
From: Colleen Hanabusa [Redacted - Personal Privacy Information]
Sent: Wednesday, March 31, 2021 5:55 PM
To: Transit Mailbox
Subject: Honolulu Authority for Rapid Transportation, HART Board Consultant Professional Service Contract; RFP-HRT-2100933
Attachments: Colleen Hanabusa, AAL, LLC - RFP.pdf; Exhibit 22 rev.1 - Price Proposal.pdf

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Please find attached the proposal for HART Board Consultant Professional Service Contract (RFP-HRT-2100933) that is being submitted electronically for consideration. The original proposal is also being submitted to the address set forth in the Request for Proposals.

Very truly yours,

Colleen Hanabusa

Colleen Hanabusa Attorney at Law, A Limited Liability Law Company

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From: Transit Mailbox
Sent: Tuesday, April 27, 2021 4:16 PM
To: Colleen Hanabusa
Cc: Transit Mailbox
Subject: Notice of Award - HART Board Consultant (RFP-HRT-2100933)
Attachments: Award Letter_Colleen_Hanabusa_AAL.pdf; SC-HRT-2100049 - HART Board Consultant.zip

Aloha Ms. Hanabusa,

Good Afternoon and Congratulations!

Attached please find a Notice of Award letter for the subject contract. In order to expedite execution of the contract I have attached a zipped folder of the contract for your execution. HART will trust your firm to do the following:

1. Print one original copy of the contract, single sided. Do not alter the documents or print out in any way other than what is required to execute the contract: signature, notary, corporate seal, if applicable.
2. As stated in the award letter attached, do not date the contract – HART will date stamp the contract once it is fully executed by all parties.
3. Ensure each signature is accompanied by a notary acknowledgement – fully filled out.
4. Include evidence of the signatory's authority to bind the company with the executed contracts you return to HART. Acceptable evidence of signature authority is either a corporate resolution or power of attorney.
5. Include a copy of your firms Certificate of Insurance that complies with the General Terms and Conditions Section 4.4 with the executed contracts.
6. Verification of Responsibility – within three business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c).
7. Please mail the one original, executed contract to the address listed in my signature block below. Please make the package to my attention.
8. Do not hesitate to contact me if you have any questions.

Again, congratulations and we all look forward to working with you!

Mahalo,

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Transit Mailbox
Sent: Thursday, April 1, 2021 10:36 AM
To: Colleen Hanabusa
Cc: Transit Mailbox
Subject: RE: Honolulu Authority for Rapid Transportation, HART Board Consultant Professional Service Contract; RFP-HRT-2100933

Aloha,

This is to confirm receipt of your proposal. Thank you for your interest and participation in our project!

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
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From: Transit Mailbox
Sent: Thursday, April 29, 2021 10:03 AM
To: Colleen Hanabusa
Cc: Transit Mailbox
Subject: RE: Notice of Award - HART Board Consultant (RFP-HRT-2100933)
Attachments: 01a - Contractors Acknowledgment notary form.pdf

Aloha,

Please use the attached notary form with the execution of your agreement.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
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From: Rick Daysog <Rick.Daysog@hawaiinewsnow.com>
Sent: Wednesday, April 28, 2021 12:24 PM
To: Manahan, Joey
Subject: RE: Board Consultant Contract

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hi Joey:

Are you or Lori available to talk about the award of the \$216,000 board consultant contract to former Congresswoman Colleen Hanabusa.

In particular, I want to know if any of the recent budget cuts and layoffs were used to pay for this contract? Also, how many firms or individuals submitted bids for this contract and how many were disqualified because they did not meet the strict job experience requirement posted for the position.

Let me know if you have any questions, I'm at 674-7347. Thanks.

Rick

From: Dan Nakaso <dnakaso@staradvertiser.com>
Sent: Wednesday, April 28, 2021 1:17 PM
To: Manahan, Joey
Subject: Re: HART Board Consultant Contract

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Got 'em. Mahalo. Looking forward to the RFP. Does it say when the contract begins -- or do you know?

On Wed, Apr 28, 2021 at 1:07 PM Manahan, Joey <jmanahan@honolulu.gov> wrote:

Aloha Dan,

In response to the question regarding former Congresswoman Hanabusa's tenure on the HART Board, she served from June 2015 to October 2016 and Chaired the Board from May 2016 to October 2016.

Joey Manahan

Director of Government Relations and Public Involvement

City & County of Honolulu

Honolulu Authority for Rapid Transportation



HART

Honolulu Authority for Rapid Transportation

1099 Alakea Street, Suite 1700

Honolulu, HI 96813

808-768-6135 (phone)

808-768-6154 (fax)

jmanahan@honolulu.gov

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From: Manahan, Joey
Sent: Wednesday, April 28, 2021 1:04 PM
To: 'Dan Nakaso' <dnakaso@staradvertiser.com>
Subject: HART Board Consultant Contract

Aloha Dan,

Thank you for your inquiry regarding the HART Board Consultant Contract.

The Proposal includes the following: \$216,000.00 for the first 18 months, with a 7.7% increase in Option Year 2, and a second increase of 7.1% in the final year for an aggregate total of \$924,000.00 over 6 years.

I will be forwarding the RFP by this afternoon and providing you with information on the former Congresswoman's tenure on the HART Board as well as her tenure as HART Board Chair.

Please let me know if you have any questions.

Mahalo,

Joey Manahan

Director of Government Relations and Public Involvement

City & County of Honolulu

Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

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imanahan@honolulu.gov

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--
Aloha,

-- Dan

Dan Nakaso
Staff Writer
Honolulu Star-Advertiser
Waterfront Plaza, Suite 7-210
500 Ala Moana Boulevard
Honolulu, Hawaii 96813
Newsroom: (808) 529-4363
Email: dnakaso@staradvertiser.com
Follow me on Twitter at twitter.com/dannakaso

From: Ha, David
Sent: Wednesday, April 28, 2021 1:31 PM
To: Manahan, Joey
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Hi Joey,

Please see my responses below in regards to the HART Board Consultant.

Let me know if there is any procurement documents that have been requested and I can provide assistance.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Manahan, Joey
Sent: Wednesday, April 28, 2021 12:11 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: 92F Request for Board Consultant RFP

Aloha David,

I have two 92F requests for the RFP for the Board Consultant. Also media is asking to verify the following:

- 1) Verify the amount of the contract: \$216,000.00
- 2) Length of the contract: 18 months base contract, options for up to 6 years total.

Harry—please note the requests on the 92F log and fill the request forms out for David. Requests are coming from Dan Nakaso from Star Advertiser and Marcel Honore from Civil Beat. We need to provide the RFP by this afternoon please if possible.

Please confirm and advise.

Mahalo,

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu

Honolulu Authority for Rapid Transportation



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From: Cho, Harry K
Sent: Wednesday, April 28, 2021 1:54 PM
To: Manahan, Joey
Subject: RE: 92F Request for Board Consultant RFP

Thanks! Please let me know if they request the actual documents or if they are ok with the response.

From: Manahan, Joey
Sent: Wednesday, April 28, 2021 1:34 PM
To: Cho, Harry K
Subject: RE: 92F Request for Board Consultant RFP

'Dan Nakaso' dnakaso@staradvertiser.com 221-7412
Marcel Honore mhonore@civilbeat.com 220-9309

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



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From: Cho, Harry K <harry.cho@honolulu.gov>
Sent: Wednesday, April 28, 2021 1:24 PM
To: Manahan, Joey <jmanahan@honolulu.gov>
Subject: RE: 92F Request for Board Consultant RFP

Hi Joey,

Do you have both their email addresses? I need their contact info to fill out their request form.

From: Manahan, Joey
Sent: Wednesday, April 28, 2021 12:11 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: 92F Request for Board Consultant RFP

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- 2) Length of the contract

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Please confirm and advise.

Mahalo,

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From: Cho, Harry K
Sent: Wednesday, April 28, 2021 2:07 PM
To: Manahan, Joey; Ha, David
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Hi David,

They are requesting the actual documents. Would you be able to provide a PDF copy of the RFP for the position?

From: Manahan, Joey
Sent: Wednesday, April 28, 2021 1:35 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Got it thanks!

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



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From: Ha, David <dha@honolulu.gov>
Sent: Wednesday, April 28, 2021 1:31 PM
To: Manahan, Joey <jmanahan@honolulu.gov>
Cc: Cho, Harry K <harry.cho@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: 92F Request for Board Consultant RFP

Hi Joey,

Please see my responses below in regards to the HART Board Consultant.

Let me know if there is any procurement documents that have been requested and I can provide assistance.

Mahalo,
David Ha

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Deputy Director of Procurement

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Please confirm and advise.

Mahalo,

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To: Cho, Harry K; Manahan, Joey
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP
Attachments: RFP-HRT-2100933 HART Board Consultant.zip; RFP-HRT-2100933_Add1.zip

Aloha Harry,

Please see the attached RFP and Addendum No. 1 for the HART Board Consultant.

Mahalo,
David Ha

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City & County of Honolulu
Honolulu Authority for Rapid Transportation



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**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-2100933

FEBRUARY 26, 2021

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

transitmailbox@honolulu.gov


HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT
RFP-HRT-2100933**

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Proposals shall be submitted electronically no later than **2:00 p.m., Hawaii Standard Time (HST) on April 1, 2021**, to the Honolulu Authority for Rapid Transportation via email at transitmailbox@honolulu.gov. Hard copy originals must be provided no later than 5 days after the Proposal Due Date.

Because the Honolulu Rail Transit Project ("HRTTP") is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration ("FTA") requirements.



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation (“HART”) is a semi-autonomous agency of the City and County of Honolulu (“City”), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 (“RCH”) to develop, operate, and maintain the Honolulu Rail Transit Project (“HRTTP”).

This Request for Proposals (“RFP”) is issued by HART to identify Persons qualified to submit competitive sealed proposals for the HART Board Consultant Services Contract. “Persons” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel-on-steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center (“ROC”), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (“ROD”) were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutransit.org>.

1.2 HART Board Consultant Services Description

The selected Offeror (or “Contractor”) will provide HART Board Consultant services in Honolulu, Hawaii. The selected Offeror will serve as HART’s liaison to the Honolulu City Council, Hawaii State Legislature and Congressional Committees and appropriate federal and state agencies. The selected Offeror will provide coordination, counsel, and information to HART and will advise and represent HART with respect to state transportation policy, legislation, regulation, and state funding opportunities. The scope of services for this Contract is attached hereto in the Special Provisions, Appendix A Scope of Services.

1.3 Reserved

other instructions from HART. The solicitation process begins when the RFP is issued and will be completed with the award of the Contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification. In the case of a multi-award contract, the solicitation process begins when the RFP is issued and will be completed with the award of the last contract.

4.0 PROCUREMENT PROCESS

4.1 Addenda

HART will issue responses to inquiries, additional background information, and any other corrections or modifications it deems necessary, via written addenda, on or before the Final Addendum Date. Addenda will be incorporated as part of the RFP. Oral interpretations, clarifications, changes, or substitutions will be without legal effect. Only interpretations, clarifications, changes, or approved substitutions provided by a formal written addendum to the solicitation shall be binding.

4.2 Modification or Withdrawal of Proposals

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07. Any proposal received by HART after the exact time of the Proposal Due Date will not be accepted, will not be considered for award, and shall be returned to the Offeror unopened at the time of late submission or as soon as practicable.

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract awards, proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Confidential Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. To the extent permitted by law, all records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract awards have been posted by HART in accordance with HAR §3-122-9.01 and §3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Discussions with Offerors

If discussions with Offerors are required to make a selection, the discussions will be conducted in accordance with HAR §3-122-53. Pursuant to HAR §3-122-53, a priority list will be established consisting of up to three Offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked proposals.

4.7 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.8 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.9 Basis of Award

The basis of award(s) will be the "best value" in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.10 Verification of Responsibility of Offeror

The successful Offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers' compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereinafter referred to as a "Hawaii business"; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a "compliant non-Hawaii business."

Offerors may choose to use the Hawaii Compliance Express ("HCE"), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic "Certificate of Vendor Compliance." The HCE provides current compliance status as of the certificate issuance date. The "Certificate of Vendor Compliance," indicating that the Offeror's status is compliant with the requirements of HRS §103D-310(c), will be accepted for both contracting purposes and final payment. Offerors that elect to use the HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC ("HIC"). Offerors choosing not to

participate in the HCE program will be required to provide the paper certificates as specified above.

4.11 Suspension and Debarment

In accordance with 2 CFR §1200, the Offeror is required to verify that none of its principals, as defined in 2 CFR §180.995, or affiliates, as defined in 2 CFR §180.905, are excluded or disqualified as defined in 2 CFR §§180.935 and 180.945. The Offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the Offeror certifies to these requirements.

4.12 Execution of Contract

Subsequent to contract award(s), HART will present the contract to the successful Offeror(s) for execution. The successful Offeror(s) shall return the signed contract within ten (10) calendar days from the date upon which the contract was presented for signature by HART, or within such time as HART may otherwise allow.

The successful Offeror(s) shall provide evidence of the required insurance coverages when returning the signed contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing contract file, **except those portions the Offeror has designated in writing to be confidential as trade secrets or other proprietary data**, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an Offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform a non-selected Offeror of the basis for the source selection decision and contract award. Pursuant to HAR §3-122-60, a written request for a debriefing shall be made within three (3) working days after the posting of the award of the contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected Offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Services

Services shall not commence until: (a) the contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; and (c) a Notice to Proceed has been issued.

4.18 Conflict of Interest and Non-Disclosure Requirements

The Offeror shall disclose and provide what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and whether it can be minimized.

A Contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

Offerors are required to submit Exhibit 11, Certification Regarding Conflict of Interest.

Offerors are required to disclose if they are currently representing any departments, agencies, or other entities of the State of Hawaii, City and County of Honolulu, and/or any other city or county of Hawaii. Offerors are required to state whether that representation is an actual and/or potential conflict and whether the named party or HART would have to waive the conflict in order for the Offeror to perform this Contract. For actual or potential conflicts the Offeror shall also provide a detailed plan describing how the Offeror, alone, will mitigate the conflict. HART reserves the right to:

1. Reject any proposal that presents an actual or potential conflict of interest;
2. Accept or reject any request for conflict waiver;
3. Accept or reject any proposed conflict mitigation plan; and
4. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

It is a requirement of HART that Offeror organizations identified, including specialized subcontractors, remain intact for the duration of the procurement process, up to and including the execution of the resulting contract, unless otherwise approved in writing by HART.

The selected attorney/firm(s) acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s) requires filing any form of litigation against HART, without HART's consent in writing

and pursuant to Hawaii Rules of Professional Conduct. HART will evaluate any such conflict of interest on a case by case basis and may consent to representation by an attorney/firm where HART's interests will not be adversely affected.

Non-Disclosure: The Offeror may be given access to confidential records, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all Offerors to examine the entire RFP, to seek clarification of any requirement that may not be clear, and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

Proposals must be submitted to HART by no later than the date and time as specified in the Solicitation Timetable (Section 1.4).

Offerors are to submit their proposal electronically.

Electronic proposal submissions must be sent to the email address indicated below and include the RFP number and the words "Proposal Submission" in the subject line.

Late submittals will not be accepted. It is the responsibility of the Offeror to ensure that its proposal is delivered by the Proposal Due Date.

5.4 Submittal Location

Original Proposals shall be delivered to the following address:

RFP-HRT-2100929
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Offerors shall submit proposals electronically via the transit mailbox at the email address indicated below. Electronic proposals shall be submitted solely to the following email address: transitmailbox@honolulu.gov. Submittals by facsimiles will not be accepted.

5.5 Format and Quantities

See Exhibit 2 for Proposal format. Proposal should not exceed 50 pages. Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2" x 11" paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered. Exhibits and firm brochures do not count toward the 50-page limit.

Offerors submitting an electronic proposal shall submit (1) an unredacted electronic copy, (2) a redacted electronic copy, and (3) the price proposal in a separate file. Offerors shall mail, via postal, the hardcopy original signed Cover Letter, signed evidence of authority to bind the firm, and signed Exhibits to the address indicated in Section 5.4 no later than five days from the Proposal Due Date

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described in Section 6 below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

Proposals will be evaluated in accordance with the evaluation criteria described through Sections 6.1-6.6 of this ITO. Each section of the proposal has a maximum number of points allocated, as stated below, totaling 100 points.

6.1 Cover Letter and Proposal Form (0 points)

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all known subcontractors. Offeror must clearly indicate the firm who will be signing the Contract with HART, if selected. The Offeror should discuss its capability to meet the requirements of the Contract. Identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3, Exhibit 4, and Exhibit 5 to the Proposal Letter.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) Requirements and information to be provided in Section 1 of the Proposal:
 - i. Submit Offeror's Organization Information as identified on Exhibit 6;
 - ii. If a Partnership or Corporation, submit Exhibit 7;
 - iii. Submit Offeror's certification on Exhibit 8 for the Offeror covering the last five (5) years; and
 - iv. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11) including mitigation plan(s)

for conflicts identified, Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

- v. Exhibits required in Section 1 are Exhibits 6, 7, 8, 10, 11, 12, and 13.
- b) If a Joint Venture, Limited Liability Company, or Partnership:
 - i. Identity of the lead entity, if any;
 - ii. Indicate the equity share percentage held by each member;
 - iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
 - iv. Identify full details of the organization structure in Appendix A to the Proposal.
- c) Requirements and information to be provided in Appendix A to the Proposal:
 - Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's representative to sign for that Offeror;
 - Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
 - Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.
- d) While Exhibit 11, Certification Regarding Conflict of Interest is to be submitted in this Section, HART reserves the right to:
 - i. Reject any proposal that presents an actual or potential conflict of interest;
 - ii. Accept or reject any request for conflict waiver;
 - iii. Accept or reject any proposed conflict mitigation plan; and
 - Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

6.3 Experience of the Offeror (Section 2) (45 Points)

- a) The objective of this section is:
 - i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and

expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

ii. To identify Offerors with the following:

- A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;
- B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
- C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.

iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

- i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.
- ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
- iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
- iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references.
- v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

6.4 Approach and Understanding Relative to Scope of Services (Section 3) (30 Points)

- a) The objective of this section is:
 - i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
 - ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.
- b) Requirements and information to be provided in Section 3 of the Proposal:
 - i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
 - iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

6.5 Price Proposal (Section 4) (20 points)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.

- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. Copies of each Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
 - i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

7.0 INSURANCE

The Contractor shall obtain and maintain insurance in the amounts and types specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an Offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

HART established a DBE program in accordance with the regulations of the U.S. Department of Transportation ("USDOT"), Title 49, Code of Federal Regulations, Part 26 (49 C.F.R. Part 26). HART has received federal financial assistance from USDOT, and as a condition of receiving this assistance, HART signed an Assurance with the USDOT that it will comply with 49 C.F.R. Part 26.

