

## Department of Hawaiian Home Lands

RELEASE DATE: October 10, 2018

**SEALED APPLICATIONS  
FOR LAND LICENSE  
Aina Mauna Feral Cattle Removal Project  
Humuula Section, Hilo, Island of Hawaii Tax Map Key:  
Portion of TMK (3) 3-08-01:07, (3) 3-08-01:02  
STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

WILL BE RECEIVED UP TO 2:00 P.M. (HST) ON

DECEMBER 3, 2018

DEPARTMENT OF HAWAIIAN HOME LANDS, EAST HAWAII DISTRICT OFFICE, 160 BAKER AVENUE, HILO HAWAII 96720. DIRECT QUESTIONS RELATING TO THIS SOLICITATION TO JOSEPH KUALII CAMARA, E-MAIL AT: [JOSEPH.K.CAMARA@hawaii.gov](mailto:JOSEPH.K.CAMARA@hawaii.gov).

## TABLE OF CONTENTS

	<u>Page</u>
<b>SECTION ONE: INTRODUCTION AND SIGNIFICANT DATES.....</b>	<b>1</b>
<b>SECTION TWO: BACKGROUND, DESCRIPTION, OBJECTIVES, MANAGEMENT PLAN, AND LICENSEE OBLIGATIONS.....</b>	<b>4</b>
<b>SECTION THREE: APPLICATION FORMAT AND CONTENT.....</b>	<b>9</b>
<b>SECTION FOUR: EVALUATION CRITERIA.....</b>	<b>15</b>
<b>SECTION FIVE: LICENSEE SELECTION AND LICENSE AWARD.....</b>	<b>17</b>
<b>SECTION SIX: SPECIAL PROVISIONS.....</b>	<b>20</b>
<b>SECTION SEVEN: ATTACHMENTS AND EXHIBITS.....</b>	<b>21</b>
• Attachment 1: APPLICATION FORM, AP-1	
• Attachment 2: APPLICATION FORM, AP-2	
• Exhibit A: OVERVIEW OF THE LAND LICENSE PROCESS	
• Exhibit B: LICENSE AREA MAPS	

**SECTION ONE**  
**INTRODUCTION, SIGNIFICANT DATES**

**1.1 INTRODUCTION**

The Hawaii Department of Hawaiian Home Lands (DHHL) intends to issue a land license to the most qualified applicant to remove feral cattle on 14,315 acres, more or less, Portion of TMK (3) 3-08-01:07; and (3) 3-08-01:02 located in the Humuula Section of the Aina Mauna Lands on the Island of Hawaii. This disposition will be conducted pursuant to section 171-54, Hawaii Revised Statutes. Selection will be based on the Comparative Evaluation Criteria listed in Section 4.

**1.2 CANCELLATION**

The license issuance may be cancelled and any or all applications rejected in whole or in part, without liability to DHHL.

**1.3 LICENSE APPLICATION SCHEDULE AND SIGNIFICANT DATES**

The schedule represents DHHL'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 "Application Due date/time" is delayed, the rest of the schedule will likely be shifted by the same number of days. Any change to the Schedule and Significant Dates shall be reflected in and issued in an addendum. The approximate schedule is as follows:

Release of Request for Proposals	October 10, 2018
Pre-Application Conference	October 24, 2018
Due date to Submit Questions	November 2, 2018
State's Response to Questions	November 16, 2018
<b>Applications Due date/time</b>	<b>December 3, 2018</b>
Application Evaluations	December, 2018
Discussion with Priority Listed Applicants (if necessary)	December, 2018
Best and Final Offers (if necessary)	December, 2018
Notice of Award	January, 2019
Draft and Development of License with AG Review	January, 2019
Submittal for License approval to Hawaiian Homes Commission	January-February, 2019
License Start Date	March 1, 2019

**1.4 PRE-APPLICATION CONFERENCE AND SITE VISIT**

The purpose of the pre-application conference and site visit is to provide Applicants an opportunity to be briefed on this solicitation, to assess to unique conditions of the project area and to ask any questions about this solicitation. The pre-application conference is not mandatory; however, Applicants are encouraged to attend to gain a better understanding of the requirements of this solicitation.

Applicants are advised that anything discussed at the pre-application conference does not change any part of this solicitation. All changes and/or clarifications to this solicitation shall be done in the form of an addendum.

The pre-application conference will be held as follows:

A pre-application conference and site visit is scheduled for 9:00 am, Wednesday October 24th. The site visit will begin at the Humuula Sheep Station. The Sheep Station is located approximately 0.8 miles north of the Saddle Road/Mauna Kea Summit Road intersection. Attendance at the conference is not required but is encouraged. Following a brief project introduction, a site visit to the Feral Cattle Removal license area will be conducted. A four-wheel drive vehicle is necessary and travel time through the project site from the Sheep Station is approximately 6 hours.

## 1.5 QUESTIONS AND ANSWERS PRIOR TO OPENING OF APPLICATIONS

All questions shall be submitted in writing and directed to Joseph Kualii Camara, by mail, or e-mail, by the due date specified in Section 1.3, *Schedule and Significant Dates*, as amended.

Mailing Address:

Joseph Kualii Camara, Land Management Division  
Department of Hawaiian Home Lands,  
160 Baker Avenue  
Hilo, Hawaii 96720

Email Address: [joseph.k.camara@hawaii.gov](mailto:joseph.k.camara@hawaii.gov)

DHHL will respond to questions through Addenda/Amendments by the date specified in Section 1.3, *Schedule and Significant Dates*, as amended.

