 2013
Contract start date	July 1, 2013

## 1.2 Website Reference

The State Procurement Office (SPO) website is <http://hawaii.gov/spo>

	For	Click on "Doing Business with the State" tab or
1	Procurement of Health and Human Services	<a href="http://hawaii.gov/spo/health-human-svcs/doing-business-with-the-state-to-provide-health-and-human-services">http://hawaii.gov/spo/health-human-svcs/doing-business-with-the-state-to-provide-health-and-human-services</a>
2	RFP website	<a href="http://hawaii.gov/spo/general/procurement-notice-for-solicitations">http://hawaii.gov/spo/general/procurement-notice-for-solicitations</a>
3	Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR) for Purchases of Health and Human Services	<a href="http://hawaii.gov/spo/general/statutes-and-rules/procurement-statutes-and-administrative-rules">http://hawaii.gov/spo/general/statutes-and-rules/procurement-statutes-and-administrative-rules</a>
4	Forms	<a href="http://hawaii.gov/spo/statutes-and-rules/general/spo-forms">http://hawaii.gov/spo/statutes-and-rules/general/spo-forms</a>
5	Cost Principles	<a href="http://hawaii.gov/spo/health-human-svcs/cost-principles-for-procurement-of-health-and-human-services">http://hawaii.gov/spo/health-human-svcs/cost-principles-for-procurement-of-health-and-human-services</a>
6	Standard Contract -General Conditions, AG103F13	<a href="http://hawaii.gov/spo/general/gen-cond/general-conditions-for-contracts">http://hawaii.gov/spo/general/gen-cond/general-conditions-for-contracts</a>
7	Protest Forms/Procedures	<a href="http://hawaii.gov/spo/health-human-svcs/protestsreqforreconsideration/protests-requests-for-reconsideration-for-private-providers">http://hawaii.gov/spo/health-human-svcs/protestsreqforreconsideration/protests-requests-for-reconsideration-for-private-providers</a>

### Non-SPO websites

(Please note: website addresses may change from time to time. If a link is not active, try the State of Hawaii website at <http://hawaii.gov>)

	For	Go to
8	Hawaii Compliance Express (HCE)	<a href="https://vendors.ehawaii.gov/hce/splash/welcome.html">https://vendors.ehawaii.gov/hce/splash/welcome.html</a>
9	Department of Taxation	<a href="http://hawaii.gov/tax/">http://hawaii.gov/tax/</a>
10	Wages and Labor Law Compliance, HRS §103-055	<a href="http://capitol.hawaii.gov/hrscurrent">http://capitol.hawaii.gov/hrscurrent</a>
11	Department of Commerce and Consumer Affairs, Business Registration	<a href="http://hawaii.gov/dcca">http://hawaii.gov/dcca</a> click "Business Registration"
12	Campaign Spending Commission	<a href="http://hawaii.gov/campaign">http://hawaii.gov/campaign</a>

## 1.3 Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS) Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

## 1.4 RFP Organization

This RFP is organized into five sections:

**Section 1, Administrative Overview:** Provides applicants with an overview of the procurement process.

**Section 2, Service Specifications:** Provides applicants with a general description of the tasks to be performed, delineates provider responsibilities, and defines deliverables (as applicable).

**Section 3, Proposal Application Instructions:** Describes the required format and content for the proposal application.

**Section 4, Proposal Evaluation:** Describes how proposals will be evaluated by the state purchasing agency.

**Section 5, Attachments:** Provides applicants with information and forms necessary to complete the application.

## 1.5 Contracting Office

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

Department of Human Services  
Benefit, Employment, & Support Services Division  
Employment and Training Program Office  
820 Mililani Street, Suite 606  
Honolulu, HI 96813  
Phone: 808-586-0975                      Fax: 808-586-5744

## 1.6 RFP Contact Person

From the release date of this RFP until the selection of the successful provider(s), any inquiries and requests shall be directed to the sole point-of-contact identified below.

Sandra Leong, Program Specialist  
Employment and Training Program Office  
820 Mililani Street, Suite 606  
Honolulu, HI 96813  
Phone: 808-586-7090                      Fax: 808-586-5744

## 1.7 Orientation

An orientation for applicants in reference to the request for proposals will be held as follows:

**Date:** March 15, 2013      **Time:** 10a – 12p, HST  
**Location:** 820 Mililani Street, Suite 606, Honolulu, HI 96813

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at the state purchasing agency's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the state purchasing agency's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the subsection 1.8, Submission of Questions.

## 1.8 Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in Section 1.6. Written questions should be received by the date and time specified in Section 1.1 Procurement Timetable. The purchasing agency will respond to written questions by way of an addendum to the RFP.

Deadline for submission of written questions:

**Date:** March 21, 2013      **Time:** 4:30pm      HST

State agency responses to applicant written questions will be provided by:

**Date:** March 28, 2013

## 1.9 Submission of Proposals

A. **Forms/Formats** - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website referred to in subsection 1.2, Website Reference. Refer to the Section 5, Proposal Application Checklist for the location of program specific forms.

1. **Proposal Application Identification (Form SPOH-200)**. Provides applicant proposal identification.
2. **Proposal Application Checklist**. The checklist provides applicants specific program requirements, reference and location of required RFP proposal forms, and the order in which all proposal components should be collated and submitted to the state purchasing agency.