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements will be a material breach of the Contract, which may result in termination of the Contract or such other remedy, as HART deems appropriate.

HART has established an overall DBE Project goal of 13.00% for the duration of this Project. A separate Contract Goal has not been established for this Contract. DBE firms and small businesses shall have an equal opportunity to participate in the Contract.

The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Appendix C, Section 1.6 of the Federal Requirements. Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

11.0 ATTACHMENTS

Exhibits:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt
- Exhibit 4 - Proposal Form
- Exhibit 5 - Bidders Registration Form
- Exhibit 6 - Offeror's Organization Information
- Exhibit 7 - Partnerships and Corporations Information
- Exhibit 8 - Offeror Certification
- Exhibit 10 - Certification re Lobbying
- Exhibit 11 - Certification re Conflict of Interest
- Exhibit 12 - Certificate Regarding Ineligible Contractors
- Exhibit 13 - Certificate Regarding Ineligible Subcontractor
- Exhibit 17 - Experience
- Exhibit 18 - Past Performance
- Exhibit 19 - Subcontractor Information
- Exhibit 21 - Key Personnel Information
- Exhibit 22 - Price Proposal
- Exhibit 23 - Certificate of Current Cost or Pricing Data
- Exhibit 24 - Non-Collusion Affidavit

Sample Agreement:

- Sample Agreement
- Special Provisions
 - Appendix A – Scope of Work
 - Appendix B – Schedule of Payments
 - Appendix C – Federal Requirements

Appendix C - Attachment A -Attachm 1.6 (a)
Appendix C - Attachment A -Attachm 1.6 (b)
Appendix C - Attachment A -Attachm 1.6 (c)
HART General Conditions for Professional Services (v.03/2017)

From: Ha, David
Sent: Wednesday, April 28, 2021 2:47 PM
To: Cho, Harry K; Manahan, Joey
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP
Attachments: Colleen Hanabusa Exhibit 22 rev.1 - Price Proposal.pdf

Please see attached price proposal for HART Board Consultant.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Cho, Harry K
Sent: Wednesday, April 28, 2021 2:07 PM
To: Manahan, Joey; Ha, David
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Hi David,

They are requesting the actual documents. Would you be able to provide a PDF copy of the RFP for the position?

From: Manahan, Joey
Sent: Wednesday, April 28, 2021 1:35 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Got it thanks!

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-8135 (phone)

808-768-6154 (fax)
jmanahan@honolulu.gov

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From: Ha, David <dha@honolulu.gov>
Sent: Wednesday, April 28, 2021 1:31 PM
To: Manahan, Joey <jmanahan@honolulu.gov>
Cc: Cho, Harry K <harry.cho@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: 92F Request for Board Consultant RFP

Hi Joey,

Please see my responses below in regards to the HART Board Consultant.

Let me know if there is any procurement documents that have been requested and I can provide assistance.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Manahan, Joey
Sent: Wednesday, April 28, 2021 12:11 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: 92F Request for Board Consultant RFP

Aloha David,

I have two 92F requests for the RFP for the Board Consultant. Also media is asking to verify the following:

- 1) Verify the amount of the contract: \$216,000.00
- 2) Length of the contract: 18 months base contract, options for up to 6 years total.

Harry—please note the requests on the 92F log and fill the request forms out for David. Requests are coming from Dan Nakaso from Star Advertiser and Marcel Honore from Civil Beat. We need to provide the RFP by this afternoon please if possible.

Please confirm and advise.

Mahalo,

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

Honolulu Authority for Rapid Transportation

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-6135 (phone)
808-768-6154 (fax)
jmanahan@honolulu.gov

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EXHIBIT 22 rev.1 PRICE PROPOSAL

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 2	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 3	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 4	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 5	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 6	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 7	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 8	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 9	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 10	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 11	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 12	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
TOTAL	\$ 144,000.00	\$ 144,000.00	\$ 156,000.00	\$ 156,000.00	\$ 156,000.00	\$ 168,000.00

Cells highlighted in light green are priced options.

The payments shall be inclusive of all costs including but not limited to: labor, materials, profit, overhead, general and administrative expenses, other direct costs, subcontractor costs, applicable taxes and insurance. Reimbursable expenses and allowance for extra work is not applicable to this Contract.

CONTRACT PRICING

AMOUNT

TOTAL BASE CONTRACT PRICE (1 year and 6 months):

\$ 216,000.00

TOTAL AGGREGATE OPTION YEARS:

\$ 708,000.00

TOTAL EVALUATED PRICE:

\$ 924,000.00

From: Cho, Harry K
Sent: Wednesday, April 28, 2021 3:03 PM
To: Ha, David; Manahan, Joey
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP
Attachments: 01 - RFP-HRT-2100933_Instructions to Offerors.pdf; 01 - RFP-HRT-2100933_Add1.pdf

Please disregard, I will be sending only the RFP and Addendum No. 1.

Thank you.

From: Ha, David
Sent: Wednesday, April 28, 2021 2:47 PM
To: Cho, Harry K; Manahan, Joey
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Please see attached price proposal for HART Board Consultant.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Cho, Harry K
Sent: Wednesday, April 28, 2021 2:07 PM
To: Manahan, Joey; Ha, David
Cc: Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Hi David,

They are requesting the actual documents. Would you be able to provide a PDF copy of the RFP for the position?

From: Manahan, Joey
Sent: Wednesday, April 28, 2021 1:35 PM
To: Ha, David
Cc: Cho, Harry K; Kahikina, Lori M K; Keene, Richard C
Subject: RE: 92F Request for Board Consultant RFP

Got it thanks!

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

Honolulu Authority for Rapid Transportation

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-6135 (phone)
808-768-6154 (fax)
jmanahan@honolulu.gov

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From: Ha, David <dha@honolulu.gov>
Sent: Wednesday, April 28, 2021 1:31 PM
To: Manahan, Joey <jmanahan@honolulu.gov>
Cc: Cho, Harry K <harry.cho@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: 92F Request for Board Consultant RFP

Hi Joey,

Please see my responses below in regards to the HART Board Consultant.

Let me know if there is any procurement documents that have been requested and I can provide assistance.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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Please confirm and advise.

Mahalo,

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-6135 (phone)
808-768-6154 (fax)
jmanahan@honolulu.gov

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**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-2100933

FEBRUARY 26, 2021

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

transitmailbox@honolulu.gov

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT
RFP-HRT-2100933**

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Proposals shall be submitted electronically no later than **2:00 p.m., Hawaii Standard Time (HST) on April 1, 2021**, to the Honolulu Authority for Rapid Transportation via email at transitmailbox@honolulu.gov. Hard copy originals must be provided no later than 5 days after the Proposal Due Date.

Because the Honolulu Rail Transit Project ("HRTTP") is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration ("FTA") requirements.



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation (“HART”) is a semi-autonomous agency of the City and County of Honolulu (“City”), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 (“RCH”) to develop, operate, and maintain the Honolulu Rail Transit Project (“HRTTP”).

This Request for Proposals (“RFP”) is issued by HART to identify Persons qualified to submit competitive sealed proposals for the HART Board Consultant Services Contract. “Persons” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel-on-steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center (“ROC”), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (“ROD”) were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutrainsit.org>.

1.2 HART Board Consultant Services Description

The selected Offeror (or “Contractor”) will provide HART Board Consultant services in Honolulu, Hawaii. The selected Offeror will serve as HART’s liaison to the Honolulu City Council, Hawaii State Legislature and Congressional Committees and appropriate federal and state agencies. The selected Offeror will provide coordination, counsel, and information to HART and will advise and represent HART with respect to state transportation policy, legislation, regulation, and state funding opportunities. The scope of services for this Contract is attached hereto in the Special Provisions, Appendix A Scope of Services.

1.3 Reserved

1.4 Solicitation Timetable

The following is the solicitation timetable for this RFP:

ACTIVITY	DATE
Issue RFP	February 26, 2021
Deadline for Clarification Requests	March 12, 2021
Issue Final Addendum	March 23, 2021
Proposal Due Date	April 1, 2021 at 2:00 p.m. HST
Award of Contract (Tentative)	April 30, 2021

Any changes to the dates in the above timetable will be made by HART by written addendum.

2.0 TERM OF THE CONTRACT

- 3.0 The term of any Contract awarded pursuant to this solicitation will be for five (5) months, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options.

The Contract will be a multi-term contract subject to the availability of funds in accordance with HAR §3-122-149.

Contract funds are available for only the initial term of the contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. HART shall notify the Consultant, on a timely basis, if funds are not available for the continuation of the contract for each succeeding fiscal period. If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the Consultant shall be reimbursed in accordance with the contract documents.

4.0 COMMUNICATIONS

3.1 Inquiries and Requests for Clarification

All inquiries and requests for clarification regarding this RFP shall be submitted to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov by no later than the deadline set forth in the Solicitation Timetable (Section 1.4). All correspondence shall refer to the appropriate RFP number, page number, and section number. See Exhibit 1. Oral interpretations or clarifications will be without legal effect. Only answers to questions issued by a formal written addendum shall be binding on HART.

3.2 Rules of Contact and Communications

Offerors may not contact HART officials, Board members, employees or representatives concerning this RFP while the solicitation process is in progress, except as expressly required or permitted by this Instructions to Offerors ("ITO"), the RFP documents, or other instructions from HART. The solicitation process begins when the RFP is issued

other instructions from HART. The solicitation process begins when the RFP is issued and will be completed with the award of the Contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification. In the case of a multi-award contract, the solicitation process begins when the RFP is issued and will be completed with the award of the last contract.

4.0 PROCUREMENT PROCESS

4.1 Addenda

HART will issue responses to inquiries, additional background information, and any other corrections or modifications it deems necessary, via written addenda, on or before the Final Addendum Date. Addenda will be incorporated as part of the RFP. Oral interpretations, clarifications, changes, or substitutions will be without legal effect. Only interpretations, clarifications, changes, or approved substitutions provided by a formal written addendum to the solicitation shall be binding.

4.2 Modification or Withdrawal of Proposals

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07. Any proposal received by HART after the exact time of the Proposal Due Date will not be accepted, will not be considered for award, and shall be returned to the Offeror unopened at the time of late submission or as soon as practicable.

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract awards, proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Confidential Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. To the extent permitted by law, all records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract awards have been posted by HART in accordance with HAR §3-122-9.01 and §3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Discussions with Offerors

If discussions with Offerors are required to make a selection, the discussions will be conducted in accordance with HAR §3-122-53. Pursuant to HAR §3-122-53, a priority list will be established consisting of up to three Offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked proposals.

4.7 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.8 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.9 Basis of Award

The basis of award(s) will be the “best value” in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.10 Verification of Responsibility of Offeror

The successful Offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers’ compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereinafter referred to as a “Hawaii business”; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a “compliant non-Hawaii business.”

Offerors may choose to use the Hawaii Compliance Express (“HCE”), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the certificate issuance date. The “Certificate of Vendor Compliance,” indicating that the Offeror’s status is compliant with the requirements of HRS §103D-310(c), will be accepted for both contracting purposes and final payment. Offerors that elect to use the HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC (“HIC”). Offerors choosing not to

participate in the HCE program will be required to provide the paper certificates as specified above.

4.11 Suspension and Debarment

In accordance with 2 CFR §1200, the Offeror is required to verify that none of its principals, as defined in 2 CFR §180.995, or affiliates, as defined in 2 CFR §180.905, are excluded or disqualified as defined in 2 CFR §§180.935 and 180.945. The Offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the Offeror certifies to these requirements.

4.12 Execution of Contract

Subsequent to contract award(s), HART will present the contract to the successful Offeror(s) for execution. The successful Offeror(s) shall return the signed contract within ten (10) calendar days from the date upon which the contract was presented for signature by HART, or within such time as HART may otherwise allow.

The successful Offeror(s) shall provide evidence of the required insurance coverages when returning the signed contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing contract file, **except those portions the Offeror has designated in writing to be confidential as trade secrets or other proprietary data**, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an Offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform a non-selected Offeror of the basis for the source selection decision and contract award. Pursuant to HAR §3-122-60, a written request for a debriefing shall be made within three (3) working days after the posting of the award of the contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected Offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Services

Services shall not commence until: (a) the contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; and (c) a Notice to Proceed has been issued.

4.18 Conflict of Interest and Non-Disclosure Requirements

The Offeror shall disclose and provide what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and whether it can be minimized.

A Contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

Offerors are required to submit Exhibit 11, Certification Regarding Conflict of Interest.

Offerors are required to disclose if they are currently representing any departments, agencies, or other entities of the State of Hawaii, City and County of Honolulu, and/or any other city or county of Hawaii. Offerors are required to state whether that representation is an actual and/or potential conflict and whether the named party or HART would have to waive the conflict in order for the Offeror to perform this Contract. For actual or potential conflicts the Offeror shall also provide a detailed plan describing how the Offeror, alone, will mitigate the conflict. HART reserves the right to:

1. Reject any proposal that presents an actual or potential conflict of interest;
2. Accept or reject any request for conflict waiver;
3. Accept or reject any proposed conflict mitigation plan; and
4. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

It is a requirement of HART that Offeror organizations identified, including specialized subcontractors, remain intact for the duration of the procurement process, up to and including the execution of the resulting contract, unless otherwise approved in writing by HART.

The selected attorney/firm(s) acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s) requires filing any form of litigation against HART, without HART's consent in writing

and pursuant to Hawaii Rules of Professional Conduct. HART will evaluate any such conflict of interest on a case by case basis and may consent to representation by an attorney/firm where HART's interests will not be adversely affected.

Non-Disclosure: The Offeror may be given access to confidential records, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all Offerors to examine the entire RFP, to seek clarification of any requirement that may not be clear, and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

Proposals must be submitted to HART by no later than the date and time as specified in the Solicitation Timetable (Section 1.4).

Offerors are to submit their proposal electronically.

Electronic proposal submissions must be sent to the email address indicated below and include the RFP number and the words "Proposal Submission" in the subject line.

Late submittals will not be accepted. It is the responsibility of the Offeror to ensure that its proposal is delivered by the Proposal Due Date.

5.4 Submittal Location

Original Proposals shall be delivered to the following address:

RFP-HRT-2100929
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Offerors shall submit proposals electronically via the transit mailbox at the email address indicated below. Electronic proposals shall be submitted solely to the following email address: transitmailbox@honolulu.gov. Submittals by facsimiles will not be accepted.

5.5 Format and Quantities

See Exhibit 2 for Proposal format. Proposal should not exceed 50 pages. Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2" x 11" paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered. Exhibits and firm brochures do not count toward the 50-page limit.

Offerors submitting an electronic proposal shall submit (1) an unredacted electronic copy, (2) a redacted electronic copy, and (3) the price proposal in a separate file. Offerors shall mail, via postal, the hardcopy original signed Cover Letter, signed evidence of authority to bind the firm, and signed Exhibits to the address indicated in Section 5.4 no later than five days from the Proposal Due Date

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described in Section 6 below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

Proposals will be evaluated in accordance with the evaluation criteria described through Sections 6.1-6.6 of this ITO. Each section of the proposal has a maximum number of points allocated, as stated below, totaling 100 points.

6.1 Cover Letter and Proposal Form (0 points)

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all known subcontractors. Offeror must clearly indicate the firm who will be signing the Contract with HART, if selected. The Offeror should discuss its capability to meet the requirements of the Contract. Identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3, Exhibit 4, and Exhibit 5 to the Proposal Letter.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) Requirements and information to be provided in Section 1 of the Proposal:
 - i. Submit Offeror's Organization Information as identified on Exhibit 6;
 - ii. If a Partnership or Corporation, submit Exhibit 7;
 - iii. Submit Offeror's certification on Exhibit 8 for the Offeror covering the last five (5) years; and
 - iv. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11) including mitigation plan(s)

for conflicts identified, Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

v. Exhibits required in Section 1 are Exhibits 6, 7, 8, 10, 11, 12, and 13.

b) If a Joint Venture, Limited Liability Company, or Partnership:

- i. Identity of the lead entity, if any;
- ii. Indicate the equity share percentage held by each member;
- iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
- iv. Identify full details of the organization structure in Appendix A to the Proposal.

c) Requirements and information to be provided in Appendix A to the Proposal:

- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's representative to sign for that Offeror;
- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

d) While Exhibit 11, Certification Regarding Conflict of Interest is to be submitted in this Section, HART reserves the right to:

- i. Reject any proposal that presents an actual or potential conflict of interest;
 - ii. Accept or reject any request for conflict waiver;
 - iii. Accept or reject any proposed conflict mitigation plan; and
- Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

6.3 Experience of the Offeror (Section 2) (45 Points)

a) The objective of this section is:

- i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and

expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

- ii. To identify Offerors with the following:
 - A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;
 - B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
 - C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.
- iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

- i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.
- ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
- iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
- iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references.
- v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

6.4 Approach and Understanding Relative to Scope of Services (Section 3) (30 Points)

- a) The objective of this section is:
 - i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
 - ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.
- b) Requirements and information to be provided in Section 3 of the Proposal:
 - i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
 - iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

6.5 Price Proposal (Section 4) (20 points)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.

- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. Copies of each Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
 - i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

7.0 INSURANCE

The Contractor shall obtain and maintain insurance in the amounts and types specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an Offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

HART established a DBE program in accordance with the regulations of the U.S. Department of Transportation ("USDOT"), Title 49, Code of Federal Regulations, Part 26 (49 C.F.R. Part 26). HART has received federal financial assistance from USDOT, and as a condition of receiving this assistance, HART signed an Assurance with the USDOT that it will comply with 49 C.F.R. Part 26.