## SECTION TWO

### **BACKGROUND, OBJECTIVES, DESCRIPTION, MANAGEMENT PLAN AND LICENSEE OBLIGATIONS**

#### **2.1a OVERVIEW, HISTORY AND REVISED LOCATION**

The State of Hawaii, through its Department of Hawaiian Home Lands, is responsible for the management of an extensive land trust consisting of over 200,000 acres of Hawaiian home lands on the islands of Kauai, Oahu, Maui, Molokai, Lanai and Hawaii.

In 2009 The Aina Mauna Legacy Program was approved by the Hawaiian Homes Commission for the management of over 56,000 acres of DHHL lands on the Northeast Slopes of Mauna Kea and Mauna Loa, in the ahupuaa of Humuula and Upper Piihonua. A major component of long term legacy program is the permanent restoration of the native koa and ohia forests and habitats which once dominated this landscape. Feral cattle have and continue to be a major contributor to native forest decline in the project area and their removal has been specifically identified as a priority action of the Aina Mauna Legacy Program.

The cattle removal license area is accessed from Keanakolu/Mana Road on the northeast flank of Mauna Kea on DHHL lands and is located along both sides of Keanakolu/Mana Road between Puu O'o to the south and Nauhi Gulch to the north on the island of Hawaii. Elevations range from 6,500 to 8,000 feet above sea level and the license area totals approximately 12,835 acres. The Tax Map Key number for this area and associated parcels are (3) 3-08-08:07: and (3) 3-8-01:02. Exhibits B-1 and B- 2a indicate the License Area location as revised through Addendum #1. DHHL reserves the right to remove portions of the feral cattle license area as they are cleared of cattle, for other beneficiary land use dispositions, or to implement other feral cattle removal strategies to supplement and expedite feral cattle removal.

The license area consists of a wide variety of habitats and vegetation, from steep, rocky land to more gentle slopes; from thick, impenetrable gorse to open koa/ohia forest and open grasslands. Since 2011, over 4,000 cattle have been removed across the DHHL Aina Mauna Lands through a feral cattle removal License 750. Despite considerable effort, removing sufficient amounts of cattle yearly to successfully and permanently remove feral cattle from the project area has not been achieved. 2018 Feral ungulate surveys of the project area identify that approximately 460 cattle remain in the project area and are targeted be removed by the selected Licensee of this RFP process.

Feral cattle in the project area decimate remaining koa and ohia forests and prevent natural regeneration and reforestation efforts. Loss of native forests cover leads to increased soil erosion, loss of habitat, and decreased watershed function. Feral cattle contribute to spreading noxious weeds such as gorse and makes forests susceptible to diseases such as *ceratocystis* fungus (Rapid Ohia Death). Safe access for humans has declined as wild bulls delineate their territory and aggressively defend it. Valuable infrastructure such as fences and roads have deteriorated as the cattle break fences, dig soil pits, and deepen paths along exiting roadways.

## **2.2 PURPOSE OF LICENSE**

The purpose of the license is to complete feral cattle removal from the Aina Mauna Lands. Specific objectives include:

- Remove all cattle from the designated project area within three years;
- Protect existing native ecosystems and promote the natural regeneration of koa, ohia and other native plants on site;
- Provide cattle to DHHL Beneficiaries;
- Contribute additional resources to Hawaii's existing cattle industry;
- Generate income for DHHL;
- Determine what barriers, natural and man-made, need to be created and/or maintained to protect the project area from future ingress by cattle.

## **2.3 PROJECT DESCRIPTION**

All animals are expected to be captured regardless of age, sex, or condition, with the exception of animals that are sick, diseased, or too dangerous to handle safely. These cattle may be disposed of on-site in a humane and sanitary manner. Care will be employed to ensure that no corralled cattle escape from the Licensee's traps. Escaped cattle will learn to avoid traps and teach other cattle to avoid them, making subsequent captures more difficult.

Captured cattle will be photographed immediately to document and ascertain their numbers, sex, approximate age, size, and condition. Photographs will include a time and date stamp in the picture. Ownership will be determined via brands or other distinguishing ownership marks. All cattle without ownership marks are considered feral and belong to DHHL.

Captured DHHL feral cattle that are marketable will be purchased by the successful cattle removal Licensee, removed from the site within three (3) days of DHHL verification, and the appropriate fee paid via monthly invoices from DHHL.

Cattle to be distributed to DHHL homestead and waitlist beneficiaries shall be held off site and/or delivered to beneficiary groups.

Cattle identified as belonging to someone else via distinguishing brands or marks will be separated from DHHL feral cattle. The successful Licensee will be responsible for contacting DHHL and the owner within 24 hours so arrangements can be made for pickup of these "escaped ranch cattle".

The Licensee will be expected to hold any captured cattle, regardless of ownership, for not more than seven (7) days until removal can occur. Feed and water will be the Licensee's responsibility.

### **2.3.1 TYPES OF FERAL CATTLE**

1. Marketable animals are healthy, mature (weaned) cattle without major health problems that are over 300 pounds.
2. Unmarketable animals are those deemed sick, unhealthy or too dangerous to capture safely. calves that are below 300 pounds are also considered unmarketable

The successful Licensee will determine which animals fit each description listed above, subject to inspection and approval by DHHL Project Manager.