3. **Table of Contents.** A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
  4. **Proposal Application (Form SPOH-200A).** Applicant shall submit comprehensive narratives that address all proposal requirements specified in Section 3, Proposal Application Instructions, including a cost proposal/budget, if required.
- B. **Program Specific Requirements.** Program specific requirements are included in Sections 2 and 3, as applicable. Required Federal and/or State certifications are listed on the Proposal Application Checklist in Section 5.
- C. **Multiple or Alternate Proposals.** Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2. In the event alternate proposals are not accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. **Hawaii Compliance Express (HCE).** All providers shall comply with all laws governing entities doing business in the State. Providers shall register with HCE for online compliance verification from the Hawaii State Department of Taxation (DOTAX), Internal Revenue Service (IRS), Department of Labor and Industrial Relations (DLIR), and Department of Commerce and Consumer Affairs (DCCA). There is a nominal annual registration fee (currently \$12) for the service. The HCE's online "Certificate of Vendor Compliance" provides the registered provider's current compliance status as of the issuance date, and is accepted for both contracting and final payment purposes. Refer to **subsection 1.2, Website Reference**, for HCE's website address.
- **Tax Clearance.** Pursuant to HRS §103-53, as a prerequisite to entering into contracts of \$25,000 or more, providers are required to have a tax clearance from DOTAX and the IRS. (See subsection 1.2, Website Reference for DOTAX and IRS website address.)
  - **Labor Law Compliance.** Pursuant to HRS §103-55, providers shall be in compliance with all applicable laws of the federal and state governments relating to workers' compensation, unemployment compensation, payment of wages, and safety. (See subsection 1.2, Website Reference for DLIR website address.)
  - **DCCA Business Registration.** Prior to contracting, owners of all forms of business doing business in the state except sole proprietorships, charitable organizations, unincorporated associations and foreign insurance companies shall be registered and in good standing with the DCCA, Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website. (See subsection 1.2, Website Reference for DCCA website address.)

- E. **Wages Law Compliance.** If applicable, by submitting a proposal, the applicant certifies that the applicant is in compliance with HRS §103-55, Wages, hours, and working conditions of employees of contractors performing services. Refer to HRS §103-55, at the Hawaii State Legislature website. (See subsection 1.2, Website Reference for DLIR website address.)
- F. **Campaign Contributions by State and County Contractors.** HRS §11-355 prohibits campaign contributions from certain State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. Refer to HRS §11-355. (See subsection 1.2, Website Reference for Campaign Spending Commission website address.)
- G. **Confidential Information.** If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

*Note that price is not considered confidential and will not be withheld.*

- H. **Proposal Submittal.** All mail-ins shall be postmarked by the United States Postal System (USPS) and received by the State purchasing agency no later than the submittal deadline indicated on the attached Proposal Mail-in and Delivery Information Sheet, or as amended. All hand deliveries shall be received by the State purchasing agency by the date and time designated on the Proposal Mail-In and Delivery Information Sheet, or as amended. Proposals shall be rejected when:
  1. Postmarked after the designated date; or
  2. Postmarked by the designated date but not received within 10 days from the submittal deadline; or
  3. If hand delivered, received after the designated date and time.

The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks.

Faxed proposals and/or submission of proposals on diskette/CD or transmission by e-mail, website or other electronic means are not permitted.

## **1.10 Discussions with Applicants**

- A. **Prior to Submittal Deadline.** Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. **After Proposal Submittal Deadline -** Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance with HAR §3-143-403.

## **1.11 Opening of Proposals**

Upon the state purchasing agency's receipt of a proposal at a designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the state purchasing agency and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

## **1.12 Additional Materials and Documentation**

Upon request from the state purchasing agency, each applicant shall submit additional materials and documentation reasonably required by the state purchasing agency in its evaluation of the proposals.

## **1.13 RFP Amendments**

The State reserves the right to amend this RFP at any time prior to the closing date for final revised proposals.

## **1.14 Final Revised Proposals**

If requested, final revised proposals shall be submitted in the manner and by the date and time specified by the state purchasing agency. If a final revised proposal is not submitted, the previous submittal shall be construed as the applicant's final revised proposal. *The applicant shall submit only the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPOH-200).* After final revised proposals are received, final evaluations will be conducted for an award.

## **1.15 Cancellation of Request for Proposal**

The RFP may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interest of the State.

## **1.16 Costs for Proposal Preparation**

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

## **1.17 Provider Participation in Planning**

Provider(s), awarded a contract resulting from this RFP,

are required

are not required

to participate in the purchasing agency's future development of a service delivery plan pursuant to HRS §103F-203.

Provider participation in a state purchasing agency's efforts to plan for or to purchase health and human services prior to the release of a RFP, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals, if conducted in accordance with HAR §§3-142-202 and 3-142-203.

### **1.18 Rejection of Proposals**

The State reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons:

- (1) Rejection for failure to cooperate or deal in good faith. (HAR §3-141-201)
- (2) Rejection for inadequate accounting system. (HAR §3-141-202)
- (3) Late proposals (HAR §3-143-603)
- (4) Inadequate response to request for proposals (HAR §3-143-609)
- (5) Proposal not responsive (HAR §3-143-610(a)(1))
- (6) Applicant not responsible (HAR §3-143-610(a)(2))

### **1.19 Notice of Award**

A statement of findings and decision shall be provided to each responsive and responsible applicant by mail upon completion of the evaluation of competitive purchase of service proposals.