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements will be a material breach of the Contract, which may result in termination of the Contract or such other remedy, as HART deems appropriate.

HART has established an overall DBE Project goal of 13.00% for the duration of this Project. A separate Contract Goal has not been established for this Contract. DBE firms and small businesses shall have an equal opportunity to participate in the Contract.

The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Appendix C, Section 1.6 of the Federal Requirements. Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

11.0 ATTACHMENTS

Exhibits:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt
- Exhibit 4 - Proposal Form
- Exhibit 5 - Bidders Registration Form
- Exhibit 6 - Offeror's Organization Information
- Exhibit 7 - Partnerships and Corporations Information
- Exhibit 8 - Offeror Certification
- Exhibit 10 - Certification re Lobbying
- Exhibit 11 - Certification re Conflict of Interest
- Exhibit 12 - Certificate Regarding Ineligible Contractors
- Exhibit 13 - Certificate Regarding Ineligible Subcontractor
- Exhibit 17 - Experience
- Exhibit 18 - Past Performance
- Exhibit 19 - Subcontractor Information
- Exhibit 21 - Key Personnel Information
- Exhibit 22 - Price Proposal
- Exhibit 23 - Certificate of Current Cost or Pricing Data
- Exhibit 24 - Non-Collusion Affidavit

Sample Agreement:

- Sample Agreement
- Special Provisions
 - Appendix A – Scope of Work
 - Appendix B – Schedule of Payments
 - Appendix C – Federal Requirements

Appendix C - Attachment A -Attachm 1.6 (a)
Appendix C - Attachment A -Attachm 1.6 (b)
Appendix C - Attachment A -Attachm 1.6 (c)
HART General Conditions for Professional Services (v.03/2017)

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 1

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT CONTRACT

REQUEST FOR PROPOSALS NO. RFP-HRT-2100933

ISSUED: MAR 22 2021

NOTICE TO ALL PROSPECTIVE OFFERORS:

This Addendum is hereby made a part of the Request for Proposals RFP-HRT-2100933 ("RFP") for the Honolulu Rail Transit Project (HRTTP), HART Board Consultant Contract, and it shall amend the said RFP in the following respects:

ITEM NO. 1 – REQUEST FOR PROPOSALS ("RFP") INSTRUCTIONS TO OFFERORS ("ITO")

1. RFP ITO Section 2 Term of the Contract is hereby amended by deleting the first paragraph and replacing it with the following [change marked in red text]:

"The term of any Contract awarded pursuant to this solicitation will be for **One (1) Year and six (6) months**, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options."
2. RFP ITO, Section 11 Attachments, Exhibit 3 – Acknowledgement of Receipt is here by deleted in its entirety and replaced with the following:

Exhibit 3 – Acknowledgement of Receipt rev.1
3. RFP ITO, Section 11 Attachments, Exhibit 18 – Past Performance is here by deleted in its entirety and replaced with the following:

Exhibit 18 – Past Performance rev.1

4. RFP ITO, Section 11 Attachments, Exhibit 22 – Price Proposal is here by deleted in its entirety and replaced with the following:

Exhibit 22 – Price Proposal rev.1

5. RFP ITO, Section 11 Attachments, Contract Form rev.1 is here by deleted in its entirety and replaced with the following:

Contract Form rev.1

6. RFP ITO, Section 11 Attachments, Appendix B – Schedule of Payments is here by deleted in its entirety and replaced with the following:

Appendix B – Schedule of Payments rev.1

APPROVED:



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

From: Rick Daysog <Rick.Daysog@hawaiinewsnow.com>
Sent: Wednesday, April 28, 2021 3:04 PM
To: Manahan, Joey
Subject: RE: Board Consultant Contract

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hi Joey:

Follow up question. When I interviewed Colin Moore today, he said hiring a consultant to a six-figure contract at a time when the project was overbudget and workers were being laid off "creates a bad perception with the public" and will further erode public support in the project. Can you respond?

Thanks

From: Manahan, Joey <jmanahan@honolulu.gov>
Sent: Wednesday, April 28, 2021 1:30 PM
To: Rick Daysog <Rick.Daysog@hawaiinewsnow.com>
Subject: RE: Board Consultant Contract

Aloha Rick,

Please see the following responses to your questions:

In particular, I want to know if any of the recent budget cuts and layoffs were used to pay for this contract? No, none of the savings from staffing changes were used to pay for the contract. The contract was budgeted for in FY21, and the Board voted to transfer the funds between expenditures at their March 18 meeting.

Also, how many firms or individuals submitted bids for this contract and how many were disqualified because they did not meet the strict job experience requirement posted for the position. Former Congresswoman Hanabusa was the only respondent to the RFP.

Please let me know if you would like me to contact the Board Chair for an interview.

Mahalo,

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-6135 (phone)
808-768-6154 (fax)
jmanahan@honolulu.gov

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From: Rick Daysog <Rick.Daysog@hawaiinewsnow.com>
Sent: Wednesday, April 28, 2021 12:24 PM
To: Manahan, Joey <jmanahan@honolulu.gov>
Subject: RE: Board Consultant Contract

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hi Joey:

Are you or Lori available to talk about the award of the \$216,000 board consultant contract to former Congresswoman Colleen Hanabusa.

In particular, I want to know if any of the recent budget cuts and layoffs were used to pay for this contract? Also, how many firms or individuals submitted bids for this contract and how many were disqualified because they did not meet the strict job experience requirement posted for the position.

Let me know if you have any questions, I'm at 674-7347. Thanks.

Rick

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From: Cho, Harry K
Sent: Thursday, April 29, 2021 3:34 PM
To: Matsushita, Cindy
Cc: Manahan, Joey; 'Johnny D. Reid Jr.'
Subject: Request for Proposal

Hi Cindy,

Is the RFP for the HART Board Consultant Position a public document? Can it be shared with people calling us asking for it without submitting the 92-F request form?

Harry Cho
Honolulu Authority for Rapid Transportation
City & County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813
Email: harry.cho@honolulu.gov
Phone: 768-6201

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From: Vicki Viotti <vvotti@staradvertiser.com>
Sent: Thursday, April 29, 2021 3:51 PM
To: Manahan, Joey
Subject: Re: RFP for Board Consultant and Award Letter

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Thank you!

Vicki

On Thu, Apr 29, 2021 at 3:26 PM Manahan, Joey <jmanahan@honolulu.gov> wrote:

Per your request please see attached.

Joey Manahan

Director of Government Relations and Public Involvement

City & County of Honolulu

Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700

Honolulu, HI 96813

808-768-6135 (phone)

808-768-6154 (fax)

jmanahan@honolulu.gov

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--

Vicki Viotti

Editorial writer

594-6752 - business cell

351-0205 - personal cell

From: Ha, David
Sent: Thursday, February 11, 2021 11:33 AM
To: Manahan, Joey
Cc: Cantero, Dorothea
Subject: Evaluation Committee - Federal and State Government Liaisons
Attachments: Affidavit City - HART Board Consultant - J. Manahan.doc; Affidavit City - Federal Government Liaison - J. Manahan.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Aloha Joey,

Thank you for agreeing to be a member of the Evaluation Committee for the following solicitations:

- Federal Government Liaison
- HART Board Consultant
-

Please complete the following:

1. Please provide a short paragraph of your experience and qualifications to be used on the approval of the evaluation committee.
2. Please sign the attached affidavits for city employees. Once signed, please provide the original to me.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
AFFIDAVIT
SERVING ON AN
EVALUATION, REVIEW, OR SELECTION COMMITTEE**

Project Description: HART Board Consultant (RFP-HRT-2100933)

Committee member is a:

- ☒ City Governmental Employee (notarized signature is not required below)
☐ Non-City Governmental Employee (notarized signature is required below)
☐ Non-Governmental Employee (notarized signature is required below)

Purpose of committee:

- ☒ **Request for Proposals** - Evaluation committee to evaluate request for proposals offers.
(Reference HAR §3-122-45.01, RCH § 11-102, RCH § 11-103)
- ☐ **Professional Services** - Review committee to review statements of qualifications and expression of interest from professional services providers to establish a list of qualified persons. (Reference HAR §3-122-69, RCH § 11-102, RCH § 11-103)
- ☐ **Professional Services** - Selection committee to evaluate the submissions of the persons on the list of qualified persons against the selection criteria.
(Reference HAR §3-122-69, RCH § 11-102, RCH § 11-103)
- ☐ **Technical Support Staff** – Technical Support Staff to assist the Evaluation Committee in the evaluation of technical information of the submissions.

I, Richard Keene, attest to the following:
(Print Name)

1. I have no personal, business, or any other relationship that will influence my decision in the applicable evaluation, review, or selection process.
2. I agree not to disclose any information on the applicable evaluation, review, or selection process.
3. I agree that my name will become public information upon award of the contract.
4. I have no personal or private interest or relationship that will cause a reasonable person, knowing all the facts, to question my impartiality.
5. If at any time I have an interest or relationship as described in Paragraphs 1 or 4, I shall (a) disclose it in writing to my appointing authority or the Council (if the person signing the affidavit is employed at the Council) and to the Ethics Commission as soon as the conflict becomes apparent; and (b) remove myself from participating in the matter.
6. Should I have any questions regarding potential conflicts of interest, I will contact the Ethics Commission at ethics@honolulu.gov or 768-7786.

Submit original form with original signature to HART. Notarization is not required for City Governmental Employees.

(Signature)

(Date)



**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
AFFIDAVIT
SERVING ON AN
EVALUATION, REVIEW, OR SELECTION COMMITTEE**

Project Description: Federal Government Liaison (RFP-HRT-2100929)

Committee member is a:

- ☒ City Governmental Employee (notarized signature is not required below)
- ☐ Non-City Governmental Employee (notarized signature is required below)
- ☐ Non-Governmental Employee (notarized signature is required below)

Purpose of committee:

- ☒ **Request for Proposals** - Evaluation committee to evaluate request for proposals offers.
(Reference HAR §3-122-45.01, RCH § 11-102, RCH § 11-103)
- ☐ **Professional Services** - Review committee to review statements of qualifications and expression of interest from professional services providers to establish a list of qualified persons. (Reference HAR §3-122-69, RCH § 11-102, RCH § 11-103)
- ☐ **Professional Services** - Selection committee to evaluate the submissions of the persons on the list of qualified persons against the selection criteria.
(Reference HAR §3-122-69, RCH § 11-102, RCH § 11-103)
- ☐ **Technical Support Staff** – Technical Support Staff to assist the Evaluation Committee in the evaluation of technical information of the submissions.

I, Joey Manahan, attest to the following:
(Print Name)

1. I have no personal, business, or any other relationship that will influence my decision in the applicable evaluation, review, or selection process.
2. I agree not to disclose any information on the applicable evaluation, review, or selection process.
3. I agree that my name will become public information upon award of the contract.
4. I have no personal or private interest or relationship that will cause a reasonable person, knowing all the facts, to question my impartiality.
5. If at any time I have an interest or relationship as described in Paragraphs 1 or 4, I shall (a) disclose it in writing to my appointing authority or the Council (if the person signing the affidavit is employed at the Council) and to the Ethics Commission as soon as the conflict becomes apparent; and (b) remove myself from participating in the matter.
6. Should I have any questions regarding potential conflicts of interest, I will contact the Ethics Commission at ethics@honolulu.gov or 768-7786.

Submit original form with original signature to HART. Notarization is not required for City Governmental Employees.

(Signature)

(Date)

From: Ha, David
Sent: Monday, March 1, 2021 4:42 PM
To: Manahan, Joey; Matsushita, Cindy
Cc: Tantoco, Andrea; Carter, Michelle A; Espresion, Gemma
Subject: Council Notification for Federal Liaison and HART Board Consultant
Attachments: Council Notifications - Fed Liaison.pdf; Council Notification - HBC.pdf; RFP-HRT-2100933 HART Board Consultant.zip; RFP-HRT-2100929 - Fed Govt Liaison.zip

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Joey and Cindy,

Attached are the letters and RFPs that were provided on CDs to the City Council. Hard Copies will be delivered by Document Control tomorrow. Let me know if you have any questions.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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HONOLULU AUTHORITY for RAPID TRANSPORTATION

Lori M. K. Kahikina, P.E.
INTERIM EXECUTIVE DIRECTOR AND CEO

Rick Keene
DEPUTY EXECUTIVE DIRECTOR AND COO

BOARD OF DIRECTORS

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CHAIR

Hoyt H. Zia
VICE CHAIR

Michele Chun Brunngraber
Kika G. Bukoski
Jade Butay
Jeffrey S. Cudiamat
Dean Hazama
Natalie Iwasa
Lynn McCrory
J. Roger Morton
Glenn M. Nohara
Joseph V. O'Donnell
Dean Uchida
Joseph P. Uno

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:
Subject: Honolulu Rail Transit Project
Solicitation No. RFP-HRT-2100929

Pursuant to Resolution 12-158, CD1, and in accordance with the Honolulu Authority for Rapid Transportation (HART) CEO letter to Council dated August 13, 2012, to the extent permitted by applicable law, HART will provide to Council the procurement documents that implement solicitations expected to exceed \$1,000,000. Submitted herewith is a DVD which contains the procurement documents for the following HART solicitation:

- Federal Government Liaison Contract RFP-HRT-2100929

This solicitation is a procurement of Federal Government Liaison services under Hawaii Revised Statutes (HRS) Section 103D-303 (Supp. 2012) and utilizes the Request for Proposals (RFP) method of solicitation. Selection of a contractor will be based on the best value for the scope of work set forth in the solicitation documents. For your information, the referenced RFP and any addenda thereto will be posted on the City's Division of Purchasing website, located at www.honolulu.gov/pur.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Lori M. K. Kahikina, P. E.
Interim Executive Director and CEO

Enclosure

cc: HART Board of Directors
Mr. Michael Formby, Office of the Managing Director
Office of the City Clerk



HONOLULU AUTHORITY for RAPID TRANSPORTATION

Lori M. K. Kahikina, P.E.
INTERIM EXECUTIVE DIRECTOR AND CEO

Rick Keene
DEPUTY EXECUTIVE DIRECTOR AND COO

BOARD OF DIRECTORS

Tobias Martyn
CHAIR

Hoyt H. Zia
VICE CHAIR

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Kika G. Bukoski
Jade Butay
Jeoffrey S. Cudiamat
Dean Hazama
Natalie Iwasa
Lynn McCrory
J. Roger Morton
Glenn M. Nohara
Joseph V. O'Donnell
Dean Uchida
Joseph P. Uno

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:
Subject: Honolulu Rail Transit Project
Solicitation No. RFP-HRT-2100933

Pursuant to Resolution 12-158, CD1, and in accordance with the Honolulu Authority for Rapid Transportation (HART) CEO letter to Council dated August 13, 2012, to the extent permitted by applicable law, HART will provide to Council the procurement documents that implement solicitations expected to exceed \$1,000,000. Submitted herewith is a DVD which contains the procurement documents for the following HART solicitation:

- HART Board Consultant Contract RFP-HRT-2100933

This solicitation is a procurement of HART Board Consultant professional services under Hawaii Revised Statutes (HRS) Section 103D-303 (Supp. 2012) and utilizes the Request for Proposals (RFP) method of solicitation. Selection of a contractor will be based on the best value for the scope of work set forth in the solicitation documents. For your information, the referenced RFP and any addenda thereto will be posted on the City's Division of Purchasing website, located at www.honolulu.gov/pur.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Lori M. K. Kahikina, P. E.
Interim Executive Director and CEO

Enclosure

cc: HART Board of Directors
Mr. Michael Formby, Office of the Managing Director
Office of the City Clerk

From: Rick Daysog <Rick.Daysog@hawaiinewsnow.com> on behalf of Rick Daysog
Sent: Monday, March 8, 2021 11:20 AM
To: Manahan, Joey
Cc: Daryl Huff
Subject: RE: Federal Liaison and board consultant contracts

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hi Joey:

I'm following up on a voice mail I left on your cell phone. I'm doing a story on HART's requests for proposals for personal services contracts for a federal government liaison and a board consultant contract. Can you or Lori do a zoom or in person interview regarding the need to increase the lobbying contracts for HART at a time when the rail project is significantly cutting costs? My questions are below underlined

As I understand it, both contracts are each worth \$1 million a year, which is three times the amount HART has been paying HART's longtime lobbyist Dennis Dwyer.

1. Can you give details on why the need for escalating HART's lobbying costs?

In our previous conversation, you mentioned that about 5 people within your division – particular the outreach group – were recently let go.

2. Can you tell me how many HART employees (paid for by city taxpayer money) over all have been let go since Jan. 4?

3. How many consultants employees (both embedded and not embedded at HART) have been terminated since Jan. 4.

4. Can you give an estimate on the dollar amount of savings each year?

An expert I interviewed especially thought that the contract for the board consultant was narrowly tailored so that only a handful of attorneys who have worked with the city, state and the feds could qualify. He also mentioned that many of the duties listed for the federal government liaison and board consultant were handled by former CEOs and staff. He believes this might reflect the current CEO's lack of experience in lobbying in Washington, D.C. and the state Capitol.

5. Can you respond to these statements?

Let me know if anyone with HART is available to answer these questions. I'm at 674-7347. Thanks.