## 2.4 PROJECT MANAGEMENT PLAN

Applicants shall submit an Application based on the information contained within this solicitation and their own personal knowledge, skill, and experience. Each Application will include a "Project Management Plan" which must address the following nine topics. Applications that do not include a management plan addressing each of the specific criteria listed below will not be considered:

1. **Number of Cattle removed** The number of cattle per year that the Applicant is capable capturing, marketing, distributing to beneficiaries, and otherwise removing from the DHHL Aina Mauna Lands of Humuula. The chosen Licensee shall be held to this number of cattle removed per year as a condition of the Feral Cattle Removal License.
2. **Trapping Methods** A description of how the Licensee expects to remove cattle from the project area, e.g. trapping, roping, other methods, etc.
3. **Cattle Distribution to DHHL Beneficiaries** A detailed plan of how cattle will be fairly distributed to DHHL Beneficiaries, which include both Lessees and those on the Waitlist. Plan should be as detailed as possible and address all aspects of distribution including but not limited to; which Beneficiary groups will be involved and how the Licensee will coordinate for fair and equitable distribution; How and where cattle will be delivered and what requirements Beneficiaries will need to receive cattle; How will Licensee address and mitigate concerns with feral cattle distribution including food safety issues, the possibility of escape of feral cattle, and other concerns.
4. **Trapping Infrastructure** The location of fences and/or other infrastructure needed to complete the project. These should include existing fences as well as fences, traps, holding pens and other infrastructure that need to be constructed during the project.
5. **Tools and Equipment** A description of equipment, tools, and technology expected to be used during the removal process. Knowledge of the resources required to remove cattle from the challenging landscape of DHHL's Humuula Lands.
6. **Best Management Practices** Description of implemented Best Management Practices (BMPs) that will limit the risk of wildfire, reduce the spread of invasive

species like gorse and *Ceratocystis* fungus, and decrease soil erosion and damage to roads and native vegetation. Articulate knowledge of additional natural resource concerns as they relate to this project and how they will be mitigated.

7. **Cattle Removal Timeline** The order in which all areas will be rendered cattle free, e.g. which area will be first and which area will be last. If some areas are needed as capture areas throughout the term of the license it should be stated in the proposal.
8. **Cost Of Removal** Applicant must submit a realistic per animal removal cost that should include projected costs for salaries, equipment, fuel, transportation, storage, infrastructure, processing if applicable, and all other projected cost related to cattle removal from the project area.
9. **Hawaii Cattle Industry** A statement about how this project will impact the Hawaii Island and State of Hawaii cattle industry, both positively and negatively, and how the proposal will mitigate any negative impacts. Statement must include proposed transport infrastructure, processing facilities and markets that will be used to dispose of feral cattle and should demonstrate an understanding of the current conditions and limitations of the Hawaii Cattle Industry.

## 2.5 LICENSEE OBLIGATIONS

1. Prepare a project management plan and submit it to DHHL for approval prior to any capturing.
2. Repair or create infrastructure (e.g. fences, gates, traps, corrals, loading docks, roads) as necessary and when needed for capturing and removing cattle.
3. Capture and/or dispose of all cattle in a safe, sanitary, humane, methodical, and timely manner.
4. Document via photograph all animals encountered, captured, and/or disposed of.
5. Following documentation, notify DHHL so verification of captured animals and their ownership can occur prior to removal from holding pens.
6. Dispose of captured animals per the license agreement.
7. Coordinate with DHHL Homestead Communities and waitlist groups to distribute cattle equitably among beneficiaries.
8. Submit monthly reports to DHHL listing the total number of animals captured or otherwise disposed of that month including all distributions to beneficiaries.
9. Notify DHHL when an area is considered cattle free. Following a successful site inspection, proceed with the next designated areas.



10. Submit monthly payments to DHHL for purchased DHHL feral cattle, per the license agreement.

## **2.7 TERM OF LICENSE**

The license shall be for a period of thirty-six (36) months beginning on the date specified in the Notice to Proceed. Unless terminated, the Licensee and DHHL may extend the term of the license for up to two (2) additional twelve (12) month periods or portions thereof. Term extensions will be at the discretion of DHHL according to satisfactory performance of license conditions.

When interests of DHHL or the Licensee so require, DHHL or the Licensee may terminate the license for convenience by providing six (6) weeks prior written notice to the other party.

## **2.8 LICENSE ADMINISTRATOR**

For the purposes of this license, JOSEPH KUALII CAMARA, (808) 933 3480 or authorized representative, is designated as the License Administrator.

## SECTION THREE

### APPLICATION FORMAT AND CONTENT

#### 3.1 APPLICANT'S AUTHORITY TO ENTER INTO LAND LICENSE

DHHL will not participate in determinations regarding an Applicant's authority to enter into a land license. If there is a question or doubt regarding an Applicant's right or ability to enter into a land license, the Applicant shall resolve that question prior to submitting an application. DHHL reserves the right, however, to deny a land license to a successful applicant if DHHL determines that the applicant is not authorized or otherwise unable to enter into the license or perform the license obligations.

#### 3.2 REQUIRED REVIEW

3.2.1 Before submitting a proposal, each Applicant must thoroughly and carefully examine this solicitation, any attachment, addendum, and other relevant document, to ensure Applicant understands the requirements of the license. Licensee must also become familiar with State, local, and Federal laws, statutes, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the License conditions.