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

No work is to be undertaken by the provider(s) awarded a contract prior to the contract commencement date. The State of Hawaii is not liable for any costs incurred prior to the official starting date.

### **1.20 Protests**

Pursuant to HRS §103F-501 and HAR Chapter 148, an applicant aggrieved by an award of a contract may file a protest. The Notice of Protest form, SPOH-801, and related forms are available on the SPO website. (See subsection 1.2, Website Reference for website address.) Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;

- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be postmarked by USPS or hand delivered to 1) the head of the state purchasing agency conducting the protested procurement and 2) the procurement officer who is conducting the procurement (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the state purchasing agency.

<b>Head of State Purchasing Agency</b>	<b>Procurement Officer</b>
Name: Patricia McManaman	Name: Edwin Igarashi
Title: Director	Title: Procurement Officer
Mailing Address: P.O. Box 339 Honolulu, HI 96809-0339	Mailing Address: P.O. Box 339 Honolulu, HI 96809-0339
Business Address: 1390 Miller Street, Honolulu, HI 96813	Business Address: 1390 Miller Street, Honolulu, HI 96813

### **1.21 Availability of Funds**

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to HRS Chapter 37, and subject to the availability of State and/or Federal funds.

### **1.22 General and Special Conditions of Contract**

The general conditions that will be imposed contractually are on the SPO website. (See subsection 1.2, Website Reference for website address.) Special conditions may also be imposed contractually by the state purchasing agency, as deemed necessary.

### **1.23 Cost Principles**

To promote uniform purchasing practices among state purchasing agencies procuring health and human services under HRS Chapter 103F, state purchasing agencies will utilize standard cost principles outlined in Form SPOH-201, which is available on the SPO website. (See subsection 1.2 Website Reference for website address.) Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

## **Section 2**

# **Service Specifications**

# Section 2

## Service Specifications

### 2.1 Introduction

#### A. Overview, purpose or need

The State of Hawaii, Department of Human Services, hereafter referred to as the Department, is requesting proposals from qualified applicants to provide legal services statewide for Temporary Assistance for Needy Families (TANF) recipients involved in Domestic Violence issues.

#### B. Planning activities conducted in preparation for this RFP

A Request for Information (RFI) Public Notice was published and posted on the State of Hawaii, State Procurement Office (SPO) website on February 4, 2013 on the following website address:

<http://spo3.hawaii.gov/notices/notices>

The posting attempted to solicit feedback from the general public on the services to be procured. Feedback was received.

#### C. Description of the service goals

The goal of this contract is to provide legal services for TANF recipients who are currently experiencing issues of safety and functioning related to domestic violence, which adversely affect their ability to become employable and self-sufficient.

Studies indicate that domestic violence is considerably more prevalent among women on welfare than among the general population and is considered a barrier for many women receiving welfare to transition to employment. [Tolman and Raphael (2000), Goldberg (2002).]

A review of the literature on welfare and domestic violence offers the conclusion that abuse imposes significant barriers to employment and job stability. There is evidence that efforts to identify domestic violence victims and provide preventative and intervention services in conjunction with work and work preparation activities may increase women's safety and long-term well-being. [Ibid.]

**D. Description of the target population to be served**

The population to be served consists of adult TANF recipients of the Benefit, Employment, and Support Services Division (BESSD), who are identified as currently experiencing Domestic Violence issues.

**E. Geographic coverage of service**

The Provider will be required to serve TANF recipient adults who are identified as victims of domestic violence statewide.

**F. Probable funding amounts, source, and period of availability**

This contract is expected to be funded through State funds. The maximum amount of funding for this contract for SFY 2014 (July 1, 2013 through June 30, 2014) is \$110,000.00. Two twelve month extensions may be awarded for total amount of \$110,000.00 each, subject to the availability of funds and provider performance.

**2.2 Contract Monitoring and Evaluation**

The criteria by which the performance of the contract will be monitored and evaluated are:

- (1) Performance/Outcome Measures – Provide all referrals with an intake session, needs assessment, and an individualized plan and assigned attorney as applicable.
- (2) Output Measures – Determine eligible referrals and address legal issues as applicable. Report types of legal issues and how many cases closed due to resolution of legal issues versus case closure due to client not following up.
- (3) Quality of Care/Quality of Services – Describe plan for quality assurance and evaluation for the proposed service including methods to be used.
- (4) Financial Management – Timely submission of monthly invoices by county. Payments will be made on a cost reimbursement basis from a State approved budget. The State may determine an expenditure to be inappropriate and unallowable. Provider may be subject to A133 audit.
- (5) Administrative Requirements – Submit to the State, monthly invoicing and service reports, quarterly Limited English Proficiency (LEP) reports, any additional reports that the State may require or request, and meet with the State to discuss any aspect of this contract.

## 2.3 General Requirements

**A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

*The applicant shall comply with the Chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPOH-201 (Revised 9/11)), which can be found on the SPO website at [www.hawaii.gov/spo](http://www.hawaii.gov/spo)*

**B. Secondary purchaser participation**

(Refer to HAR §3-143-608)

None.