Rick
rfp-hrt-2100933 hart board consultant.zip was removed from the message because it violates your mail server's policy.

From: Ha, David
Sent: Tuesday, April 6, 2021 11:56 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant
Attachments: 2021.04.06 Meeting No. 1 - Adjectival Guidelines.pdf; 2021.04.06 Meeting No. 1 - Agenda.pdf; Fed Liaison - Scoresheet.xls; HART Board - Scoresheet.xls; RFP-HRT-2100929_Instructions to Offerors.pdf; RFP-HRT-2100933_Add1.zip; RFP-HRT-2100933_Instructions to Offerors.pdf; RFP-HRT-2100929_Add1.zip

Follow Up Flag: Follow up
Flag Status: Completed

Aloha Evaluation Committee,

Please see the attached documents for Evaluation Committee Meeting for Federal Government Liaison and HART Board Consultant . Due to size constraints, this is the first of a few emails to send you attachments and proposals.

Attachments:

- Adjectival Guidelines
- Agenda
- RFP-HRT-2100929 Solicitation
- RFP-HRT-2100929 Addendum No. 1
- RFP-HRT-2100933 Solicitation
- RFP-HRT-2100933 Addendum No. 1
- Scoresheets
- Proposals

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

EVALUATION COMMITTEE

ADJECTIVAL GUIDELINES

10-Point Scale	Adjectival Description
<u>9 to 10</u> Points to Assign	SUPERIOR: Offeror has demonstrated an approach that is considered to significantly exceed stated criteria in a way that is beneficial to HART. This rating indicates a consistently outstanding level of quality, with very little or no risk that this Offeror would fail to meet the requirements of the solicitation. There are essentially no weaknesses. Strengths / benefits significantly outweigh weaknesses / risks (+ +).
<u>7 to 8</u> Points to Assign	ABOVE AVERAGE: Offeror has demonstrated an approach that is considered to exceed stated criteria. This rating indicates a generally better than acceptable quality, with little risk that this Offeror would fail to meet the requirements of the solicitation. Weaknesses, if any, are very minor. Strengths / benefits outweigh weaknesses / risks (+).
<u>5 to 6</u> Points to Assign	AVERAGE: Offeror has demonstrated an approach that is considered to meet the stated criteria. The Proposal demonstrates a reasonable probability of success. Weaknesses are minor and can be readily corrected. Strengths / benefits equal weaknesses / risks (0).
<u>3 to 4</u> Points to Assign	BELOW AVERAGE: Offeror has demonstrated an approach that fails to meet stated criteria as there are weaknesses / risks, but they are susceptible to correction through discussions. The response is considered marginal in terms of basic content and/or amount of information provided for evaluation but overall the Offeror is capable of providing an acceptable or better Proposal. Weaknesses / risks out weigh strengths / benefits (-).
<u>1 to 2</u> Points to Assign	INFERIOR: Offeror has demonstrated an approach that indicates significant weaknesses / risks and/or unacceptable quality. The Proposal fails to meet the stated criteria and/or lacks essential information and is conflicting and/or unproductive. There is no reasonable likelihood of success; weaknesses / risks are so major and/or extensive that a major revision to the Proposal would be necessary for further consideration. Weaknesses / risks significantly outweigh strengths / benefits (- -).

Definitions

Strengths / Benefits – a benefit, as perceived by HART, in the Proposal that increases the probability of success in Contract performance.

Examples of benefits or strengths:

- The Offeror and Principal Participants demonstrate experience in projects similar to this.
- The Offeror demonstrates a clear understanding of the requirements of this contract.

Weaknesses / Risks – a flaw in the Proposal that increases the risk of unsuccessful Contract performance

Examples of weaknesses / risks:

- The Offeror does not demonstrate a clear project organization.
- The Offeror did not provide a single point of contact.

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

Evaluation Criteria (Section 6.0)

6.1 Cover Letter and Proposal Form

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall discuss its capability to meet the requirements of the Contract specifically with respect to cash and working capital. The Offeror shall identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter.

Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 5.

Evaluator Comments	Assigned Score 0 points max)

6.2 Organization Eligibility (Section 1)

a) Requirements and information to be provided in Section 1 of the Proposal are:

- i. Submit Offeror's Organization Information as identified on Exhibit 6;
- ii. If a Partnership or Corporation, submit Exhibit 7;
- iii. If a Joint Venture, Limited Liability Company, or Partnership:
 - a. Identity of the lead entity, if any;
 - b. Indicate the equity share percentage held by each member;
 - c. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; &
 - d. Identify full details of the organization structure in Appendix A to the proposal.
- iv. Submit Offeror's Certification on Exhibit 8 for the Offeror covering the last five (5) years; and
- v. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11), Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

b) Requirements and information to be provided in Appendix A to the Proposal:

- i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Principal Participant's representative to sign for that Principal Participant;
- ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- iii. Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

Exhibits required in Section 1 are: Exhibits 6, 7, 8, 10, 11, 12, and 13.

Evaluator Comments	Assigned Score (5 points max)

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.3 Experience of the Offeror (Section 2)

a) The objective of this section is:

i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

ii. To identify Offerors with the following:

A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;

B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and

C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.

iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.

ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.

iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.

iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:

- 1) a resume; and
- 2) two references.

v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

Evaluator Comments	Assigned Score (45 points max)

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.4 Approach and Understanding Relative to Scope of Services (Section 3)

a) The objective of this section is:

i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.

ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.

b) Requirements and information to be provided in Section 3 of the Proposal:

i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;

ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;

iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

Evaluator Comments	Assigned Score (30 points max)

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.5 Price Proposal (Section 4)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.
- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
- i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

Evaluator Comments	Assigned Score (20 points max)

Total Score (100 points max)	0
-------------------------------------	----------

Signature: _____

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-2100933

FEBRUARY 26, 2021

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

transitmailbox@honolulu.gov

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT
RFP-HRT-2100933**

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Proposals shall be submitted electronically no later than **2:00 p.m., Hawaii Standard Time (HST) on April 1, 2021**, to the Honolulu Authority for Rapid Transportation via email at transitmailbox@honolulu.gov. Hard copy originals must be provided no later than 5 days after the Proposal Due Date.

Because the Honolulu Rail Transit Project ("HRTTP") is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration ("FTA") requirements.



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

INSTRUCTIONS TO OFFERORS

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation (“HART”) is a semi-autonomous agency of the City and County of Honolulu (“City”), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 (“RCH”) to develop, operate, and maintain the Honolulu Rail Transit Project (“HRTTP”).

This Request for Proposals (“RFP”) is issued by HART to identify Persons qualified to submit competitive sealed proposals for the HART Board Consultant Services Contract. “Persons” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel-on-steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center (“ROC”), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (“ROD”) were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutransit.org>.

1.2 HART Board Consultant Services Description

The selected Offeror (or “Contractor”) will provide HART Board Consultant services in Honolulu, Hawaii. The selected Offeror will serve as HART’s liaison to the Honolulu City Council, Hawaii State Legislature and Congressional Committees and appropriate federal and state agencies. The selected Offeror will provide coordination, counsel, and information to HART and will advise and represent HART with respect to state transportation policy, legislation, regulation, and state funding opportunities. The scope of services for this Contract is attached hereto in the Special Provisions, Appendix A Scope of Services.

1.3 Reserved

1.4 Solicitation Timetable

The following is the solicitation timetable for this RFP:

ACTIVITY	DATE
Issue RFP	February 26, 2021
Deadline for Clarification Requests	March 12, 2021
Issue Final Addendum	March 23, 2021
Proposal Due Date	April 1, 2021 at 2:00 p.m. HST
Award of Contract (Tentative)	April 30, 2021

Any changes to the dates in the above timetable will be made by HART by written addendum.

2.0 TERM OF THE CONTRACT

- 3.0 The term of any Contract awarded pursuant to this solicitation will be for five (5) months, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options.

The Contract will be a multi-term contract subject to the availability of funds in accordance with HAR §3-122-149.

Contract funds are available for only the initial term of the contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. HART shall notify the Consultant, on a timely basis, if funds are not available for the continuation of the contract for each succeeding fiscal period. If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the Consultant shall be reimbursed in accordance with the contract documents.

4.0 COMMUNICATIONS

3.1 Inquiries and Requests for Clarification

All inquiries and requests for clarification regarding this RFP shall be submitted to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov by no later than the deadline set forth in the Solicitation Timetable (Section 1.4). All correspondence shall refer to the appropriate RFP number, page [REDACTED] will be without legal effect. Only answers to questions issued by a formal written addendum shall be binding on HART.

3.2 Rules of Contact and Communications

Offerors may not contact HART officials, Board members, employees or representatives concerning this RFP while the solicitation process is in progress, except as expressly required or permitted by this Instructions to Offerors ("ITO"), the RFP documents, or other instructions from HART. The solicitation process begins when the RFP is issued

other instructions from HART. The solicitation process begins when the RFP is issued and will be completed with the award of the Contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification. In the case of a multi-award contract, the solicitation process begins when the RFP is issued and will be completed with the award of the last contract.

4.0 PROCUREMENT PROCESS

4.1 Addenda

HART will issue responses to inquiries, additional background information, and any other corrections or modifications it deems necessary, via written addenda, on or before the Final Addendum Date. Addenda will be incorporated as part of the RFP. Oral interpretations, clarifications, changes, or substitutions will be without legal effect. Only interpretations, clarifications, changes, or approved substitutions provided by a formal written addendum to the solicitation shall be binding.

4.2 Modification or Withdrawal of Proposals

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07. Any proposal received by HART after the exact time of the Proposal Due Date will not be accepted, will not be considered for award, and shall be returned to the Offeror unopened at the time of late submission or as soon as practicable.

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract awards, proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Confidential Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. To the extent permitted by law, all records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract awards have been posted by HART in accordance with HAR §3-122-9.01 and §3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Discussions with Offerors

If discussions with Offerors are required to make a selection, the discussions will be conducted in accordance with HAR §3-122-53. Pursuant to HAR §3-122-53, a priority list will be established consisting of up to three Offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked proposals.

4.7 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.8 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.9 Basis of Award

The basis of award(s) will be the “best value” in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.10 Verification of Responsibility of Offeror

The successful Offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers’ compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereinafter referred to as a “Hawaii business”; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a “compliant non-Hawaii business.”

Offerors may choose to use the Hawaii Compliance Express (“HCE”), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the certificate issuance date. The “Certificate of Vendor Compliance,” indicating that the Offeror’s status is compliant with the requirements of HRS §103D-310(c), will be accepted for both contracting purposes and final payment. Offerors that elect to use the HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC (“HIC”). Offerors choosing not to

participate in the HCE program will be required to provide the paper certificates as specified above.

4.11 Suspension and Debarment

In accordance with 2 CFR §1200, the Offeror is required to verify that none of its principals, as defined in 2 CFR §180.995, or affiliates, as defined in 2 CFR §180.905, are excluded or disqualified as defined in 2 CFR §§180.935 and 180.945. The Offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the Offeror certifies to these requirements.

4.12 Execution of Contract

Subsequent to contract award(s), HART will present the contract to the successful Offeror(s) for execution. The successful Offeror(s) shall return the signed contract within ten (10) calendar days from the date upon which the contract was presented for signature by HART, or within such time as HART may otherwise allow.

The successful Offeror(s) shall provide evidence of the required insurance coverages when returning the signed contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing contract file, **except those portions the Offeror has designated in writing to be confidential as trade secrets or other proprietary data**, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an Offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform a non-selected Offeror of the basis for the source selection decision and contract award. Pursuant to HAR §3-122-60, a written request for a debriefing shall be made within three (3) working days after the posting of the award of the contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected Offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Services

Services shall not commence until: (a) the contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; and (c) a Notice to Proceed has been issued.

4.18 Conflict of Interest and Non-Disclosure Requirements

The Offeror shall disclose and provide what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and whether it can be minimized.

A Contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

Offerors are required to submit Exhibit 11, Certification Regarding Conflict of Interest.

Offerors are required to disclose if they are currently representing any departments, agencies, or other entities of the State of Hawaii, City and County of Honolulu, and/or any other city or county of Hawaii. Offerors are required to state whether that representation is an actual and/or potential conflict and whether the named party or HART would have to waive the conflict in order for the Offeror to perform this Contract. For actual or potential conflicts the Offeror shall also provide a detailed plan describing how the Offeror, alone, will mitigate the conflict. HART reserves the right to:

1. Reject any proposal that presents an actual or potential conflict of interest;
2. Accept or reject any request for conflict waiver;
3. Accept or reject any proposed conflict mitigation plan; and
4. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

It is a requirement of HART that Offeror organizations identified, including specialized subcontractors, remain intact for the duration of the procurement process, up to and including the execution of the resulting contract, unless otherwise approved in writing by HART.

The selected attorney/firm(s) acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s) requires filing any form of litigation against HART, without HART's consent in writing

and pursuant to Hawaii Rules of Professional Conduct. HART will evaluate any such conflict of interest on a case by case basis and may consent to representation by an attorney/firm where HART's interests will not be adversely affected.

Non-Disclosure: The Offeror may be given access to confidential records, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all Offerors to examine the entire RFP, to seek clarification of any requirement that may not be clear, and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

Proposals must be submitted to HART by no later than the date and time as specified in the Solicitation Timetable (Section 1.4).

Offerors are to submit their proposal electronically.

Electronic proposal submissions must be sent to the email address indicated below and include the RFP number and the words "Proposal Submission" in the subject line.

Late submittals will not be accepted. It is the responsibility of the Offeror to ensure that its proposal is delivered by the Proposal Due Date.

5.4 Submittal Location

Original Proposals shall be delivered to the following address:

RFP-HRT-2100929
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Offerors shall submit proposals electronically via the transit mailbox at the email address indicated below. Electronic proposals shall be submitted solely to the following email address: transitmailbox@honolulu.gov. Submittals by facsimiles will not be accepted.

5.5 Format and Quantities

See Exhibit 2 for Proposal format. Proposal should not exceed 50 pages. Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2" x 11" paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered. Exhibits and firm brochures do not count toward the 50-page limit.

Offerors submitting an electronic proposal shall submit (1) an unredacted electronic copy, (2) a redacted electronic copy, and (3) the price proposal in a separate file. Offerors shall mail, via postal, the hardcopy original signed Cover Letter, signed evidence of authority to bind the firm, and signed Exhibits to the address indicated in Section 5.4 no later than five days from the Proposal Due Date

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described in Section 6 below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

Proposals will be evaluated in accordance with the evaluation criteria described through Sections 6.1-6.6 of this ITO. Each section of the proposal has a maximum number of points allocated, as stated below, totaling 100 points.

6.1 Cover Letter and Proposal Form (0 points)

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all known subcontractors. Offeror must clearly indicate the firm who will be signing the Contract with HART, if selected. The Offeror should discuss its capability to meet the requirements of the Contract. Identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3, Exhibit 4, and Exhibit 5 to the Proposal Letter.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) Requirements and information to be provided in Section 1 of the Proposal:
 - i. Submit Offeror's Organization Information as identified on Exhibit 6;
 - ii. If a Partnership or Corporation, submit Exhibit 7;
 - iii. Submit Offeror's certification on Exhibit 8 for the Offeror covering the last five (5) years; and
 - iv. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11) including mitigation plan(s)

for conflicts identified, Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

v. Exhibits required in Section 1 are Exhibits 6, 7, 8, 10, 11, 12, and 13.

b) If a Joint Venture, Limited Liability Company, or Partnership:

- i. Identity of the lead entity, if any;
- ii. Indicate the equity share percentage held by each member;
- iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
- iv. Identify full details of the organization structure in Appendix A to the Proposal.

c) Requirements and information to be provided in Appendix A to the Proposal:

- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's representative to sign for that Offeror;
- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

d) While Exhibit 11, Certification Regarding Conflict of Interest is to be submitted in this Section, HART reserves the right to:

- i. Reject any proposal that presents an actual or potential conflict of interest;
 - ii. Accept or reject any request for conflict waiver;
 - iii. Accept or reject any proposed conflict mitigation plan; and
- Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

6.3 Experience of the Offeror (Section 2) (45 Points)

a) The objective of this section is:

- i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and

expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

- ii. To identify Offerors with the following:
 - A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;
 - B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
 - C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.
- iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

- i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.
- ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
- iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
- iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references.
- v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

6.4 Approach and Understanding Relative to Scope of Services (Section 3) (30 Points)

- a) The objective of this section is:
 - i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
 - ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.
- b) Requirements and information to be provided in Section 3 of the Proposal:
 - i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
 - iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

6.5 Price Proposal (Section 4) (20 points)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.

- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. Copies of each Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
 - i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

7.0 INSURANCE

The Contractor shall obtain and maintain insurance in the amounts and types specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an Offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

HART established a DBE program in accordance with the regulations of the U.S. Department of Transportation ("USDOT"), Title 49, Code of Federal Regulations, Part 26 (49 C.F.R. Part 26). HART has received federal financial assistance from USDOT, and as a condition of receiving this assistance, HART signed an Assurance with the USDOT that it will comply with 49 C.F.R. Part 26.

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements will be a material breach of the Contract, which may result in termination of the Contract or such other remedy, as HART deems appropriate.

HART has established an overall DBE Project goal of 13.00% for the duration of this Project. A separate Contract Goal has not been established for this Contract. DBE firms and small businesses shall have an equal opportunity to participate in the Contract.