3.2.2 Should Applicant find defects and questionable or objectionable items in the solicitation, Applicant shall notify the Department of Hawaiian Home Lands in writing prior to the deadline for written questions as stated in the *Schedule and Significant Dates*, as amended. This will allow the issuance of any necessary corrections and/or amendments to the solicitation by addendum and mitigate reliance of a defective solicitation and exposure of proposal(s) upon which award could not be made.

#### 3.3 PROPOSAL PREPARATION COSTS

Any and all costs incurred by the Applicant in preparing or submitting a proposal shall be the Applicant's sole responsibility whether or not any award results from this solicitation. DHHL shall not reimburse such costs.

#### 3.4 PROPERTY OF STATE

All proposals become the property of the State of Hawaii.

#### 3.5 CONFIDENTIAL INFORMATION

3.5.1 If an Applicant believes that any portion of a proposal, Application, specification, protest, or correspondence contains information that should be withheld from disclosure as confidential, then the Applicant shall inform the Chairman named on the cover of this solicitation in writing and provided with justification to support the Applicant's confidentiality claim. Price is not considered confidential and will not be withheld.

3.5.2 An Applicant shall request in writing nondisclosure of information such as designated trade secrets or other proprietary data Applicant considers to be

confidential. Such requests for nondisclosure shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal.

### **3.6 EXCEPTIONS**

Should Applicant take any exception to the terms, conditions, specifications, or other requirements listed in the solicitation, Applicant shall list such exceptions in this section of the application. Applicant shall reference the section where exception is taken, a description of the exception taken, and the proposed alternative, if any. DHHL reserves the right to accept or not accept any exceptions.

### **3.7 PROPOSAL OBJECTIVES**

- 3.7.1 One of the objectives of this solicitation is to make proposal preparation easy and efficient, while giving Applicants ample opportunity to highlight their proposals. The evaluation process must also be manageable and effective.
- 3.7.2 Applicants shall be prepared in a straightforward and concise manner, in a format that is reasonably consistent and appropriate for the purpose. Emphasis will be on completeness and clarity and content.
- 3.7.3 When an Applicant submits a proposal, it shall be considered a complete plan for accomplishing the tasks described in this solicitation and any supplemental tasks Applicant has identified as necessary to successfully complete the obligations under the License.
- 3.7.4 The proposal shall describe in detail the Applicant's ability and availability of services to meet the goals and objectives of this solicitation as stated in Section 2.4 PROJECT MANAGEMENT PLAN
- 3.7.5 Applicant shall submit a proposal that includes an overall strategy, timeline and plan for the work proposed as well as expected results and possible shortfalls.

### **3.8 PROPOSAL FORMS**

- 3.8.1 To be considered responsive, the Applicant's proposal shall respond to and include all items specified in this solicitation and any subsequent addendum. Any proposal Applying any other set of terms and conditions that conflict with the terms and conditions providing in the solicitation or in any subsequent addendum may be rejected without further consideration.
- 3.8.2 Application Form, Page AP-1. Application Form, AP-1 is required to be completed using Applicant's exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable, in the appropriate space on Application Form, AP-1 (SECTION SEVEN, Attachment 1). Failure to do so may delay proper execution of the License.

The Applicant's authorized signature on the Application Form, AP-1 shall be an original signature in ink, which shall be required before an award, if any, can be

made. The submission of the proposal shall indicate Applicant's intent to be bound.

### 3.9 PROPOSAL CONTENTS

Proposals must:

- 3.9.1 Include a transmittal letter to confirm that the Applicant shall comply with the requirements, provisions, terms, and conditions specified in this solicitation.
- 3.9.2 Include a signed Application Form AP-1 with the complete name and address of Applicant's firm and the name, mailing address, telephone number, and fax number of the person DHHL should contact regarding the Applicant's proposal.
- 3.9.3 If sublicensee(s) will be used, append a statement to the transmittal letter from each sublicensee, signed by an individual authorized to legally bind the sublicensee and stating:
  - a. The general scope of work to be performed by the sublicensee;
  - b. The sublicensee's willingness to perform for the indicated.
- 3.9.4 Provide all the information requested in this solicitation in the order specified.
- 3.9.5 Be organized into sections, following the exact format using all titles, subtitles, and numbering, with tabs separating each section described below. Each section must be addressed individually and pages must be numbered.
  - A. Transmittal Letter  
See SECTION SEVEN, Attachment 1, Application Form AP-1.
  - B. **Project Management Plan**. A Project Management Plan shall be submitted covering each of the required specific criteria outlined in Section 2.4. Implementation of elements of the Licensee obligations, Section 2.5, should be integrated into the Project Management Plan where most appropriate.
    - 1) Amount of Cattle removed
    - 2) Trapping Methods
    - 3) Cattle Distribution to DHHL Beneficiaries
    - 4) Trapping Infrastructure
    - 5) Tools and Equipment
    - 6) Best Management Practices
    - 7) Cattle Removal Timeline

- 8) Cost of Removal
- 9) Hawaii Cattle Industry

C. **Beneficiary Benefits.** The following benefits to beneficiaries will be considered in this solicitation

1. Percentage of removed cattle that will be made available for DHHL beneficiaries.
2. Type of cattle resources that will be made available for DHHL beneficiaries including live animals and any other cattle products that the applicant is capable of providing to beneficiaries in a safe and sanitary manner.
3. Resources available for transport, storage and distribution to DHHL beneficiaries. Plan for equitable distribution of cattle among Hawaii island beneficiary communities.
4. Other DHHL beneficiary benefits for consideration including but not limited to whether Applicant or any project personnel are DHHL beneficiaries.