**C. Multiple or alternate proposals**

(Refer to HAR §3-143-605)

Allowed  Unallowed.

**D. Single or multiple contracts to be awarded**

(Refer to HAR §3-143-206)

Single  Multiple  Single & Multiple

Criteria for multiple awards: A single contract shall be awarded to a proposal that demonstrates the ability to provide a comprehensive and efficient array of legal services for TANF recipients affected by domestic violence and related legal issues statewide.

**E. Single or multi-term contracts to be awarded**

(Refer to HAR §3-149-302)

Single term (2 years or less)  Multi-term (more than 2 years)

Contract terms: Initial term of contract: July 1, 2013 up to and including June 30, 2014. Contract extensions thereafter may be for twelve (12) month increments.

Length of each extension: up to 12 months

Number of possible extensions: Two

Maximum length of contract: Not to exceed June 30, 2016

The initial period shall commence on the contract start date.

Conditions for extension: Extensions must be in writing, initiated by the Department through an offer of a supplemental contract, and agreed upon and execution of the supplemental contract by both the Department and awarded PROVIDER(s).

## 2.4 Scope of Work

The scope of work encompasses the following tasks and responsibilities:

The State of Hawaii, Department of Human Services, Benefit, Employment, and Support Services Division (BESSD) intends to procure professional legal services for adult TANF recipients who are currently experiencing issues of safety and functioning related to domestic violence, which adversely affect their ability to become employable and self-sufficient.

During SFY 2012 an approximate 110 individuals were referred for services under this Contract.

### A. Service Activities (Minimum and/or mandatory tasks and responsibilities)

The Provider shall comply with all appropriate federal and state laws, rules and regulations, and policies and procedures governing the State run programs involved, including but not limited to TANF, First-to-Work, Child Care Connection, and Child Support Enforcement. Training will be provided by the Department, if necessary.

The scope of work encompasses the following tasks and responsibilities:

1. Oversee the services provided to the Department's clients as described below.
2. Accept all referrals for TANF recipients.
  - a. TANF recipients will be referred by the Domestic Violence Advocacy Service Provider contracted by the Department.
3. Appoint a designated worker to conduct an intake interview, assess the client's legal needs as they relate to the domestic violence issues, and assign the case to an attorney.
4. Preparation of a plan with the client and designated worker to address the client's legal issues, and work accordingly toward the resolution of these issues with appropriate staff.
5. Maintain regular communication with the Domestic Violence Advocacy Services Provider as to discuss referrals and the client's progress toward the settlement of all legal issues pertaining to the safety and protection of the client.

6. Areas of legal representation may include, but are not limited to the following:
  - a. Temporary custody, visitation and support
  - b. Temporary restraining orders
  - c. Divorce including child custody and child support
  - d. Housing issues including landlord eviction defense or negotiation, public housing evictions, grievance, habitability of unit, repairs, rent and security deposit issues, illegal lockouts or utility shut off
  - e. Consumer Law including debt collection, bankruptcy or consumer credit matters, utility hookup or shut off, repossession, unfair or deceptive consumer practices
  - f. Employment issues including domestic violence accommodation by employers, unlawful termination from employment due to domestic violence issues and unemployment compensations for employees who quit their job as a result of domestic violence
7. Review of all cases by a designated worker prior to case closure.
8. Appoint a designated worker to provide training for all staff on the process for handling domestic violence victims.
9. Notify other appropriate agencies and organizations working with domestic violence victims of the services rendered by the Domestic Violence Legal Services Provider.

**B. Management Requirements (Minimum and/or mandatory requirements)**

**1. Personnel**

The Provider will determine the number of staff required to provide the contracted services and will address the qualification of their personnel to conduct this service. The Department will refer an estimated 140 clients per year, via Domestic Violence Advocacy Services Provider.

The Provider may opt to utilize its existing staff to dispense necessary services under the contract; however, the work time charged to the contract must be prorated in accordance with the total time spent on the work required under the contract.

**2. Administrative**

The successful offeror will be required to enter into a formal written contract with the Department in accordance with the laws, rules and regulations of the State of Hawaii.

The stated requirements appearing elsewhere in this RFP shall become part of the terms and conditions of the resulting contract. Any deviations therefore must be specifically defined by the offeror in its proposal which, if successful, will become part of the contract.

3. **Quality assurance and evaluation specifications**

The contract will be evaluated based upon performance as described above in Section 2.4, A. The contract will also be reviewed for overall cost effectiveness based upon the overall cost as compared to the performance outcome.

4. **Output and performance/outcome measurements**

The performance of the Provider will be measured in the following specifications:

- a. To provide all referrals with an intake session and needs assessment prior to assignment of the client to an attorney.
- b. To develop individualized plans with the clients and work toward the resolution of all legal issues relating to the domestic violence situation.
- c. To maintain on-going contact with the Domestic Violence Advocacy Services Provider regarding matters of referrals and clients' progress toward the settlement of legal issues.

5. **Experience**

The successful offeror will have demonstrated skills, abilities, knowledge of, and experience relating to the delivery of the proposed services. The successful offeror will also have explained any relevant experiences dealing with State of Hawaii contracts relating to the delivery of the proposed services during the last five (5) years.