The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Appendix C, Section 1.6 of the Federal Requirements. Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

11.0 ATTACHMENTS

Exhibits:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt
- Exhibit 4 - Proposal Form
- Exhibit 5 - Bidders Registration Form
- Exhibit 6 - Offeror's Organization Information
- Exhibit 7 - Partnerships and Corporations Information
- Exhibit 8 - Offeror Certification
- Exhibit 10 - Certification re Lobbying
- Exhibit 11 - Certification re Conflict of Interest
- Exhibit 12 - Certificate Regarding Ineligible Contractors
- Exhibit 13 - Certificate Regarding Ineligible Subcontractor
- Exhibit 17 - Experience
- Exhibit 18 - Past Performance
- Exhibit 19 - Subcontractor Information
- Exhibit 21 - Key Personnel Information
- Exhibit 22 - Price Proposal
- Exhibit 23 - Certificate of Current Cost or Pricing Data
- Exhibit 24 - Non-Collusion Affidavit

Sample Agreement:

- Sample Agreement
- Special Provisions
 - Appendix A – Scope of Work
 - Appendix B – Schedule of Payments
 - Appendix C – Federal Requirements

Appendix C - Attachment A -Attachm 1.6 (a)
Appendix C - Attachment A -Attachm 1.6 (b)
Appendix C - Attachment A -Attachm 1.6 (c)
HART General Conditions for Professional Services (v.03/2017)

**HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
CITY AND COUNTY OF HONOLULU**

**Federal Government Liaison
RFP-HRT-2100929
&
HART Board Consultant
RFP-HRT-2100933**

Evaluation Committee Meeting #1 Agenda

**April 6, 2021, 2:00pm (HST)
17th Floor Large Conference Room**

1. Open and introductions
2. Proposals (distributed electronically)
3. Instructions to Offerors (ITO), Section 6.0, Proposal Requirements, Evaluation Criteria and Evaluation Points (page 9 of 14 footer or page 11 of the PDF)
4. Discuss Due Diligence
5. DO NOT SCORE PRICE!
6. Scoresheet (deadline: _____)
7. Q&A
8. Closing

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**FEDERAL GOVERNMENT LIAISON
PROFESSIONAL SERVICE CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-2100929

FEBRUARY 26, 2021

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

transitmailbox@honolulu.gov

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
FEDERAL GOVERNMENT LIAISON
PROFESSIONAL SERVICE CONTRACT
RFP-HRT-2100929**

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Proposals shall be submitted electronically no later than **2:00 p.m., Hawaii Standard Time (HST) on April 1, 2021**, to the Honolulu Authority for Rapid Transportation via email at transitmailbox@honolulu.gov. Hard copy originals must be provided no later than 5 days after the Proposal Due Date.

Because the Honolulu Rail Transit Project ("HRTTP") is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration ("FTA") requirements.



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation (“HART”) is a semi-autonomous agency of the City and County of Honolulu (“City”), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 (“RCH”) to develop, operate, and maintain the Honolulu Rail Transit Project (“HRTTP”).

This Request for Proposals (“RFP”) is issued by HART to identify Persons qualified to submit competitive sealed proposals for the Federal Government Liaison Services Contract. “Persons” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O’ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko’olau and Wai’anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement (“FEIS”) as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel-on-steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center (“ROC”), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision (“ROD”) were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutrainsit.org>.

1.2 Federal Government Liaison Services Description

The selected Offeror (or “Contractor”) will provide Federal Government Liaison services in Washington D.C. The selected Offeror will serve as HART’s liaison in Washington D.C. with Hawaii’s Congressional Delegation and appropriate Federal agencies. The selected Offeror will provide coordination, counsel, and information to HART and will advise and represent HART with respect to federal transportation policy, legislation, regulation, and federal funding opportunities. The scope of services for this Contract is attached hereto in the Special Provisions, Appendix A Scope of Services.

1.3 Reserved

1.4 Solicitation Timetable

The following is the solicitation timetable for this RFP:

ACTIVITY	DATE
Issue RFP	February 26, 2021
Deadline for Clarification Requests	March 12, 2021
Issue Final Addendum	March 23, 2021
Proposal Due Date	April 1, 2021 at 2:00 p.m. HST
Award of Contract (Tentative)	April 30, 2021

Any changes to the dates in the above timetable will be made by HART by written addendum.

2.0 TERM OF THE CONTRACT

The term of any Contract awarded pursuant to this solicitation will be for five (5) months, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options.

The Contract will be a multi-term contract subject to the availability of funds in accordance with HAR §3-122-149.

Contract funds are available for only the initial term of the contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. HART shall notify the Consultant, on a timely basis, if funds are not available for the continuation of the contract for each succeeding fiscal period. If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the Consultant shall be reimbursed in accordance with the contract documents.

3.0 COMMUNICATIONS

3.1 Inquiries and Requests for Clarification

All inquiries and requests for clarification regarding this RFP shall be submitted to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov by no later than the deadline set forth in the Solicitation Timetable (Section 1.4). All correspondence shall refer to the appropriate RFP number, page number, and section number. See Exhibit 1. Oral interpretations or clarifications will be without legal effect. Only answers to questions issued by a formal written addendum shall be binding on HART.

3.2 Rules of Contact and Communications

Offerors may not contact HART officials, Board members, employees or representatives concerning this RFP while the solicitation process is in progress, except as expressly required or permitted by this Instructions to Offerors ("ITO"), the RFP documents, or

other instructions from HART. The solicitation process begins when the RFP is issued and will be completed with the award of the Contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification. In the case of a multi-award contract, the solicitation process begins when the RFP is issued and will be completed with the award of the last contract.

4.0 PROCUREMENT PROCESS

4.1 Addenda

HART will issue responses to inquiries, additional background information, and any other corrections or modifications it deems necessary, via written addenda, on or before the Final Addendum Date. Addenda will be incorporated as part of the RFP. Oral interpretations, clarifications, changes, or substitutions will be without legal effect. Only interpretations, clarifications, changes, or approved substitutions provided by a formal written addendum to the solicitation shall be binding.

4.2 Modification or Withdrawal of Proposals

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07. Any proposal received by HART after the exact time of the Proposal Due Date will not be accepted, will not be considered for award, and shall be returned to the Offeror unopened at the time of late submission or as soon as practicable.

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract awards, proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Confidential Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. To the extent permitted by law, all records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract awards have been posted by HART in accordance with HAR §3-122-9.01 and §3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Discussions with Offerors

If discussions with Offerors are required to make a selection, the discussions will be conducted in accordance with HAR §3-122-53. Pursuant to HAR §3-122-53, a priority list will be established consisting of up to three Offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked proposals.

4.7 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.8 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.9 Basis of Award

The basis of award(s) will be the “best value” in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.10 Verification of Responsibility of Offeror

The successful Offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers’ compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereinafter referred to as a “Hawaii business”; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a “compliant non-Hawaii business.”

Offerors may choose to use the Hawaii Compliance Express (“HCE”), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the certificate issuance date. The “Certificate of Vendor Compliance,” indicating that the Offeror’s status is compliant with the requirements of HRS §103D-310(c), will be accepted for both contracting purposes and final payment. Offerors that elect to use the HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC (“HIC”). Offerors choosing not to

participate in the HCE program will be required to provide the paper certificates as specified above.

4.11 Suspension and Debarment

In accordance with 2 CFR §1200, the Offeror is required to verify that none of its principals, as defined in 2 CFR §180.995, or affiliates, as defined in 2 CFR §180.905, are excluded or disqualified as defined in 2 CFR §§180.935 and 180.945. The Offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the Offeror certifies to these requirements.

4.12 Execution of Contract

Subsequent to contract award(s), HART will present the contract to the successful Offeror(s) for execution. The successful Offeror(s) shall return the signed contract within ten (10) calendar days from the date upon which the contract was presented for signature by HART, or within such time as HART may otherwise allow.

The successful Offeror(s) shall provide evidence of the required insurance coverages when returning the signed contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing contract file, except those portions the Offeror has designated in writing to be confidential as trade secrets or other proprietary data, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an Offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform a non-selected Offeror of the basis for the source selection decision and contract award. Pursuant to HAR §3-122-60, a written request for a debriefing shall be made within three (3) working days after the posting of the award of the contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected Offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Services

Services shall not commence until: (a) the contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; and (c) a Notice to Proceed has been issued.

4.18 Conflict of Interest and Non-Disclosure Requirements

The Offeror shall disclose and provide what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and whether it can be minimized.

A Contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

Offerors are required to submit Exhibit 11, Certification Regarding Conflict of Interest.

Offerors are required to disclose if they are currently representing any departments, agencies, or other entities of the State of Hawaii, City and County of Honolulu, and/or any other city or county of Hawaii. Offerors are required to state whether that representation is an actual and/or potential conflict and whether the named party or HART would have to waive the conflict in order for the Offeror to perform this Contract. For actual or potential conflicts the Offeror shall also provide a detailed plan describing how the Offeror, alone, will mitigate the conflict. HART reserves the right to:

1. Reject any proposal that presents an actual or potential conflict of interest;
2. Accept or reject any request for conflict waiver;
3. Accept or reject any proposed conflict mitigation plan; and
4. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

It is a requirement of HART that Offeror organizations identified, including specialized subcontractors, remain intact for the duration of the procurement process, up to and including the execution of the resulting contract, unless otherwise approved in writing by HART.

The selected attorney/firm(s) acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s)

requires filing any form of litigation against HART, without HART's consent in writing and pursuant to Hawaii Rules of Professional Conduct. HART will evaluate any such conflict of interest on a case by case basis and may consent to representation by an attorney/firm where HART's interests will not be adversely affected.

Non-Disclosure: The Offeror may be given access to confidential records, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all Offerors to examine the entire RFP, to seek clarification of any requirement that may not be clear, and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

Proposals must be submitted to HART by no later than the date and time as specified in the Solicitation Timetable (Section 1.4).

Offerors are to submit their proposal electronically.

Electronic proposal submissions must be sent to the email address indicated below and include the RFP number and the words "Proposal Submission" in the subject line.

Late submittals will not be accepted. It is the responsibility of the Offeror to ensure that its proposal is delivered by the Proposal Due Date.

5.4 Submittal Location

Original Proposals shall be delivered to the following address:

RFP-HRT-2100929
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Offerors shall submit proposals electronically via the transit mailbox at the email address indicated below. Electronic proposals shall be submitted solely to the following email address: transitmailbox@honolulu.gov. Submittals by facsimiles will not be accepted.

5.5 Format and Quantities

See Exhibit 2 for Proposal format. Proposal should not exceed 50 pages. Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2" x 11" paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered. Exhibits and firm brochures do not count toward the 50-page limit.

Offerors submitting an electronic proposal shall submit (1) an unredacted electronic copy, (2) a redacted electronic copy, and (3) the price proposal in a separate file. Offerors shall mail, via postal, the hardcopy original signed Cover Letter, signed evidence of authority to bind the firm, and signed Exhibits to the address indicated in Section 5.4 no later than five days from the Proposal Due Date.

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described in Section 6 below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

Proposals will be evaluated in accordance with the evaluation criteria described through Sections 6.1-6.6 of this ITO. Each section of the proposal has a maximum number of points allocated, as stated below, totaling 100 points.

6.1 Cover Letter and Proposal Form (0 points)

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all known subcontractors. Offeror must clearly indicate the firm who will be signing the Contract with HART, if selected. The Offeror should discuss its capability to meet the requirements of the Contract. Identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3, Exhibit 4, and Exhibit 5 to the Proposal Letter.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) Requirements and information to be provided in Section 1 of the Proposal:
 - i. Submit Offeror's Organization Information as identified on Exhibit 6;
 - ii. If a Partnership or Corporation, submit Exhibit 7;
 - iii. Submit Offeror's certification on Exhibit 8 for the Offeror covering the last five (5) years; and
 - iv. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11) including mitigation plan(s) for conflicts identified, Certificate Regarding Ineligible Contractors

(Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

v. Exhibits required in Section 1 are Exhibits 6, 7, 8, 10, 11, 12, and 13.

b) If a Joint Venture, Limited Liability Company, or Partnership:

- i. Identity of the lead entity, if any;
- ii. Indicate the equity share percentage held by each member;
- iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
- iv. Identify full details of the organization structure in Appendix A to the Proposal.

c) Requirements and information to be provided in Appendix A to the Proposal:

- i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's representative to sign for that Offeror;
- ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- iii. Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

d) While Exhibit 11, Certification Regarding Conflict of Interest is to be submitted in this Section, HART reserves the right to:

- i. Reject any proposal that presents an actual or potential conflict of interest;
- ii. Accept or reject any request for conflict waiver;
- iii. Accept or reject any proposed conflict mitigation plan; and
- iv. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

6.3 Experience of the Offeror (Section 2) (45 Points)

a) The objective of this section is:

- i. To identify Offerors with experience on projects similar in nature to providing Federal Government Liaison services on HART's behalf in Washington DC with Hawaii's Congressional Delegation and Federal Agencies, with demonstrated experience and expertise in, capacity for,

and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

- ii. To identify Offerors with the following:
 - A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to federal transportation policy, legislation, regulation, and federal funding opportunities;
 - B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
 - C) Experience with Federal Government initiatives, changes to legislation, guidance, rulemaking, and other federal actions regarding federal transportation policy, federal legislation, federal transportation policy and federal funding processes.
 - iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this Federal Government Liaison RFP.
- b) Requirements and information to be provided in Section 2 of the Proposal:
- i. **Experience:** Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the Federal Government Liaison Contract.
 - ii. **Past Performances:** Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
 - iii. **Subcontractor Information:** If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
 - iv. **Key Personnel:** Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references.
 - v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

6.4 Approach and Understanding Relative to Scope of Services (Section 3) (30 Points)

- a) The objective of this section is:
 - i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, and Hawaii's Congressional Delegation.
 - ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated federal actions that could have an impact on HART.
- b) Requirements and information to be provided in Section 3 of the Proposal:
 - i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
 - iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

6.5 Price Proposal (Section 4) (20 points)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.

- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
 - i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

7.0 INSURANCE

The Contractor shall obtain and maintain insurance in the amounts and types specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an Offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

HART established a DBE program in accordance with the regulations of the U.S. Department of Transportation ("USDOT"), Title 49, Code of Federal Regulations, Part 26 (49 C.F.R. Part 26). HART has received federal financial assistance from USDOT, and as a condition of receiving this assistance, HART signed an Assurance with the USDOT that it will comply with 49 C.F.R. Part 26.

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements will be a material breach of the Contract, which may result in termination of the Contract or such other remedy, as HART deems appropriate.

HART has established an overall DBE Project goal of 13.00% for the duration of this Project. A separate Contract Goal has not been established for this Contract. DBE firms and small businesses shall have an equal opportunity to participate in the Contract.

The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Appendix C, Section 1.6 of the Federal Requirements. Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

11.0 ATTACHMENTS

Exhibits:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt
- Exhibit 4 - Proposal Form
- Exhibit 5 - Bidders Registration Form
- Exhibit 6 - Offeror's Organization Information
- Exhibit 7 - Partnerships and Corporations Information
- Exhibit 8 - Offeror Certification
- Exhibit 10 - Certification re Lobbying
- Exhibit 11 - Certification re Conflict of Interest
- Exhibit 12 - Certificate Regarding Ineligible Contractors
- Exhibit 13 - Certificate Regarding Ineligible Subcontractor
- Exhibit 17 - Experience
- Exhibit 18 - Past Performance
- Exhibit 19 - Subcontractor Information
- Exhibit 21 - Key Personnel Information
- Exhibit 22 - Price Proposal
- Exhibit 23 - Certificate of Current Cost or Pricing Data
- Exhibit 24 - Non-Collusion Affidavit

Sample Agreement:

Contract Form

- i. Special Provisions
- ii. Appendix A – Scope of Work
- iii. Appendix B – Schedule of Payments
- iv. Appendix C – Federal Requirements
 - a. Attachment A – 1.6a DBE Participation Report
 - b. Attachment A – 1.6b Final Report of DBE Participation
 - c. Attachment A – 1.6c HART Disadvantage Business Program v9/2019
- v. General Conditions for Professional Services v03/2017

**Honolulu Authority for Rapid Transportation
Federal Government Liaison
Request for Proposals No. RFP-HRT-2100929**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

Evaluation Criteria (Section 6.0)

6.1 Cover Letter and Proposal Form

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall discuss its capability to meet the requirements of the Contract specifically with respect to cash and working capital. The Offeror shall identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter.

Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 5.

Evaluator Comments	Assigned Score 0 points max)

6.2 Organization Eligibility (Section 1)

a) Requirements and information to be provided in Section 1 of the Proposal are:

- i. Submit Offeror's Organization Information as identified on Exhibit 6;
- ii. If a Partnership or Corporation, submit Exhibit 7;
- iii. If a Joint Venture, Limited Liability Company, or Partnership:
 - a. Identity of the lead entity, if any;
 - b. Indicate the equity share percentage held by each member;
 - c. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; &
 - d. Identify full details of the organization structure in Appendix A to the proposal.
- iv. Submit Offeror's Certification on Exhibit 8 for the Offeror covering the last five (5) years; and
- v. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11), Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

b) Requirements and information to be provided in Appendix A to the Proposal:

- i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Principal Participant's representative to sign for that Principal Participant;
- ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- iii. Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

Exhibits required in Section 1 are: Exhibits 6, 7, 8, 10, 11, 12, and 13.

Evaluator Comments	Assigned Score (5 points max)

**Honolulu Authority for Rapid Transportation
Federal Government Liaison
Request for Proposals No. RFP-HRT-2100929**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.3 Experience of the Offeror (Section 2)

a) The objective of this section is:

i. To identify Offerors with experience on projects similar in nature to providing Federal Government Liaison services on HART's behalf in Washington DC with Hawaii's Congressional Delegation and Federal Agencies, with demonstrated experience and expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

ii. To identify Offerors with the following:

A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to federal transportation policy, legislation, regulation, and federal funding opportunities;

B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and

C) Experience with Federal Government initiatives, changes to legislation, guidance, rulemaking, and other federal actions regarding federal transportation policy, federal legislation, federal transportation policy and federal funding processes.

iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this Federal Government Liaison RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the Federal Government Liaison Contract.

ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.

iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.

iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:

1) a resume; and

2) two references.

v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

Evaluator Comments	Assigned Score (45 points max)

**Honolulu Authority for Rapid Transportation
Federal Government Liaison
Request for Proposals No. RFP-HRT-2100929**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.4 Approach and Understanding Relative to Scope of Services (Section 3)

a) The objective of this section is:

i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, and Hawaii's Congressional Delegation.

ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated federal actions that could have an impact on HART.

b) Requirements and information to be provided in Section 3 of the Proposal:

i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;

ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;

iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

Evaluator Comments	Assigned Score (30 points max)

**Honolulu Authority for Rapid Transportation
Federal Government Liaison
Request for Proposals No. RFP-HRT-2100929**

Evaluation Committee Sheet

Offeror: _____

Date: _____

Evaluator: _____

6.5 Price Proposal (Section 4)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.
- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
- i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

Evaluator Comments	Assigned Score (20 points max)

Total Score (100 points max) 0

Signature: _____

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 1

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU RAIL TRANSIT PROJECT
FEDERAL GOVERNMENT LIAISON CONTRACT

REQUEST FOR PROPOSALS NO. RFP-HRT-2100929

ISSUED: MAR 22 2021

NOTICE TO ALL PROSPECTIVE OFFERORS:

This Addendum is hereby made a part of the Request for Proposals RFP-HRT-2100929 ("RFP") for the Honolulu Rail Transit Project (HRTTP), Federal Government Liaison Contract, and it shall amend the said RFP in the following respects:

ITEM NO. 1 – REQUEST FOR PROPOSALS ("RFP") INSTRUCTIONS TO OFFERORS ("ITO")

1. RFP ITO Section 2 Term of the Contract is hereby amended by deleting the first paragraph and replacing it with the following [change marked in red text]:

"The term of any Contract awarded pursuant to this solicitation will be for **One (1) Year and 6 months**, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options."
2. RFP ITO, Section 11 Attachments, Exhibit 3 – Acknowledgement of Receipt is here by deleted in its entirety and replaced with the following:

Exhibit 3 – Acknowledgement of Receipt rev.1
3. RFP ITO, Section 11 Attachments, Exhibit 18 – Past Performance is here by deleted in its entirety and replaced with the following:

Exhibit 18 – Past Performance rev.1

4. RFP ITO, Section 11 Attachments, Exhibit 22 – Price Proposal is hereby deleted in its entirety and replaced with the following:

Exhibit 22 – Price Proposal rev.1

5. RFP ITO, Section 11 Attachments, Contract Form rev.1 is hereby deleted in its entirety and replaced with the following:

Contract Form rev.1

6. RFP ITO, Section 11 Attachments, Appendix B – Schedule of Payments is hereby deleted in its entirety and replaced with the following:

Appendix B – Schedule of Payments rev.1

ITEM NO. 3 – QUESTIONS AND RESPONSES

The following questions were timely received in the Transit Mailbox. The responses provided by the Honolulu Authority for Rapid Transportation (HART) are as follows and are herein incorporated as part of the RFB:

Question #1:

Exhibit 3 requires an offeror to acknowledge that "We hereby acknowledge receipt of the Honolulu Rail Transit Project, Federal Government Liaison, RFP-HRT-2100929, dated June 20, 2021, and subsequent Addenda and responses to questions issued by HART." (Emphasis added)

We believe that the date should be February 26, 2021. Can we just change the date in the Exhibit, or will a revised exhibit be issued?

Response #1:

Please see the attached Exhibit 3 rev.1.

Question #2:

Exhibit 7 requires certain information from partnerships and corporations. [Our firm] is a PLLC (professional limited liability company). Is the same information requested on Exhibit 7 for corporations required for PLLC's?

Response #2:

Yes, provide information requested in Exhibit 7 for PLLC's.

Question #3:

Exhibit 7 asks at question 5: Has the corporation done business in the State of Hawai'i? [Our firm] has had clients located in the State of Hawai'i, but all of our services – as also anticipated in this RFP – have been performed in Washington DC. Given this circumstance,

would the appropriate answer be yes or no? We are questioning how to interpret the adverb "in."

Response #3:

Services rendered to clients located in the State of Hawaii would be considered doing business in Hawaii.

Question #4:

Exhibit 18 – Past Performance links to Exhibit 19 – Subcontractor Information. There is no Exhibit 18 or a link to any Exhibit addressing Past Performance. Will a correct Exhibit to Past Performance be issued?

Response #4:

Please see the attached Exhibit 18 rev.1.

Question #5:

Sec. 6.5, page 12 of 14, Price Proposal

Should the Price Proposal (Section 4) be submitted as a separate, discrete document in the digital proposal? Or may it just be incorporated within the single digital proposal?

A related question with respect to the hard copy submission. Should the Price Proposal (Section 4) be submitted in a separate, sealed envelope that is readily identified as "Price Proposal - Section 4" with the associated exhibits required in Section 6.5 included in that envelope? Thank you.

Response #5:

Please provide a separate electronic file for your electronic Price Proposal. Hard copy Price Proposals shall also be in a separate envelope.

Question #6:

9.0 Disadvantaged Business Enterprise Contract Goal

Is the DBE requirement 13% for this proposal? Do we need to provide information about our DBE partner upon submittal under Exhibit 19 Subcontractor information?

Response #6:

The 13% DBE requirement is a project-wide goal. If you have identified a DBE partner you can list them on Exhibit 19.

Question #7:

9.0 Disadvantaged Business Enterprise Contract Goal

If we are unable to partner with a DBE, how do we certify good faith efforts?

Response #7:

Documentation of any attempts to incorporate DBE into your team would certify your good faith effort.

Question #8:

Exhibit 18 is identical as Exhibit 19. Where can we find Exhibit 18, Past Performance?

Response #8:

See Question and Response #4.

Question #9:

05c-Appendix C-Attachment A-Attachment 1.6 (c) Honolulu Authority for Rapid Transportation Disadvantage Business Program

On page 34 there is a heading "Attachment F" but nothing follows. Can you please provide us with a copy of Attachment F?

Response #9:

Attachment F – HART DBE Commercially Useful Function (CUF) Project Site Review Report starts on Page 31 of 34 and ends on Page 34 of 34.

APPROVED:



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

Honolulu Rail Transit Project

EXHIBIT 18 rev.1

PAST PERFORMANCE

Awards, Citations and/or Commendations

Firm Name	Name of Award, etc.	Year Received	Project and Location	Work for Which Award, etc. Received

Contract Claims, Dispute Proceedings, Litigation and Arbitration

Firm Name	Project/Issue	Owner/Agency Initiated Action	Resolution/Outcome	Indicate if Unresolved or Pending Action	Current Owner Contact Name, Phone and Fax Nos.

Termination for Cause or Default

Firm Name	Project	Describe Reason for Termination	Dollar Amount Involved	Current Owner Contact Name, Phone and Fax Nos.

Disciplinary Action, Fines and/or Penalties

Firm Name	Project	Describe Action Taken	Current Owner Contact Name, Phone and Fax Nos.

**EXHIBIT 22 rev.1
PRICE PROPOSAL**

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1						
Month 2						
Month 3						
Month 4						
Month 5						
Month 6						
Month 7						
Month 8						
Month 9						
Month 10						
Month 11						
Month 12						
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Cells highlighted in light green are priced options.

The payments shall be inclusive of all costs including but not limited to: labor, materials, profit, overhead, general and administrative expenses, other direct costs, subcontractor costs, applicable taxes and insurance. Reimbursable expenses and allowance for extra work is not applicable to this Contract.

CONTRACT PRICING

AMOUNT

TOTAL BASE CONTRACT PRICE (1 year and 6 months):

\$ -

TOTAL AGGREGATE OPTION YEARS:

\$ -

TOTAL EVALUATED PRICE:

\$ -

Honolulu Authority for Rapid Transportation

**FEDERAL GOVERNMENT LIAISON
PROFESSIONAL SERVICES
CONTRACT No. SC-HRT-XXXXXXX**

This Contract for Professional Services ("Contract" or "Agreement") is entered into and effective _____ ("Effective Date") by and between the HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ("HART"), a semi-autonomous agency of the City and County of Honolulu (the "City"), whose principal place of business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and _____ (the "CONTRACTOR"), whose principal place of business and mailing address is _____, collectively referred to herein as the "Parties," and individually as a "Party," all as governed by the context in which such words are used.

WITNESSETH THAT:

WHEREAS, HART desires to engage the CONTRACTOR to provide government liaison services in support of the Honolulu Rail Transit Project (H RTP);

WHEREAS, the CONTRACTOR was selected pursuant to Hawaii Revised Statutes ("HRS") Section 103D-303, as amended, and related Hawaii Administrative Rules ("HAR"), relating to competitive sealed proposals, under RFP-HRT-2100929 dated February 26, 2021;

WHEREAS, federal funding is involved in this project and, as such, the CONTRACTOR is required to comply with all applicable federal laws, rules and regulations, including but not limited to those of the United States Department of Transportation, Federal Transit Administration;

WHEREAS, the CONTRACTOR is qualified, able, and willing to render the required services on the terms, conditions, and compensation hereinafter fully set forth; and

NOW, THEREFORE, HART and the CONTRACTOR, in consideration of the foregoing and of the mutual promises hereinafter set forth, and intending to be legally bound, hereby mutually agree as follows:

1. Services. The CONTRACTOR shall, in a professional, proper, and satisfactory manner as determined by HART, furnish all services, labor, materials, and equipment, reasonably necessary for the successful performance and completion of the Scope of Services (the "Services") as set forth in the Contract Documents.

2. Contract Documents. The CONTRACTOR shall provide all services, including labor, materials, and equipment, to complete the Work required in accordance with the Contract Documents and any Notices to Proceed issued under this Contract. The following documents comprise the "Contract Documents," which are listed in the order of precedence, and are also referred to as the "Contract" or "Agreement":

- This Contract Form and any amendments thereto;
- Special Provisions and any exhibits, attachments, appendices or required submittals thereto;
- HART's General Terms and Conditions for Professional Services (v.03/2017) ("GC" or "General Conditions");
- The Request for Proposals and any addenda thereto; and
- The CONTRACTOR's proposal and required submissions.

The Contract Documents above are listed in order of controlling preference starting with the Contract Form and then descending in preference. Any modifications, changes or amendments to the Contract Documents shall be incorporated and made part of this Contract.

3. Notice to Proceed. The CONTRACTOR shall not commence any Work until HART issues a written Notice to Proceed ("NTP"). Any Work undertaken by the CONTRACTOR prior to issuance of the NTP shall be the sole responsibility of and undertaken at the sole risk of the CONTRACTOR, without any obligation on HART's behalf.

4. Term. The term of this Contract shall be one (1) year and six (6) months from issuance of the written NTP, with options to extend up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options.

5. Contract Type and Contract Cost. This is a fixed price contract, and subject to the provisions of this paragraph and in accordance with Section 8 of the General Terms and Conditions, HART agrees to pay the CONTRACTOR, for the satisfactory performance and completion of the Work, the payments in accordance with the Schedule of Payments, all as set forth in the Special Provisions Attachments, Appendix B. This is also a multi-term contract, and is subject to the appropriation and availability of funds in each fiscal period as set forth in HAR §3-122-149. This aggregate amount of the lump sum payments shall not exceed _____ DOLLARS (\$ _____). The lump sum payments for services and the Work performed under this Contract are all inclusive of, direct labor, overhead, general and administrative expenses, other direct costs, subcontractor costs, profit, and all applicable taxes, including the State of Hawaii's general excise and use tax ("GET") and the City and County of Honolulu's one-half percent (0.5%) GET surcharge. The CONTRACTOR shall not be entitled to any additional compensation under this Contract due to future increases in tax.

Reimbursable expenses and allowance for extra work is not applicable to this Contract.

6. Cost and Pricing Data. The CONTRACTOR hereby certifies that, to the best of its knowledge and belief, cost or pricing data, as defined in HAR § 3-122-122 and submitted pursuant to HAR § 3-122-125, is accurate, complete, and current as of the Effective Date. This certification includes any cost or pricing data which is part of the proposal.

7. Notices. Any notice required or permitted hereunder to be given shall be written and shall either be delivered personally or mailed by certified mail to the address and person

designated by each Party below. Any change of address or designated recipient person of either of the Parties shall be effective upon receipt of written notice of such change by the other Party.

Notices to HART shall be sent to HART's Executive Director and CEO as follows:

Lori M. K. Kahikina, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation
1099 Alakea Street Suite 1700
Honolulu, Hawaii 96813

Notices to the CONTRACTOR shall be sent to:

8. This Contract cannot be modified except by a written instrument signed by all Parties.

IN WITNESS WHEREOF, HART and the CONTRACTOR have executed this Contract by their duly authorized officers or agents effective on the day and year first above written.

HONOLULU AUTHORITY FOR
RAPID TRANSPORTATION

[CONTRACTOR NAME]

By: _____
Interim Executive Director and CEO

By: _____
Its _____

APPROVED AS TO FORM AND
LEGALITY:

Deputy Corporation Counsel

APPENDIX B - SCHEDULE OF PAYMENTS rev.1

CONTRACT COST ESTIMATE

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1						
Month 2						
Month 3						
Month 4						
Month 5						
Month 6						
Month 7						
Month 8						
Month 9						
Month 10						
Month 11						
Month 12						
TOTAL	\$	\$	\$	\$	\$	\$

Cells highlighted light green are options and not part of the base contract.

The payments shall be inclusive of all costs including but not limited to: labor, materials, profit, overhead, general and administrative expenses, other direct costs, subcontractor costs, applicable taxes and insurance. There is no reimbursement expenses.

AMOUNT

TOTAL BASE CONTRACT PRICE:

\$

TOTAL AGGREGATE OPTION YEARS:

\$

TOTAL CONTRACT PRICE

\$

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 1

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT CONTRACT

REQUEST FOR PROPOSALS NO. RFP-HRT-2100933

ISSUED: MAR 22 2021

NOTICE TO ALL PROSPECTIVE OFFERORS:

This Addendum is hereby made a part of the Request for Proposals RFP-HRT-2100933 ("RFP") for the Honolulu Rail Transit Project (HRTTP), HART Board Consultant Contract, and it shall amend the said RFP in the following respects:

ITEM NO. 1 – REQUEST FOR PROPOSALS ("RFP") INSTRUCTIONS TO OFFERORS ("ITO")

1. RFP ITO Section 2 Term of the Contract is hereby amended by deleting the first paragraph and replacing it with the following [change marked in red text]:

"The term of any Contract awarded pursuant to this solicitation will be for **One (1) Year and six (6) months**, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not to exceed a total of six (6) years with options."
2. RFP ITO, Section 11 Attachments, Exhibit 3 – Acknowledgement of Receipt is here by deleted in its entirety and replaced with the following:

Exhibit 3 – Acknowledgement of Receipt rev.1
3. RFP ITO, Section 11 Attachments, Exhibit 18 – Past Performance is here by deleted in its entirety and replaced with the following:

Exhibit 18 – Past Performance rev.1

4. RFP ITO, Section 11 Attachments, Exhibit 22 – Price Proposal is here by deleted in its entirety and replaced with the following:

Exhibit 22 – Price Proposal rev.1

5. RFP ITO, Section 11 Attachments, Contract Form rev.1 is here by deleted in its entirety and replaced with the following:

Contract Form rev.1

6. RFP ITO, Section 11 Attachments, Appendix B – Schedule of Payments is here by deleted in its entirety and replaced with the following:

Appendix B – Schedule of Payments rev.1

APPROVED:



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

Honolulu Rail Transit Project

EXHIBIT 3 rev.1

**ACKNOWLEDGMENT OF RECEIPT OF REQUEST FOR PROPOSALS, ADDENDA
AND RESPONSES TO OFFEROR'S CLARIFICATION REQUESTS**

(To be attached to Proposal Letter)

(Name of Offeror)

We hereby acknowledge receipt of the Honolulu Rail Transit Project, HART Board Consultant, RFP-HRT-2100933, dated February 26, 2021, and subsequent Addenda and responses to questions issued by HART.

ADDENDUM No.

Date Issued

(Signed)

(Date)

(Printed or Typed Name)

(Title)

HART Board Consultant

Honolulu Rail Transit Project

EXHIBIT 18 rev.1

PAST PERFORMANCE

Awards, Citations and/or Commendations

Firm Name	Name of Award, etc.	Year Received	Project and Location	Work for Which Award, etc. Received

Contract Claims, Dispute Proceedings, Litigation and Arbitration

Firm Name	Project/Issue	Owner/Agency Initiated Action	Resolution/Outcome	Indicate if Unresolved or Pending Action	Current Owner Contact Name, Phone and Fax Nos.

Termination for Cause or Default

Firm Name	Project	Describe Reason for Termination	Dollar Amount Involved	Current Owner Contact Name, Phone and Fax Nos.

Disciplinary Action, Fines and/or Penalties

Firm Name	Project	Describe Action Taken	Current Owner Contact Name, Phone and Fax Nos.

**EXHIBIT 22 rev.1
PRICE PROPOSAL**

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1						
Month 2						
Month 3						
Month 4						
Month 5						
Month 6						
Month 7						
Month 8						
Month 9						
Month 10						
Month 11						
Month 12						
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Cells highlighted in light green are priced options.

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CONTRACT PRICING

AMOUNT

TOTAL BASE CONTRACT PRICE (1 year and 6 months):

\$ -

TOTAL AGGREGATE OPTION YEARS:

\$ -

TOTAL EVALUATED PRICE:

\$ -

Honolulu Authority for Rapid Transportation

**HART BOARD CONSULTANT
PROFESSIONAL SERVICES
CONTRACT No. SC-HRT-XXXXXXX**

This Contract for Professional Services ("Contract" or "Agreement") is entered into and effective _____ ("Effective Date") by and between the HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ("HART"), a semi-autonomous agency of the City and County of Honolulu (the "City"), whose principal place of business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and _____ (the "CONTRACTOR"), whose principal place of business and mailing address is _____, collectively referred to herein as the "Parties," and individually as a "Party," all as governed by the context in which such words are used.