D. **Experience and Capabilities.** The criteria listed below are minimum requirements for consideration in this solicitation. Applicants who do not meet the minimum requirements will not be considered for this solicitation.

- 1) Must be a registered State of Hawaii business with service capacity in the district of Hilo on the Island of Hawaii.
- 2) A list of key personnel and associated resumes of those who will assist DHHL in this project.
- 3) Must have 4 years minimum experience in capture and management of feral or dangerous cattle.
- 4) The number of years Applicant has been in business and the number of years applicant has performed work similar to services specified by this solicitation.
- 5) A list of sample projects or similar services provided to clients with specific emphasis on describing previous experience with: (1) feral cattle management (2) marketing and otherwise disposing of feral or dangerous cattle
- 6) A complete, relevant, and current list of cattle operations applicant is involved in.

- 7) A list of at least two (2) references from the Applicant's client listing that may be contacted by the State as to the Applicant's past and current job performance. Applicant shall provide names, titles, organizations, telephone numbers, email and postal addresses.
- 8) A summary listing of judgments or pending lawsuits or actions against; adverse license actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling license obligations against your firm. If none, so state.

E. DHHL Project Revenue

- 1) Price Applicant proposes to pay DHHL for each marketable animal removed from the project area
- 2) Cattle provided to DHHL beneficiaries shall not be charged to Licensee

F. Exceptions.

**3.10 RECEIPT AND REGISTER OF PROPOSALS**

**Proposals must be received by DHHL no later than 2 p.m. Monday December 3, 2018**

Proposals should be delivered to DHHL Land Management Division, 160 Baker Avenue, Hilo, Hawaii 96720 Attention: Feral Cattle Removal Project.

Proposals will be received and receipt verified by two or more DHHL employees on or after the date and time specified in Section One, or as amended.

**3.11 BEST AND FINAL OFFERS (BAFO)**

If the State determines a BAFO is necessary, it shall request one from the Applicant. The Applicant shall submit its BAFO and any BAFO received after the deadline or not received shall not be considered.

**3.12 MODIFICATION PRIOR TO SUBMITTAL DEADLINE OR WITHDRAWAL OF APPLICATIONS**

3.12.1 The Applicant may modify or withdraw a proposal before the proposal due date and time.

3.12.2 Any change, addition, deletion of attachment(s) or data entry of an Application may be made prior to the deadline for submittal of Applications.

**3.13 MISTAKES IN PROPOSALS**

- 3.13.1 Mistakes shall not be corrected after award of license.
- 3.13.2 When the Chairman knows or has reason to conclude before award that a mistake has been made, the Chairman should request the Applicant to confirm the proposal. If the Applicant alleges mistake, the proposal may be corrected or withdrawn pursuant to this section.
- 3.13.3 Once discussions are commenced or after best and final offers are requested, any priority-listed Applicant may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.
- 3.13.4 If discussions are not held, or if the best and final offers upon which award will be made have been received, mistakes shall be corrected to the intended correct offer whenever the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn.
- 3.13.5 If discussions are not held, or if the best and final offers upon which award will be made have been received, an Applicant alleging a material mistake of fact which makes a proposal non-responsive may be permitted to withdraw the proposal if: the mistake is clearly evident on the face of the proposal but the intended correct Application is not; or the Applicant submits evidence which clearly and convincingly demonstrates that a mistake was made.

Technical irregularities are matters of form rather than substance evident from the proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other Applicants; that is, when there is no effect on price, quality, or quantity. If discussions are not held or if best and final offers upon which award will be made have been received, the Chairman may waive such irregularities or allow an Applicant to correct them if either is in the best interest of DHHL. Examples include the failure of an Applicant to: return the number of signed proposals required by the request for proposals; sign the proposal, but only if the unsigned proposal is accompanied by other material indicating the Applicant's intent to be bound; or to acknowledge receipt of an amendment to the request for proposal, but only if it is clear from the proposal that the Applicant received the amendment and intended to be bound by its terms; or the amendment involved had no effect on price, quality or quantity.

**SECTION FOUR**

**EVALUATION CRITERIA**

Evaluation criteria listed below will be used by the evaluation committee to review the responses to this solicitation for feral cattle removal license. The Applicant’s submittal must satisfactorily meet the requirements identified under the headings for project management plan, DHHL beneficiary benefits, experience and capabilities and DHHL project revenue.

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

EVALUATION CRITERIA	Possible Points
<b>Project Management Plan</b>	<b>30</b>
<ul style="list-style-type: none"> <li>• Amount of Cattle removed</li> <li>• Trapping Methods</li> <li>• Cattle Distribution to DHHL Beneficiaries</li> <li>• Trapping Infrastructure</li> <li>• Tools and Equipment</li> <li>• Best Management Practices</li> <li>• Cattle Removal Timeline</li> <li>• Cost of removal</li> <li>• Hawaii Cattle Industry</li> </ul>	
<b>DHHL Beneficiary Benefits</b>	<b>30</b>
<ul style="list-style-type: none"> <li>• Percentage of removed cattle that will be made available for DHHL Lessees and waitlist beneficiaries.</li> <li>• Type of cattle resources that will be made available for beneficiaries including live animals and any other cattle products that the applicant is capable of providing to beneficiaries in a safe and sanitary manner.</li> <li>• Resources available for transport, storage and distribution to beneficiaries. Plan for equitable distribution of cattle among Hawaii island beneficiary communities.</li> <li>• Other beneficiary benefits for consideration including but not limited to whether applicant or any project personnel are DHHL beneficiaries.</li> <li>• DHHL Beneficiaries are defined as: All Native Hawaiians (50% or more Hawaiian) and their successors. This includes: Existing lessees (residential, agricultural, and pastoral); Applicants on the Waitlist; and Native Hawaiians who have not applied for a homestead award.</li> </ul>	