6. **Coordination of services**

The successful offeror will maintain on-going coordination with the Domestic Violence Advocacy Services Provider.

The successful offeror will identify and demonstrate the capability to coordinate services with other agencies and resources in the community.

**7. Reporting requirements for program and fiscal data**

- a. The Provider will keep records to document information acquired about the referrals or information made available by the clients served under this Agreement. All such information shall be considered confidential and shall not be disclosed by the Provider except as otherwise allowed by Hawaii Revised Statute §346-10, and Hawaii Administrative Rules §17-601, and only after prior written notification to DHS.
- b. Access to and release of confidential client information shall be allowed in accordance with HRS §346 and HAR §17-601.
- c. Monthly reports shall be prepared and submitted to the Department. Reports shall contain the following information by County:
  - a. Number of clients referred that are TANF recipients
  - b. Number of referrals who became clients
  - c. Number of referrals who did not become clients and reason for denial
  - d. Number of legal cases per client and nature of the cases
    - i. Temporary custody, visitation and support
    - ii. Temporary restraining orders
    - iii. Divorce including child custody and child support
    - iv. Housing issues including landlord eviction defense or negotiation, grievance, habitability or unit, repairs, rent and security deposit issues, illegal lockouts or utility shut off
    - v. Consumer Law including debt collection, bankruptcy or consumer credit matters, utility hookup or shut off, repossession, unfair or deceptive consumer practices
    - vi. Employment issues including domestic violence accommodation by employers, unlawful termination from employment due to domestic violence issues and unemployment compensations for employees who quit their job as a result of domestic violence
  - e. Number of cases closed due to resolution of legal issues
  - f. Number of cases closed due to other circumstances and specific reason for closure

- g. An annual report shall also be prepared and submitted to the Department. The report shall consolidate the information submitted in the monthly reports and give a brief overview, per client, of the legal services impact on the client's life.
- h. Monthly invoices shall be prepared and submitted to the Department.

**C. Facilities**

Applicants shall secure adequate facilities for their administrative portion of the service.

**2.5 COMPENSATION AND METHOD OF PAYMENT**

Applicants shall be paid on a cost-reimbursement basis for budgeted agreed-upon costs that are actually incurred in delivering the services specified in the contract, up to a stated maximum obligation. Payments will be made on a monthly basis after the receipt of monthly reports and original invoices specifying amount due and confirmation that the services have been performed. (Refer to Section 3.5.)

Payments are subject to availability of funds and allotment by the Director of Finance in accordance with Chapter 37, HRS.

## **Section 3**

# **Proposal Application Instructions**

# Section 3

## Proposal Application Instructions

### General instructions for completing applications:

- *Proposal Applications shall be submitted to the state purchasing agency using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. See sample table of contents in Section 5.*
- *Proposals may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPOH-200A) is available on the SPO website (see 1.2 Website Reference). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

### The Proposal Application is comprised of the following sections:

- *Proposal Application Identification Form*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

### 3.1 Program Overview

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

## **3.2 Experience and Capability**

### **A. Necessary Skills**

The applicant shall demonstrate that it has the necessary skills, abilities, and knowledge relating to the delivery of the proposed services.

### **B. Experience**

The applicant shall provide a description of projects/contracts pertinent to the proposed services.

The applicant shall include points of contact, addresses, and email/phone numbers of project references.

The State reserves the right to contact reference to verify experience.

### **C. Quality Assurance and Evaluation**

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

### **D. Coordination of Services**

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community.

### **E. Facilities**

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the proposed services. If facilities are not presently available, describe plans to secure facilities. Also describe how the facilities meet ADA requirements, as applicable, and the special equipment that may be required for the services.

## **3.3 Project Organization and Staffing**

### **A. Staffing**

#### **1. Proposed Staffing**

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable)

**B. Project Organization**

1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

2. Organization Chart

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full time equivalency) Both the "Organization-wide" and "Program" organization charts shall be attached to the Proposal Application.

**3.4 Service Delivery**

Applicant shall include a detailed discussion of the applicant's approach to applicable service activities and management requirements from Section 2, Item 2.4, Scope of Work, including (if indicated) a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules. Applicant shall include interview/assessment tools, a sample individual plan, a service delivery flow chart and the tasks to be completed at each stage of the process. In addition, the applicant will explain/discuss a plan to maintain regular communication with the Domestic Violence Advocacy Services Provider and a plan to ensure that all reporting requirements for program and fiscal data are collected accurately.

**3.5 Financial**

**A. Pricing Structure**

Applicant shall submit a cost proposal utilizing the pricing structure designated by the state purchasing agency. The cost proposal shall be attached to the Proposal Application.

All budget forms, instructions and samples are located on the SPO website. (See subsection 1.2, Websites References for website address.) The following budget form(s) shall be submitted with the Proposal Application:

SPO-H-205                      Budget

## **B. Other Financial Related Materials**

### **1. Accounting System**

To determine the adequacy of the applicant's accounting system as described under the administrative rules, the following documents are requested as part of the Proposal Application:

Audit Report (most recent)

### **2. Tax Clearance Certificate (Form A-6)**

An original or certified copy of a current [within three (3) months], valid tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Services (IRS) shall be submitted with the proposal by the due date and time. The two-part Tax Clearance Application (Form A-6) that combines DOTAX and IRS tax clearance shall be used for this purpose.