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WHEREAS, federal funding is involved in this project and, as such, the CONTRACTOR is required to comply with all applicable federal laws, rules and regulations, including but not limited to those of the United States Department of Transportation, Federal Transit Administration;

WHEREAS, the CONTRACTOR is qualified, able, and willing to render the required services on the terms, conditions, and compensation hereinafter fully set forth; and

NOW, THEREFORE, HART and the CONTRACTOR, in consideration of the foregoing and of the mutual promises hereinafter set forth, and intending to be legally bound, hereby mutually agree as follows:

1. Services. The CONTRACTOR shall, in a professional, proper, and satisfactory manner as determined by HART, furnish all services, labor, materials, and equipment, reasonably necessary for the successful performance and completion of the Scope of Services (the "Services") as set forth in the Contract Documents.

2. Contract Documents. The CONTRACTOR shall provide all services, including labor, materials, and equipment, to complete the Work required in accordance with the Contract Documents and any Notices to Proceed issued under this Contract. The following documents comprise the "Contract Documents," which are listed in the order of precedence, and are also referred to as the "Contract" or "Agreement":

- This Contract Form and any amendments thereto;
- Special Provisions and any exhibits, attachments, appendices or required submittals thereto;
- HART's General Terms and Conditions for Professional Services (v.03/2017) ("GC" or "General Conditions");
- The Request for Proposals and any addenda thereto; and
- The CONTRACTOR's proposal and required submissions.

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6. Cost and Pricing Data. The CONTRACTOR hereby certifies that, to the best of its knowledge and belief, cost or pricing data, as defined in HAR § 3-122-122 and submitted pursuant to HAR § 3-122-125, is accurate, complete, and current as of the Effective Date. This certification includes any cost or pricing data which is part of the proposal.

7. Notices. Any notice required or permitted hereunder to be given shall be written and shall either be delivered personally or mailed by certified mail to the address and person

designated by each Party below. Any change of address or designated recipient person of either of the Parties shall be effective upon receipt of written notice of such change by the other Party.

Notices to HART shall be sent to HART's Executive Director and CEO as follows:

Lori M. K. Kahikina, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation
1099 Alakea Street Suite 1700
Honolulu, Hawaii 96813

Notices to the CONTRACTOR shall be sent to:

8. This Contract cannot be modified except by a written instrument signed by all Parties.

IN WITNESS WHEREOF, HART and the CONTRACTOR have executed this Contract by their duly authorized officers or agents effective on the day and year first above written.

HONOLULU AUTHORITY FOR
RAPID TRANSPORTATION

[CONTRACTOR NAME]

By: _____
Interim Executive Director and CEO

By: _____
Its _____

APPROVED AS TO FORM AND
LEGALITY:

Deputy Corporation Counsel

APPENDIX B - SCHEDULE OF PAYMENTS rev.1

CONTRACT COST ESTIMATE

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1						
Month 2						
Month 3						
Month 4						
Month 5						
Month 6						
Month 7						
Month 8						
Month 9						
Month 10						
Month 11						
Month 12						
TOTAL	\$	\$	\$	\$	\$	\$

Cells highlighted light green are options and not part of the base contract.

The payments shall be inclusive of all costs including but not limited to: labor, materials, profit, overhead, general and administrative expenses, other direct costs, subcontractor costs, applicable taxes and insurance. There is no reimbursement expenses.

AMOUNT

TOTAL BASE CONTRACT PRICE:

\$ _____

TOTAL AGGREGATE OPTION YEARS:

\$ _____

TOTAL CONTRACT PRICE

\$ _____

From: Keene, Richard C
Sent: Friday, April 30, 2021 2:06 PM
To: Ha, David; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: NTPs for Federal Government Liaison and HART Board Consultant

I think NTP should be the same date – as soon as possible.

Thanks
Rick

Rick Keene
Deputy Director & COO
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: 808 768.6278 Email: richard.keene@honolulu.gov

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Ha, David <dha@honolulu.gov>
Sent: Friday, April 30, 2021 1:52 PM
To: Keene, Richard C <richard.keene@honolulu.gov>; Manahan, Joey <jmanahan@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Cc: Cantero, Dorothea <dorothea.cantero@honolulu.gov>
Subject: NTPs for Federal Government Liaison and HART Board Consultant

Aloha,

We are putting together the execution package for both projects. With that said, would you like the transmittal letter to also serve as the Notice to Proceed. We usually ask the PMs if they want to issue NTP as the same date as the transmittal or have a specific start date. Let me know and we can draft accordingly.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Ha, David
Sent: Tuesday, April 6, 2021 12:03 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant
Attachments: Colleen Hanabusa, AAL, LLLC - RFP.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Aloha,

Please see proposal for HART Board Consultant.

- Colleen Hanabusa AAL LLLC

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Ha, David
Sent: Tuesday, April 06, 2021 12:01 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha,

Please see proposal for Federal Government Liaison.

- Dentons US LLP
- Holland & Knight LLP
- Strategies 360, Inc.
- William & Jensen PLLC – Link to download:
<https://www.dropbox.com/s/5f0og9gifon6sl2/William%20%26%20Jensen%20HART%202021%20-%20Electronic%20Version.pdf?dl=0>

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Ha, David
Sent: Tuesday, April 06, 2021 11:56 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha Evaluation Committee,

Please see the attached documents for Evaluation Committee Meeting for Federal Government Liaison and HART Board Consultant . Due to size constraints, this is the first of a few emails to send you attachments and proposals.

Attachments:

- Adjectival Guidelines
- Agenda
- RFP-HRT-2100929 Solicitation
- RFP-HRT-2100929 Addendum No. 1
- RFP-HRT-2100933 Solicitation
- RFP-HRT-2100933 Addendum No. 1
- Scoresheets
- Proposals

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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Colleen Hanabusa
Attorney at Law, Limited Liability Law Company
Redacted – Personal privacy protected information
Honolulu, Hawai'i 96817

March 30, 2021

Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813
Attn: Procurement Division

Re: HART Board Consultant/Professional Service Contract
RFP-HRT-2100933

Dear HART:

In accordance with Section 6.1 of the above reference RFP, I am submitting this cover letter along with attachments 3, 4, and 5.

The Offeror is Colleen Hanabusa AAL LLC. At this time, there is only one consultant, Colleen Hanabusa, and no subcontractors are anticipated. If selected, Colleen Hanabusa AAL LLC will be the signatory to this contract and I will be executing the contract. The single point of contact is Colleen Hanabusa at the above identified address. The email address is Redacted – Personal privacy protected information and the phone number is (808) Redacted – Personal privacy. There is no fax number at this time so all inquiries are to be directed to the other points of contact.

Colleen Hanabusa ("CH") as the consultant on behalf of Colleen Hanabusa AAL LLC desires to be considered for the position of Board Consultant and believes she is uniquely qualified to meet the requirements of the contract for the following reasons:


1. CH has the following qualifications and satisfies the "QUALIFICATIONS" set forth in Appendix A-a) Law Degree from the William S. Richardson School of Law in 1977. I have always been in good standing and continually practiced with the exception of the years in Congress when I placed my license on inactive status. My law license is presently active. Total years is 38. b) Served in the Hawai'i State Senate for 12 years, the last 4 as the President of the Hawai'i State Senate. The first woman to lead either Chamber of the Legislature and the first Asian Woman in the United States. c) Served slightly over 6 years in the House of Representatives of the United States, representing the First Congressional District of Hawai'i. I am technically a member of the 112th, 113th, 114th and 115th Congresses of the United States of America.
2. CH has served on the HART Board of Directors from July 2015 to October 2016. From April 2016 she served as the Chair of the Board. CH believes she, along with Michael Formby were the first Directors who actually attended PMOC

meetings. CH is intimately familiar with the structure of the Charter Amendment which created HART. In 2016, it was primarily through her efforts that the voters of the City and County changed the Charter to give the HART Board more oversight authority of HART. She also, at her expense, travelled to San Francisco to meet with the FTA to address the jeopardy placed on FTA funding. CH, while on the HART Board raised concerns over the costs of the undergrounding of 138kV lines in West Oahu and on Dillingham corridor. She questioned HART on the land transfer of the ROC along with issues of the tendons and plithless system, to name a few examples. CH testified before City Council in 2016 and was very candid about her belief that the \$6.8 billion would not be adequate funding. CH was asked to testify before the City Council because then HART Executive Director believed she would be better received by the Council.

3. CH testified for and assisted in the development of passage of Act 1 of the 2017 First Special Session of the Hawai'i State Legislature. This involved understanding the projections on GET, TAT and the anticipated increase in the cost of the project. CH was very familiar with the calculations, working with Wes Machida and Robert Yu. CH was asked to provide testimony by the leadership of the House and Senate before a joint hearing. At that hearing, then Interim Director, Mr. Murthy concurred with the anticipated funding.
4. CH believes she can comply with the requirements identified as 1-6 in Appendix A. Given the two page limit, it is not possible to discuss the listed duties in detail. Notwithstanding a summary response is as follows: 1) CH is very familiar with the fundamental legal challenge on the quorum issue. It is home rule, the concept of a general law and whether the acceptance of the funds provided by Act 1 is a waiver of the legal arguments. 2) CH's familiarity with the funding strategies is touched upon in her response to 2. And 3. above. 3) CH is very familiar with the legislative process at all levels of government. 4) As set forth in 2. and 3. above, CH's ability to testify before the various levels of government is well established. In addition, CH has testified before Congressional panels as well. 5) As set forth in 2. above CH has demonstrated her ability to do so. 6) CH has shown that she does and is capable of establishing and maintaining working relationships with the listed entities. CH also continues to have her relationships in the Congress.

Please do not hesitate to contact Colleen Hanabusa at the above referenced contact points if additional information or clarification is necessary. Thank you very much for the opportunity to submit this proposal.

Very truly yours,



Colleen Hanabusa
for Colleen Hanabusa AAL LLLC

Honolulu Rail Transit Project

EXHIBIT 3 rev.1

**ACKNOWLEDGMENT OF RECEIPT OF REQUEST FOR PROPOSALS, ADDENDA
AND RESPONSES TO OFFEROR'S CLARIFICATION REQUESTS**
(To be attached to Proposal Letter)

Colleen Hanabusa AAL LLC

(Name of Offeror)

We hereby acknowledge receipt of the Honolulu Rail Transit Project, HART Board Consultant, RFP-HRT-2100933, dated February 26, 2021, and subsequent Addenda and responses to questions issued by HART.

ADDENDUM No.

Date Issued

1

March 22, 2021

(Signed)



March 30, 2021

(Date)

Colleen Hanabusa

(Printed or Typed Name)

Managing Member

(Title)

Honolulu Rail Transit Project

EXHIBIT 4

PROPOSAL FORM

(To be attached to Proposal Letter)

HONOLULU RAIL TRANSIT PROJECT,
HART BOARD CONSULTANT CONTRACT

To: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i, 96813

Request for Proposal No. #RFP-HRT-2100933

From: (Offeror's Legal Name (in its entirety) and Address)

Colleen Hanabusa AAL LLC

Redacted - Personal privacy protected information

Honolulu, Hawai'i 96817

1. OFFEROR INFORMATION

Name and Title of Principal to contact: Colleen Hanabusa, Managing Member

Business address: Redacted - Personal privacy protected information Honolulu, Hawai'i 96817

Business telephone number: Redacted - Personal privacy protected information

Fax number: There is no fax number, please use email

Email: Redacted - Personal privacy protected information

Name/Address/Telephone Number/Fax Number/Email of contact person (if different than above): n/a

Honolulu Rail Transit Project

The Offeror is a:

- ☐ Sole Proprietorship
- ☐ Partnership/Joint Venture
- ☒ Limited Liability Company
- ☐ Corporation

If a corporation, the corporation is a:

- ☐ Subsidiary
- ☐ Parent Company

2. PROPOSAL

This Proposal is submitted in response to the HART's Request for Proposal (RFP) No. RFP-HRT-2100933. The undersigned hereby declares and certifies that (1) I(we) have fully, carefully, and thoroughly examined the RFP; (2) I(we) am(are) fully satisfied with respect to any questions that could in any way affect my(our) understanding of the scope of work, my(our) duties, responsibilities, obligations and liabilities relating thereto; and (3) I(we) hereby propose to submit the documents requested by the RFP which comprise my(our) Proposal.

3. CERTIFICATION

The undersigned understands and agrees that HART and HART's employees, agents and representatives have the right to make any inquiry or investigation HART deems appropriate to substantiate or supplement information contained herein, and authorizes the release of any and all information sought in such inquiry or investigation to HART and HART's, employees, agents and representatives.

The undersigned further agrees that the act of signing this form constitutes a certification that, none of the Offeror, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR §180.905, are excluded or disqualified as defined at 2 CFR §§180.940 and 180.935 or are listed on General Service Administration's Excluded Parties List System as found in 2 CFR §180 Subpart E.

The undersigned further agrees that the Offeror, or any of its associated firms, has not been or will not be paid for developing or preparing specifications or work statements for the HART Board Consultant Contract or any expected resultant contract.

Honolulu Rail Transit Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of Colleen Hanabusa AAL LLC this 30th day of March, 2021.

When the Offeror is an individual:

By: [Signature]
(Signature of Individual)

By: Colleen Hanabusa
(Printed Name of Individual)
Redacted – Personal privacy protected information

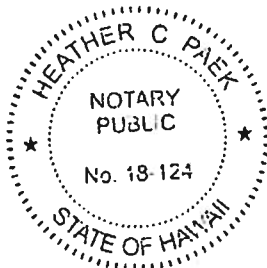
Honolulu, HI 96817
(Address)

ACKNOWLEDGMENT:

STATE OF Hawaii

City of COUNTY OF Honolulu

On this 30th day of March A.D., 2021, before me personally appeared Colleen Hanabusa, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

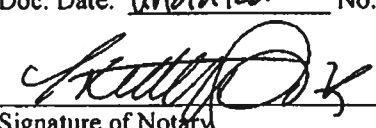
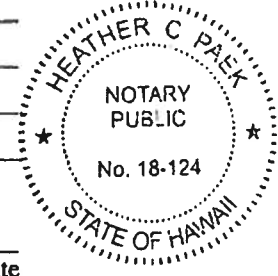


[Signature]
Notary Public Heather C. Paek

State of Hawaii at large

My Commission expires 03/25/2022

Honolulu Rail Transit Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)		
Document Identification Description: <u>Exhibit 4 - Proposal</u>		
<u>form</u>		
Doc. Date: <u>Undated</u>	No. Pages: <u>6</u>	Jurisdiction: <u>1</u>
	<u>03/30/2021</u>	
Signature of Notary	Date of Certificate	
Heather C. Paek		
Printed Name of Notary		(Official Stamp or Seal)

Honolulu Rail Transit Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed
this Proposal Form on behalf of _____
this _____ day of _____,
_____, 20__.

When the Offeror is a sole proprietorship or operates under a trade name:

(Printed Name of Firm)

By: _____
(Signature of Individual)

By: _____
(Printed Name of Individual)

(Address)

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 20__, before me personally appeared _____, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

Honolulu Rail Transit Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

Printed Name of Notary

(Official Stamp or Seal)

EXHIBIT 5
BIDDER REGISTRATION FORM

Pursuant to 49 CFR 26.11(c), the Honolulu Authority for Rapid Transportation (HART) is required to create and maintain a bidders list consisting of all firms that bid on prime contracts or quoting subcontracts on federal assisted projects. All interested parties (Consultants, Vendors, Contractors, Suppliers, Manufacturers, Truckers, etc.) are required to register with HART.

1. Bidder Information:

Colleen Hanabusa ALL LLC		
Name of Firm (dba if applicable)		
<div style="background-color: black; color: white; padding: 2px;">Redacted - Personal privacy protected information</div>	Honolulu, HI	96817
Address	City / State	Zip Code
same as above		
Mailing Address	City / State	Zip Code
Colleen Hanabusa	808 <div style="background-color: black; color: white; padding: 2px;">Redacted - Personal</div>	
Name of Contact Person	Telephone Number	
<div style="background-color: black; color: white; padding: 2px;">Redacted - Personal privacy protected information</div>		
Email Address		

2. Check all that apply to the bidder:

<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Subcontractor
<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Material Supplier
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Other

3. NAICS Code: 541110

4. Type of Work: Attorney/Consultant

5. Currently Certified as a DBE? ☐ Yes ☒ No

6. Year that firm was established: 2015

7. Check which best indicates the bidder's annual gross receipts:

<input checked="" type="checkbox"/> Less than \$500,000	<input type="checkbox"/> \$500,000 to \$999,999
<input type="checkbox"/> \$1,000,000 to \$4,999,999	<input type="checkbox"/> \$5,000,000 to \$9,999,999
<input type="checkbox"/> \$10,000,000 to \$16,999,999	<input type="checkbox"/> More than \$17,000,000

SECTION 1

ORGANIZATION ELIGIBILITY

1. Following are provided herewith:
 - a. Exhibit 6—Offeror's Organization Information
 - b. Exhibit 7—N/A Colleen Hanabusa AAL LLC is not a Partnership or a Corporation
 - c. Exhibit 8—Offeror's Certification for past five (5) years
 - d. Exhibit 9—Does not exist
 - e. Exhibit 10—Certification re: Lobbying
 - f. Exhibit 11—Certification re: Conflicts of Interest
 - g. Exhibit 12—Certification re: Ineligible Contractors
 - h. Exhibit 13—Certification re: Ineligible Subcontractors (N/A to Offeror)

2. Limited Liability Company

Colleen Hanabusa AAL LLC is a Limited Liability Law Company.

 - a. Identify the lead entity—N/A
 - b. Equity Share of Colleen Hanabusa is 100% in that she is the only member of the LLC.
 - c. Joint and Several Liability—N/A there is only one member.
 - d. Organizational Structure—Colleen Hanabusa is the sole member and the Managing Member of Colleen Hanabusa AAL LLC.