<b>Experience &amp; Capabilities</b>	<b>30</b>
<ul style="list-style-type: none"> <li>• Must be a registered State of Hawaii business with service capacity in the district of Hilo on the Island of Hawaii.</li> <li>• A list of key personnel and associated resumes of those who will assist DHHL in this project.</li> <li>• Must have 4 years minimum experience in capture and management of feral or dangerous cattle.</li> <li>• The number of years Applicant has been in business and the number of years applicant has performed work similar to services specified by this solicitation.</li> <li>• A list of sample projects or similar services Applicant has provided to clients with specific emphasis on describing previous experience with: (1) feral cattle management (2) marketing and otherwise disposing of cattle on Hawaii Island</li> <li>• A complete, relevant, and current list of cattle operations applicant is involved in.</li> <li>• A list of at least two (2) references from the Applicant's client listing that may be contacted by the State as to the Applicant's past and current job performance. Applicant shall provide names, titles, organizations, telephone numbers, email and postal addresses.</li> <li>• A summary listing of judgments or pending lawsuits or actions against; adverse license actions, including termination(s), suspension, imposition of penalties, or other actions relating to failure to perform or deficiencies in fulfilling contractual obligations against your firm. If none, so state.</li> </ul>	
<b>DHHL Project Revenue</b>	<b>10</b>
<ul style="list-style-type: none"> <li>• Price applicant proposes to pay DHHL for each marketable animal removed from the project area</li> <li>• Cattle distributed to DHHL Beneficiaries will not be charged to Licensee</li> </ul>	

## SECTION FIVE

### LICENSEE SELECTION AND LICENSE AWARD

#### 5.1 EVALUATION OF PROPOSALS

The Chairman, or an evaluation committee of at least three (3) qualified State employees selected by the Chairman, shall evaluate proposals. The evaluation will be based solely on the evaluation criteria set out in Section Four of this solicitation.

Prior to holding any discussion, a priority list shall be generated consisting of Applications determined to be acceptable or potentially acceptable. However, proposals may be accepted without such discussions.

If numerous acceptable and potentially acceptable proposals are submitted, the evaluation committee may limit the priority list to the three highest ranked, responsible Applicants.

#### 5.2 DISCUSSION WITH PRIORITY LISTED APPLICANTS

The State may invite priority listed Applicants to discuss with their proposals to ensure thorough, mutual understanding. The State in its sole discretion shall schedule the time and location for these discussions, generally within the timeframe indicated in *Schedule and Significant Dates*. DHHL may also conduct discussions with priority listed Applicants to clarify issues regarding the proposals before requesting Best and Final Offers, if necessary.

#### 5.3 AWARD OF LICENSE

**Method of Award.** Award will be made to the responsible Applicant whose proposal is determined to be the most advantageous to the State based on the evaluation criteria set forth in the solicitation.

#### 5.4 RESPONSIBILITY OF APPLICANTS

Applicant is advised that in order to be awarded a contract under this solicitation, Applicant will be required, to be compliant with all laws governing entities doing business in the State.

#### 5.4 PROPOSAL AS PART OF THE LICENSE

This RFP and all or part of the successful proposal may be incorporated into the license.

#### 5.5 APPROVALS

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

#### 5.6 LICENSE EXECUTION

Successful Applicant receiving award shall enter into a formal written license with DHHL. No performance or payment bond is required for this license.

No work is to be undertaken by the Licensee prior to the effective date of license. The State of Hawaii is not liable for any work, license, costs, expenses, loss of profits, or any damages whatsoever incurred by the Licensee prior to the official starting date.

If an option to extend is mutually agreed upon, the Licensee shall be required to execute a supplement to the license for the additional extension period.

## **NOTICE TO PROCEED**

Work will commence on the official commencement date specified in the Notice to Proceed.

## **5.7 INSURANCE**

5.7.1 Prior to the license start date, the Licensee shall procure at its sole expense and maintain insurance coverage acceptable to the State in full force and effect throughout the term of the License. The Applicant shall provide proof of insurance for the following minimum insurance coverage(s) and limit(s) in order to be awarded a license. The type of insurance coverage is listed as follows:

1. Commercial General Liability Insurance

Commercial general liability insurance coverage against claims for bodily injury and property damage arising out of all operations, activities or contractual liability by the Licensee, its employees and sub Licensees during the term of the License. This insurance shall include the following coverage and limits specified or required by any applicable law: bodily injury and property damage coverage with a minimum of \$1,000,000 per occurrence; personal and advertising injury of \$1,000,000 per occurrence; broadcasters' liability insurance of \$1,000,000 per occurrence; and with an aggregated limit of \$2,000,000. The commercial general liability policy shall be written on an occurrence basis and the policy shall provide legal defense costs and expenses in addition to the limits of liability stated above. The Licensee shall be responsible for payment of any deductible applicable to this policy.