**Substitution allowed:** Current [within the period of this RFP] Certificate of Vendor Compliance issued by Hawaii Compliance Express.

## **3.6 Other**

### **A. Litigation**

The applicant shall disclose and explain any pending litigation to which they are a party, including the disclosure of any outstanding judgment.

## **Section 4**

# **Proposal Evaluation**

# Section 4

## Proposal Evaluation

### 4.1 Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

### 4.2 Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 - Evaluation of Proposal Requirements
- Phase 2 - Evaluation of Proposal Application
- Phase 3 - Recommendation for Award

#### Evaluation Categories and Thresholds

##### Evaluation Categories

##### Possible Points

##### *Administrative Requirements*

##### *Proposal Application*

**100 Points**

Program Overview	0 points	
Experience and Capability	30 points	
Administration	15 points	
Project Organization and Staffing	20 points	
Service Delivery	25 points	
Financial	10 points	

**TOTAL POSSIBLE POINTS**

**100 Points**

## 4.3 Evaluation Criteria

### A. Phase 1 - Evaluation of Proposal Requirements

#### 1. Administrative Requirements

- Application checklist
- Tax Clearance Certificate or Certificate of Vendor Compliance.
- Certifications

#### 2. Proposal Application Requirements

- Proposal Application Identification Form (Form SPOH-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

### B. Phase 2 - Evaluation of Proposal Application (100 Points)

Scoring for each bulleted item identified below in section 2 through 4 is assigned a value of 0 through 5 points. The following is an explanation of the point assignments:

#### Points

5= Very Satisfactory

4= More than satisfactory

3= Satisfactory

2= Less than satisfactory

1= Unsatisfactory

0= Not addressed (no credit)

**Program Overview:** No points are assigned to Program Overview. The intent is to give the applicant an opportunity orient evaluators as to the service(s) being offered.

**1. Experience and Capability (30 Points)**

The State will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

- A. Necessary Skills**
    - Demonstrated skills, abilities, and knowledge relating to the delivery of the proposed services. \_\_\_\_\_
    - Demonstrated thorough understanding of the purpose and scope of the service activity \_\_\_\_\_
    - Described how the proposed service is designed to meet the pertinent issues and problems related to the service activity. \_\_\_\_\_
  - B. Experience**
    - Demonstrated experience related to the delivery of the proposed service \_\_\_\_\_
    - Described projects/contracts implemented in the last 5 years that are pertinent to the proposed service. \_\_\_\_\_
    - Demonstrated experience gathering and reporting performance data. \_\_\_\_\_
- TOTAL** \_\_\_\_\_

**2. Administration (15 Points)**

The State will evaluate the applicant's overall staffing approach to the service that shall include:

- A. Quality Assurance and Evaluation** \_\_\_\_\_
    - Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology. \_\_\_\_\_
  - B. Coordination of Services** \_\_\_\_\_
    - Demonstrated capability to coordinate services with other agencies and resources in the community. \_\_\_\_\_
  - C. Facilities** \_\_\_\_\_
    - Adequacy of facilities relative to the proposed services. \_\_\_\_\_
- TOTAL** \_\_\_\_\_

3. **Project Organization and Staffing (20 Points)**

*Evaluation criteria for this section will assess the applicant's approach to the service activities and management requirements outlined in the Proposal Application.*

The State will evaluate the applicant's overall staffing approach relevant to the proposal contract, which shall include:

A. **Staffing**

- Proposed Staffing: That the proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services.
- Staff Qualifications: Minimum qualifications (including experience) for staff assigned to the program.

B. **Project Organization**

- Supervision and Training: Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services.
- Organization Chart: Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks.

**TOTAL**

4. **Service Delivery (25 Points)**

The State will evaluate the criteria in this section to assess the applicant's approach to the service activities and management requirements outlined in the Proposal Application.

- Describe the overall program content and design, and demonstrates an understanding of the target group and provision of services
- Presents evidence of cooperation and collaboration, and willingness to follow DHS requirements, policies, and procedures.
- Demonstrates knowledge of handling customer service and complaints
- Describes staff/program management activities
- Proposes work plan for program implementation that is logical, reasonable, and attainable and provides for public relations and community collaboration. (Service Delivery Flow Chart)

**TOTAL**

**5. Financial (10 Points)**

- Demonstrates solid financial stability and accounting practices. Provides the most recent audit report available and cost proposal utilizing the unit rate pricing structure. \_\_\_\_\_
- Personnel costs are reasonable and comparable to positions in the community. The budget fully supports the scope of service and requirements of the Request for Proposal. \_\_\_\_\_

**TOTAL** \_\_\_\_\_

**C. Phase 3 - Recommendation for Award**

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

# **Section 5**

## **Attachments**

- A. Proposal Application Checklist
- B. Sample Proposal Table of Contents
- C. Special Conditions

## Proposal Application Checklist

Applicant: \_\_\_\_\_ RFP No.: \_\_\_\_\_

The applicant's proposal must contain the following components in the order shown below. Return this checklist to the purchasing agency as part of the Proposal Application. SPOH forms are on the SPO website.

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Applicant to place "X" for items included in Proposal
<b>General:</b>				
Proposal Application Identification Form (SPOH-200)	Section 1, RFP	SPO Website*	<b>X</b>	
Proposal Application Checklist	Section 1, RFP	Attachment A	<b>X</b>	
Table of Contents	Section 5, RFP	Section 5, RFP	<b>X</b>	
Proposal Application (SPOH-200A)	Section 3, RFP	SPO Website*	<b>X</b>	
Hawaii Compliance Express Verification Certificate	Section 1, RFP	Hawaii Compliance Express SPO Website*	<b>X</b>	
Cost Proposal (Budget)			<b>X</b>	
SPO-H-205	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions are in Section 5		
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions are in Section 5		
SPO-H-206A	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206B	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206C	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206D	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206E	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206F	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206G	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206H	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206I	Section 3, RFP	SPO Website*	<b>X</b>	
SPO-H-206J	Section 3, RFP	SPO Website*	<b>X</b>	
<b>Certifications:</b>				
<i>Federal Certifications</i>		Section 5, RFP		
Debarment & Suspension		Section 5, RFP	<b>X</b>	
Drug Free Workplace		Section 5, RFP	<b>X</b>	
Lobbying		Section 5, RFP	<b>X</b>	
Program Fraud Civil Remedies Act		Section 5, RFP	<b>X</b>	
Environmental Tobacco Smoke		Section 5, RFP	<b>X</b>	
<b>Program Specific Requirements:</b>				
Job Descriptions	Section 3, RFP	Section 3, RFP	<b>X</b>	
Staff Resumes	Section 3, RFP	Section 3, RFP	<b>X</b>	
Audit Report	Section 3, RFP	Section 3, RFP	<b>X</b>	
Organization Chart	Section 3, RFP	Section 3, RFP	<b>X</b>	
Service Delivery Chart	Section 3, RFP	Section 3, RFP	<b>X</b>	

\*Refer to subsection 1.2, Website Reference for website address.

Sample

Organization: \_\_\_\_\_  
RFP No: \_\_\_\_\_

## Proposal Application Table of Contents

<b>1.0</b>	<b>Program Overview</b> .....	1
<b>2.0</b>	<b>Experience and Capability</b> .....	1
	A. Necessary Skills.....	2
	B. Experience .....	4
	C. Quality Assurance and Evaluation.....	5
	D. Coordination of Services .....	6
	E. Facilities.....	6
<b>3.0</b>	<b>Project Organization and Staffing</b> .....	7
	A. Staffing .....	7
	1. Proposed Staffing .....	7
	2. Staff Qualifications .....	9
	B. Project Organization .....	10
	1. Supervision and Training .....	10
	2. Organization Chart (Program & Organization-wide) (See Attachments for Organization Charts)	
<b>4.0</b>	<b>Service Delivery</b> .....	12
<b>5.0</b>	<b>Financial</b> .....	20
	See Attachments for Cost Proposal	
<b>6.0</b>	<b>Litigation</b> .....	20
<b>7.0</b>	<b>Attachments</b>	
	A. Cost Proposal	
	SPO-H-205 Proposal Budget	
	SPO-H-206A Budget Justification - Personnel: Salaries & Wages	
	SPO-H-206B Budget Justification - Personnel: Payroll Taxes and Assessments, and Fringe Benefits	
	SPO-H-206C Budget Justification - Travel: Interisland	
	SPO-H-206E Budget Justification - Contractual Services – Administrative	
	B. Other Financial Related Materials	
	Financial Audit for fiscal year ended June 30, 2012	
	C. Organization Chart	
	Program	
	Organization-wide	
	D. Performance and Output Measurement Tables	
	Table A	
	Table B	
	Table C	
	E. Program Specific Requirements	

## SPECIAL CONDITIONS

1. **Insurance.** In addition Paragraph 1.4, Insurance Requirements, General Conditions, is modified and the PROVIDER further agrees to the following:

In order to protect the PROVIDER as well as the State of Hawaii, the STATE, and their officers, employees, and agents covered under the indemnification provision in this Agreement, the PROVIDER shall obtain and keep in force throughout the period of this Agreement the following insurance:

Automobile liability insurance for automobiles owned or leased by the PROVIDER and used to carry out services specified in this Agreement shall be obtained from a company authorized to do business in the State, or meet Section 431:8-301, Hawaii Revised Statutes if utilizing an insurance company not licensed by the State of Hawaii, and complying with the Hawaii No Fault Insurance Law. The amount shall be at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) combined single limit with respect to bodily injury and property damage. The PROVIDER's policy shall name the STATE, the State of Hawaii and their officers, agents, servants or employees as additional insured. Prior to or upon execution of this Agreement, the PROVIDER shall furnish the STATE with a Certificate of Insurance, verifying the existence of such insurance. Such certificate shall also expressly provide that such insurance shall not be canceled unless the insurance company has first given to the STATE thirty (30) calendar days' written notice of the intended cancellation.

If the PROVIDER is authorized by the STATE to subcontract, subcontractor(s) is not excused from the Indemnification and/or Insurance provisions of this Agreement. The PROVIDER agrees to require its subcontractor(s) to obtain insurance in order to indemnify the STATE.