2. Automobile Liability Insurance

Automobile liability insurance covering owned, non-owned, leased, and hired vehicles with a minimum of \$1,000,000 for bodily injury for each person, \$1,000,000 for bodily injury for each accident, and \$1,000,000 for property damage for each accident.

3. Appropriate levels of per occurrence insurance coverage for workers' compensation and any other insurance coverage required by Federal or State law.

- 5.7.2 The Licensee shall deposit with the DHHL on or before the effective date of the License, certificate(s) of insurance necessary to satisfy the DHHL that the provisions of the License have been complied with, and to keep such insurance in effect and provide the certificate(s) of insurance to the DHHL during the entire term of the License. Upon request by the DHHL, the Licensee shall furnish a copy of the policy or policies.
- 5.7.3 The Licensee will immediately provide written notice to the DHHL should any of the insurance policies evidenced on its Certificate of Insurance form be cancelled, limited in scope, or not renewed up expiration.
- 5.7.4 The certificates of insurance shall contain the following clauses:
1. "The State of Hawaii is added as an additional insured as respects to operations performed for the State of Hawaii."
  2. "It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy."
- 5.7.5. Failure of the Licensee to provide and keep in force such insurance shall constitute a material default under the License, entitling the State to exercise any or all of the remedies provided in the License (including without limitation terminating the License). The procuring of any required policy or policies of insurance shall not be construed to limit the Licensee's liability hereunder, or to fulfill the indemnification provisions of the License. Notwithstanding said policy or policies of insurance, the Licensee shall be responsible for the full and total amount of any damage, injury, or loss caused by the Licensee's negligence or neglect in the provision of services under the License.

## **5.8 LICENSE INVALIDATION**

If any provision of this license is found to be invalid, such invalidation will not be construed to invalidate the entire license.

## **SECTION SIX**

### **SPECIAL PROVISIONS**

#### **6.1 APPLICATION GUARANTY**

A proposal security deposit is NOT required for this solicitation.

#### **6.2 INTELLECTUAL PROPERTY RIGHTS**

The State reserves the right to unlimited, irrevocable, worldwide, perpetual, royalty-free, non-exclusive licenses to use, modify, reproduce, perform, release, display, create derivative works from, and disclose the work product, and to transfer the intellectual property to third parties for State purposes.

## **SECTION SEVEN**

### **ATTACHMENTS AND EXHIBITS**

- Attachment 1: APPLICATION FORM, AP-1
- Attachment 2: APPLICATION FORM, AP-2
- Exhibit A: OVERVIEW OF THE LICENSE PROCESS
- Exhibit B: PROJECT AREA MAPS

**APPLICATION FORM  
AP-1**

Aina Mauna Feral Cattle Removal Project,  
Humuula Section, Hilo, Island of Hawaii Tax Map Key:  
Portion of TMK (3) 3-08-01:07; and (3) 3-08-01:02  
STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

Chairman  
Department of Hawaiian Home Lands  
State of Hawaii  
91-5420 Kapolei Parkway  
Kapolei, Hawaii 96707

Dear Chairman:

The undersigned has carefully read and understands the terms and conditions specified in the solicitation and attachments hereto; and hereby submits the following application for land license, 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.

Applicant is:

- Sole Proprietor     Partnership     \*Corporation     Joint Venture  
 Other \_\_\_\_\_  
\*State of incorporation: \_\_\_\_\_

Hawaii General Excise Tax License I.D. No. \_\_\_\_\_

Federal 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 license will be executed:

\_\_\_\_\_

**APPLICATION FORM  
AP-2**

**Price per Animal**

The Applicant will submit a proposed price for each marketable animal (cattle) removed from the License area. Proposed prices will be evaluated in comparison with other applicants. Cattle distributed to DHHL beneficiaries will not be charged to the chosen Licensee.

The per animal price you provide will be used in determining the potential DHHL revenue of your proposal. The highest price proposal will automatically receive the maximum number of points allocated to price per animal, 10 points. The point allocations for price on the other proposals will be determined through the method set out as follows:

$$[(\text{Applicant's Proposed Price} \div \text{Highest Price Proposal}) \times 10 \text{ points (maximum)}] = \text{Points}$$

<u>Price per Marketable Animal</u>

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Name of Company \_\_\_\_\_

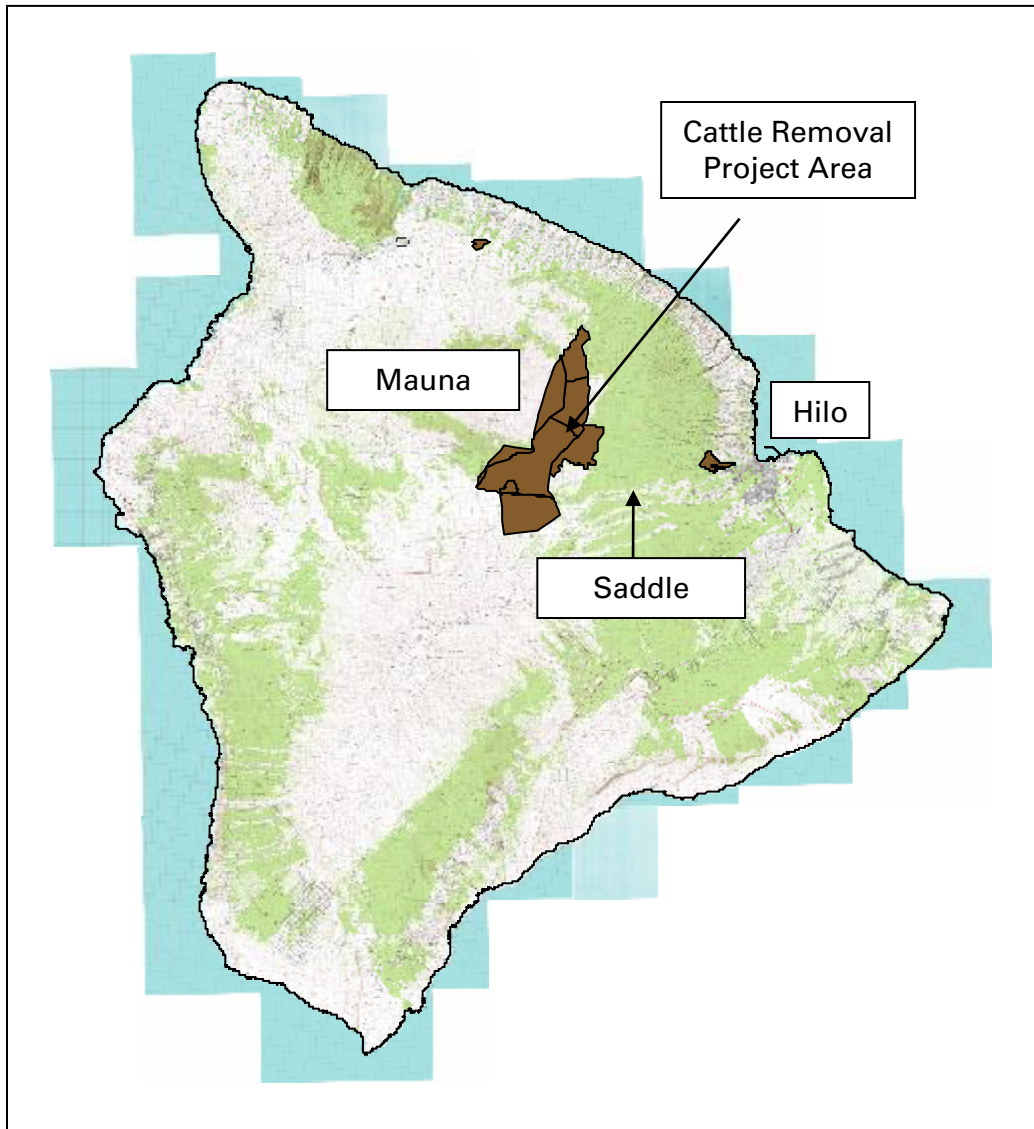


## **OVERVIEW OF THE LICENSE PROCESS**

- 5.1 The license will be issued to the successful applicant pursuant to section 171-54, Hawaii Revised Statutes.**
- 5.2 The license process begins with the issuance of the solicitation and the formal response to any written questions or inquiries regarding the solicitation. Changes to the solicitation will be made only by Addendum.**
- 5.3 All applications and other material submitted by Applicants become the property of DHHL and may be returned only at DHHL's option.**
- 5.4 The Chairman of the Hawaiian Homes Commission, or an evaluation committee approved by the Chairman, shall evaluate the applications in accordance with the evaluation criteria in Section Four.**
- 5.5 Applications may be accepted on evaluation without discussion. However, if deemed necessary, prior to entering into discussions, a "priority list" of responsible Applicants shall be generated. The priority list may be limited to a minimum of three responsible Applicants who submitted the highest-ranked applications. The objective of these discussions is to clarify issues regarding the applications before the BAFO is tendered.**
- 5.6 If during discussions there is a need for any substantial clarification or change in the solicitation, the solicitation shall be amended by an addendum to incorporate such clarification or change. Addenda to the solicitation shall be distributed only to priority listed Applicants.**
- 5.7 Following any discussions, Priority Listed Applicants will be invited to submit their BAFO, if required. The Chairman or an evaluation committee reserves the right to have additional rounds of discussions with the top three (3) Priority Listed Applicants prior to the submission of the BAFO.**
- 5.8 The date and time for Applicants to submit their BAFO, if any, is indicated in Section 1.4, Schedule and Significant Dates. If Applicant does not submit a notice of withdrawal or a BAFO, the Applicant's immediate previous Application shall be construed as its BAFO.**
- 5.9 After receipt and evaluation of the BAFOs in accordance with the evaluation criteria in Section Four, the Chairman or an evaluation committee will make its recommendation for approval to the Hawaiian Homes Commission. The license will be awarded to the successful Applicant following Commission approval.**
- 5.10 The contents of any application shall not be disclosed to the public or other applicants during the review, evaluation, or discussion process. Once the Commission approves the award, all applications, successful and unsuccessful, become available for public inspection. Those sections that the Applicant and DHHL agree are confidential and/or proprietary should be identified by Applicants and shall be excluded from public disclosure.**

- 5.11 The Chairman or an evaluation committee reserves the right to determine what is in the best interest of DHHL for purposes of reviewing and evaluating applications submitted in response to the solicitation. The Chairman or an evaluation committee will conduct a comprehensive, fair and impartial evaluation of applications received in response to the solicitation.**

**EXHIBIT B-1 – Cattle Removal Project Area Location Map**



**EXHIBIT B-2a – Revised Aina Mauna Feral Cattle Removal Project, Humuula Section License Area (Green, Red, Blue) on DHHL Aina Mauna Lands (Pink)**