Failure of the PROVIDER to provide and keep in force such insurance shall be regarded as material default under this Agreement, entitling the STATE to exercise any or all of the remedies provided in this Agreement for default of the PROVIDER.

The procuring of such required policy or policies of insurance shall not be construed to limit the PROVIDER's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement. Notwithstanding said policy or policies of insurance, the PROVIDER shall be obliged for the full and total amount of any damage, injury, or loss caused by the negligent act or omission of the PROVIDER or its authorized representatives.

2. **Confidential Information.** In addition to Paragraph 2.1, Confidentiality of Material, General Conditions, the PROVIDER further agrees to the following:

All information and records about or for the clients served, secured from clients, the STATE, or any other individuals or agencies by the PROVIDER, or prepared by the PROVIDER for the STATE, in satisfaction of this Agreement, shall be confidential and shall not be made available to any individual or organization by the PROVIDER without prior written approval of the STATE, subject to provisions of applicable State of Hawaii and Federal statutes, and State of Hawaii Administrative Rules. To ensure the confidentiality of all such information and records, the PROVIDER shall immediately notify the STATE when inquiries for information, including subpoenas are made to the PROVIDER. The PROVIDER shall submit copies of all written requests for information, as well as subpoenas, to the STATE.

3. **Maintain Records.** In addition to Paragraph 2.3, Records Retention, General Conditions. The PROVIDER further agrees as follows:

The PROVIDER shall maintain statistical, clinical, and administrative records pertaining to services of this Agreement. The records shall be subject at all reasonable times to inspection or review by the STATE or Federal representatives directly connected with the program area under this Agreement. All records shall be retained and made accessible for a minimum of six years after the date of submission of the PROVIDER's final report to the STATE; provided that, in the event any litigation, claim, negotiation, investigation, audit, or other action involving the records has been started before the expiration of the 6-year period, the PROVIDER shall

Organization: \_\_\_\_\_

RFP No: \_\_\_\_\_

retain the records until completion of the action and resolution of all issues that arise from it or until the end of the regular 6-year retention period, whichever occurs later.

4. **Equipment.** All equipment purchased with contract funds under this Agreement including items of personal property, as distinguished from real property, that has an acquisition cost of \$250.00 or more per item and with an expected life of more than one year, shall remain the property of the STATE. All equipment purchased with contract funds must have prior approval from the STATE before purchase to be allowable. Following the Agreement period, all equipment shall be reported in the final fiscal report to the STATE. Disposition of said equipment shall be prescribed by the STATE.
5. **Publications.** The PROVIDER shall submit all reports and written publications resulting from this Agreement for review, comment and approval prior to publication. Any publications (written, visual or sound), whether published at the PROVIDER's or STATE's expense, shall contain the following statements (Note: This excludes press releases, newsletters, and issue analyses):

This project was supported by an Agreement from the Department of Human Services, State of Hawaii (and if applicable, the name and federal award number of a federal grant funding the contract).

The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Human Services (and if applicable, the federal grant agency).

6. **HIPAA.** In this Agreement "HIPAA" means the Administrative Simplification provisions of the *Health Insurance Portability and Accountability Act of 1996*, Pub. L. No. 104-191. PROVIDER is a "health care provider" under HIPAA. A "covered entity" is a health care provider that transmits information in a standard electronic transaction under 45 CFR Parts 160 and 162. If PROVIDER is or becomes a "covered entity", then PROVIDER must comply with all of the rules adopted to implement HIPAA, including rules for privacy of individually identifiable information, security of electronic protected health information, transactions and code sets, and national employer and provider identifiers. See, 45 CFR Parts 160, 162, and 164.
7. **Campaign contributions by State and County Contractors.** The PROVIDER is hereby notified of the applicability of Section 11-205.5, HRS, which states that campaign contributions are prohibited from specified State or County government contractors during the term of the contract is the contractors are paid with funds appropriated by the legislative body.
8. **Lobbying activities.** The PROVIDER shall not use state funds for entertainment or lobbying activities.
9. **Federal Audit Requirement.** The PROVIDER, when required, shall have an independent certified public accountant conduct a financial and compliance audit in accordance with the guidelines of the Office of Management and Budget (OMB) Circular No. A-133, "Revised, Audit Requirements for the State, Local Governments, and Non-Profit Organizations."
10. **Interpreter Services**
  - a. Act 290, Session Laws of Hawaii 2006 (Chapter 371-Part II, Hawaii Revised Statutes) requires every State agency, or any organization receiving State funding that provides services to the public on behalf of the State, to provided equal access of their agency's essential government services to all of Hawaii's diverse population, regardless of what language they speak. State and Federal laws prohibit discrimination based on race, color and national origin (including and not limited to Limited English Proficiency-LEP). These laws, and accompanying regulations, strictly prohibit discrimination against applicants, potential applicants, and/or clients who speak little or no English.
  - b. State and Federal law requires that applicants for services, potential applicants, and recipients of services be informed of their right to interpreter services provided at no charge in accordance with Chapter 371-33, Hawaii Revised Statutes.

Organization: \_\_\_\_\_

RFP No: \_\_\_\_\_

- c. The PROVIDER is prohibited from requiring applicants, potential applicants, or clients to bring their own interpreters with them to interviews or other appointments, even though this is what they might prefer to do.