3. Appendix A of the Proposal
 - a. Notarized Power of Attorney for Colleen Hanabusa to act for Offeror
 - b. Notarized Power of Attorney for Colleen Hanabusa as point of contact for Offeror.
 - c. Alternative to a., b. will not be exercised.

4. Offeror understands that HART reserves the right to determine, accept or reject Certifications of the Conflict of Interest addressed in Exhibit 11 above.

Honolulu Rail Transit Project

EXHIBIT 6

OFFEROR'S ORGANIZATION INFORMATION

OFFEROR: <u>Colleen Hanabusa AAL LLC</u>		
Name of Entity: <u>Colleen Hanabusa AAL LLC</u>		
Address: <u>Redacted - Personal privacy protected information</u>		
<u>Honolulu, Hawai'i 96817</u>		
Contact Name: <u>Colleen Hanabusa</u>	Title: <u>Managing Member</u>	
Telephone No.: <u>(808) Redacted - Personal</u>	Fax No.: <u>n/a</u>	E-mail: <u>Redacted - Personal privacy protected information</u>
LOCAL/REGIONAL CONTACT: <u>Colleen Hanabusa</u>		
Name: <u>Same as above</u>		
Address: _____		
Telephone No.: _____ Fax No.: _____ E-mail: _____		
PERSON AUTHORIZED TO SIGN PROPOSAL ON BEHALF OF OFFEROR: <u>Colleen Hanabusa</u>		
Name: <u>Same as above</u>		
Address: _____		
Telephone No.: _____ Fax No.: _____ E-mail: _____		

Honolulu Rail Transit Project

EXHIBIT 8
OFFEROR'S CERTIFICATION

Complete for each Offeror (i.e. individual firm, all general partners, or joint venture members of the Offeror, and all persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Offeror).

1. Has the firm* ever failed to complete any work it agreed to perform, or had a contract terminated because it was in default? If yes, describe.

NO

2. Has the firm* or any officer thereof been indicted or convicted of bid- or contract-related crimes or violations or any felony or misdemeanor related to performance under a contract within the past five years? If yes, describe.

NO

3. Has the firm* ever sought protection under any provision of any bankruptcy act? If yes, describe.

NO

4. Has the firm* ever been debarred or suspended from performing work for the federal government or any state or local government? If yes, describe.

NO

5. List on a separate page up to five financial institutions with which the firm* has done the most business during the past five years and identify the individual at each institution who was in charge of the firm's accounts. Indicate the address, telephone and fax numbers of each individual.

Attached

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.
(Must be signed by an authorized officer of the firm)

Signature: 

Date: 03/30/2021

Firm: Colleen Hanabusa AAL LLC

By: Colleen Hanabusa

Title: Managing Member

13

* (Note: "firm" includes the Offeror and any of their Affiliates, including parent companies.)

Honolulu Rail Transit Project

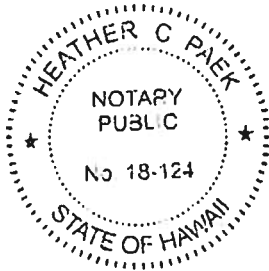
Name of Offeror: Colleen Hanabusa AAL LLC

ACKNOWLEDGMENT:

STATE OF Hawaii

City & COUNTY OF Honolulu

On this 30 day of March A.D., 2021, before me personally appeared Colleen Hanabusa, to me individually and as Trustee as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.



Heather C. Paek
Notary Public Heather C. Paek

State of Hawaii at large

My Commission expires 03/25/2022

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

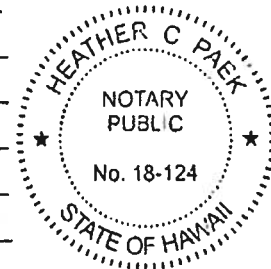
Exhibit 8 - Offeror's Certification

Doc. Date: undated No. Pages: 3 Jurisdiction: 1

Heather C. Paek
Signature of Notary

03/30/2021
Date of Certificate

Heather C. Paek
Printed Name of Notary



(Official Stamp or Seal)

ATTACHMENT TO EXHIBIT 8
QUESTION 5

Offeror has dealt primarily with only one financial institution for many years and definitely for the past 5 years. This year Offeror is in the process of changing financial institutions. This is the information sought by Question 5.

Past 5 years: Central Pacific Bank

Point of Contact: ThuyNguyen-Martines
220 S King Street, 20th Floor
Honolulu, Hawai'i 96813

Phone No. (808) 544-3782
Fax No. (808) 544-3188
Email: thuy.nguyen@centralpacificbank.com

Process of Changing to First Hawaiian Bank

Point of Contact: Lynn Takahashi
999 Bishop Street
Honolulu, Hawai'i 96813

Phone No. (808) 525-6292
Fax No. (808) 525-6222
Email: ltakahashi@fhb.com

Honolulu Rail Transit Project

EXHIBIT 10

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government-wide Guidance for New Restrictions on Lobbying," 61 Federal Regulations 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)].

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. §1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each expenditure or failure.]

The CONSULTANT, Colleen Hanabusa AAL LLLC, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the CONSULTANT understands and agrees that the provisions of 31 U.S.C. §3801, et seq., apply to this certification and disclosure, if any.

Company Name: Colleen Hanabusa AAL LLLC

Signature: 

Print Name: Colleen Hanabusa

Title: Managing Member

Date: March 30, 2021

NOTE: THE CONSULTANT IS REQUIRED PURSUANT TO FEDERAL LAW TO INCLUDE THE ABOVE LANGUAGE IN SUBCONTRACTS OVER \$100,000 AND TO OBTAIN THIS LOBBYING CERTIFICATE FROM EACH SUBCONTRACTOR BEING PAID \$100,000 OR MORE UNDER THIS CONTRACT.

EXHIBIT 11

CERTIFICATION REGARDING CONFLICT OF INTEREST

"Organizational conflict of interest" means that, because of other activities or relationships with other persons or firms, a potential Contractor (including its other legal entities, directors, proposed consultants or subcontractors) would be unable or potentially unable to render impartial, technically sound assistance or advice to the Honolulu Authority for Rapid Transportation (HART); or the potential Contractor's objectivity in performing the Contract Work would or might be otherwise impaired; or the potential Contractor has an unfair competitive advantage.

On behalf of Colleen Hanabusa, AAL, LLC I certify that:
(Name of Offeror)
(Check one)

☒ (X) The Offeror does not have any relationships with any firms or individuals that are or appear to be an organizational conflict of interest.

☐ () The Offeror has had the following relationships with the specific firm(s)/individual(s), identified on the attached sheet, which may be determined to be an organizational conflict of interest. I understand that based on the information I have provided, HART may exclude the Offeror from further consideration and may withdraw its selection if the real or apparent organizational conflict of interest cannot be avoided or mitigated. I further certify that the degree and extent of the relationship of the Offeror with these named firm(s)/individual(s) have been fully disclosed on the attached sheet.


(Signature of Authorized Official)

Colleen Hanabusa
(Print Name)

March 30, 2021
(Date)

EXHIBIT 12

CERTIFICATE REGARDING INELIGIBLE CONTRACTORS

**Certification Regarding Debarment, Suspension and Other Ineligibility and Voluntary
Exclusion From Transactions Financed in Part by the U.S. Government**

I, Colleen Hanabusa, Managing Member, hereby
(Name of Certifying Officer) (Title of Certifying Officer)

certify that Colleen Hanabusa AAL LLC :
(Name of Contractor)

1. Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any Federal department or agency or from participation in the Honolulu Authority for Rapid Transportation Project.
2. Has not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
4. Has not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default; and
5. Makes an affirmative statement that there is no conflict or potential conflict of interest for this procurement and contract; or has disclosed and provided what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and that it can be minimized or mitigated to safeguard the independence of the procurement and contract process.

If any Offeror is unable to certify to any of the statements in this certification, such prospective Offeror shall attach an explanation to this certification.

Honolulu Rail Transit Project

I hereby certify and affirm the truthfulness and accuracy of the above statement, and I understand that the provisions of 31 United States Code (U.S.C.) §3801 et seq., (Administrative Remedies for False Claims and Statements) are applicable hereto.

Colleen Hanabusa AAL LLC

Name of Contractor

Redacted - Personal privacy protected information

Street Address of Contractor

Honolulu, Hawai'i, 96817

City, State, Zip

(808)

Redacted - Personal privacy protected information

Telephone Number of Contractor


Signature of Certifying Officer

(Note: The above certification merely certifies that an Offeror and its subcontractors are not declared by the Federal Government or have not voluntarily declared themselves debarred, suspended, or declared ineligible from doing transactions with the Federal Government or any of its agencies.)

Honolulu Rail Transit Project

EXHIBIT 13

CERTIFICATE REGARDING INELIGIBLE SUBCONTRACTORS

***Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions***

- 1) The prospective lower tier participant (Subcontractor/Subconsultant) certifies, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the Professional Services Contract by any federal department or agency.
- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation.

(60 FR 33042, 33064, June 26, 1995)

N/A

Signed _____

Typed or Printed Name _____

Company Name _____

Date _____

APPENDIX A SECTION 1

POWER OF ATTORNEY

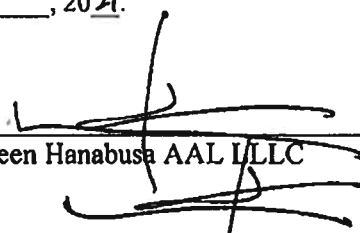
I, Colleen Hanabusa, the Managing Member of Colleen Hanabusa AAL LLC and on behalf of Colleen Hanabusa AAL LLC, a Offeror in a Request for Proposal No. RFP-HRT-2100933, hereby names and certifies that Colleen Hanabusa is its representative and point of contact and granted full authority to execute and sign for the Offeror, Colleen Hanabusa AAL LLC. Colleen Hanabusa acting as Offeror's representative and/or point of contact has the authority to bind the Offeror in any contracts or representations made in response to or relating to the RFP-HRT-2100933.

This power of attorney is effective immediately.

Colleen Hanabusa AAL LLC is aware that the relevant parties to RFP-HRT-2100933 may rely upon the validity of this power of attorney and reaffirms the authorization of Colleen Hanabusa to act on its behalf.

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of Colleen Hanabusa AAL LLC on

this 30 day of March, 2021.



Colleen Hanabusa AAL LLC

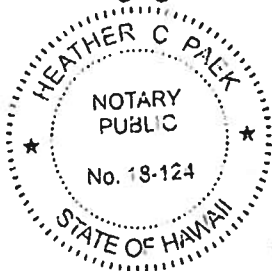
By: _____
Colleen Hanabua

Its: Managing Member
3660 Waokanaka Street
Honolulu, Hawai'i 96817

ACKNOWLEDGMENT:

STATE OF Hawaii
city & COUNTY OF Honolulu

On this 30 day of March A.D., 2021, before me personally appeared Colleen Hanabusa, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Managing Member.

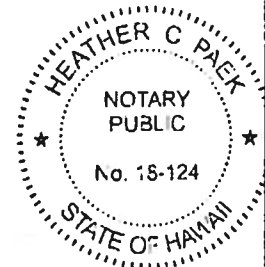


Heather C. Paek
Notary Public Heather C. Paek

State of Hawaii at large

My Commission expires 03/25/2022

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)		
Document Identification Description: <u>Power of Attorney</u>		
<hr/>		
<hr/>		
<hr/>		
Doc. Date: <u>undated</u>	No. Pages: <u>2</u>	Jurisdiction: <u>1</u>
<u>Heather C. Paek</u> Signature of Notary		<u>03/30/2021</u> Date of Certificate
<u>Heather C. Paek</u>		(Official Stamp or Seal)
Printed Name of Notary		



SECTION 2

EXPERIENCE OF OFFEROR

1. OBJECTIVE OF THIS SECTION

a. In that a specific reference was made to Appendix A, the Offeror has taken this opportunity to show how it can provide the government liaison duties which this section seeks. (The following sub headings are not verbatim.)

i) **Membership and Quorum Issue.** The membership and quorum strategies brings into light the conflict between the Act 1 of the First Special Session of 2017; the concept of home rule, the provisions of the Charter of the City and County of Honolulu, the legal theory of general laws and whether the acceptance of funding of Act 1 negates any defenses of home rule. This is further complicated by the fact that the HART Board did not challenge the provisions of Act 1 and in fact "welcomed" the four ex-officio non-voting members appointed by the Senate President and the Speaker of the House. In fact, presently 3 of the voting members of this Board were originally appointed by the Senate President and the Speaker of the House. The history of the membership and quorum issue is as follows.

When the RCH Section 17 (HART) was enacted, the composition of the HART Board was as follows:

Section 17-104. Powers, Duties and Functions of the Board of Directors — . . .

2. The board shall consist of ten members, nine voting members and one nonvoting member. All members shall serve part-time. The board shall be governed by the provisions of Section 13-103 of this charter, except that subsections (b) and (e) shall not apply and as otherwise provided herein.

3. Appointed members. There shall be seven appointed members. The mayor shall appoint three members. The council shall appoint three members. The six appointed and two ex officio voting members shall appoint, by majority vote, a ninth member. The initial appointments of the seven appointed members shall be as follows: One member from each mayoral or council appointment shall be designated to serve a five-, four-, and three-year term. The ninth member appointed by the voting members shall serve a two-year term.

4. Ex officio members. The state director of transportation and the city director of transportation services shall be ex officio voting members of the board. The director of the department of planning and permitting shall be the ex officio nonvoting member of the board. The ex officio members of the board shall not be subject to any term limit.

The general provision found in the RCH on Boards and Commission which is relevant to the HART Board in Section 13-103 which provides:

Section 13-103. Boards and Commissions –

1. Except as otherwise provided by this charter or by law, all boards and commissions established by this charter or by ordinance shall be governed by the following provisions:

(a) To be eligible for appointment to a board or commission, a person shall be a duly registered voter of the city.

(b) All members shall be appointed by the mayor and confirmed by the council.

(c) All appointed members shall serve for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. No person shall serve on the same board for more than two consecutive full terms or for more than ten consecutive years, whichever is greater. [Provisions (b) and (c) above do not apply to HART.]

...

(g) A majority of the members shall constitute a quorum.

(h) All meetings shall be held in city hall or other public places.

(i) The affirmative vote of a majority of the entire membership shall be necessary to take any action, and such action shall be made at a meeting open to the public.

...

Then when Act 1 became law, it contained this provision:

SECTION 18. Notwithstanding any law, charter provision, or ordinance to the contrary, in any county with a population greater than five hundred thousand, in order to ensure appropriate use of state authorized funds to finance a locally preferred alternative for a mass transit project, the president of the senate and speaker of the house of representatives shall each appoint two non-voting, ex-officio members to the board of directors of the county's rapid transportation authority, , , ,

Hawai'i Rev. Stat. §92-15 governs Boards and Commissions under State law and provides as follows:

[§92-15] Boards and commissions; quorum; number of votes necessary to validate acts. Whenever the number of members necessary to constitute a quorum to do business, or the number of members necessary to validate any act, of any board or commission of the State or of any political subdivision thereof, is not specified in the law or ordinance creating the same or in any other law or ordinance, a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board or commission is entitled shall be necessary to make any action of the board or commission valid . . .

The general rule of statutory construction applies here. That is to say if the words are clear and unambiguous, they are construed as written. *Watland v. Lingle*, 104 Hawai'i 128, 140, 85 P.3d 1079, 1091 (2004). The Hawai'i Supreme Court has stated that the Constitution must be construed "with due regard to the intent of the framers and the people adopting it." *Hanabusa v. Lingle*, 105 Hawai'i 28, 31, 93 P.3d 670, 673 (2004). The intent is found in the "instrument itself." *Id.* citing *Blair v. Harris*, 98 Hawai'i 176, 178-179, 45 P.3d 800, 800-801 (2002).¹

The Supreme Court of Hawai'i has also addressed these principles as it applies to City ordinances and clashes with the State laws. The case of *Richardson v. City and County of Honolulu*, 76 Hawaii 46, 56, 868 P.2d 1193, 1203 (1994) is an example. The Supreme Court stated:

[t]he fundamental starting point for statutory interpretation is the language of the statute itself.... [W]here the statutory language is plain and unambiguous, our sole duty is to give effect to its plain and obvious meaning.' " *AIG Hawaii Ins. Co. v. Estate of Caraang*, 74 Haw. 620, 633-34, 851 P.2d 321, 328 (1993) (quoting *National Union Fire Ins. Co. v. Ferreira*, 71 Haw. 341, 344, 790 P.2d 910, 912 (1990)). The dissent acknowledges "the plain language rule of statutory construction," but seeks to avoid it on the basis that a literal construction of HRS §§ 46-1.5(6), 101-2, and 46-61 "would produce an absurd or unjust result, inconsistent with the policies of the statute[s]." Dissent at 1215-16. We submit, for the reasons stated in this opinion, that construing the plain language of these three statutes to authorize the City to enact Ordinance 91-95 is neither absurd nor unjust. If we are correct, then the entire theoretical underpinning of the dissent's resort to any "extrinsic aids to statutory construction" is toppled.

[For clarification, this was a challenge by the Trustees of Bishop Estate against the City Council enacting an ordinance which permitted the condemnation of leasehold condominiums. This was the Kahala Towers case, located next to the Waialae Country Club.]

The same logic should apply to the "affirmative vote" of the majority of the members which the Board is entitled to. The significance of the failure of the Charter Amendment is that it affirmed

¹ Statutory construction of the Constitution also applied to statutes and ordinances.

the total number which is 10 and did not include the Act 1 additions. Therefore, the total number is 6 affirmative votes which is 2/3rds of the total number of voting members.

I believe that this is in line with State law. As set forth in *Hawai'i Rev. Stat.* §92-15, the quorum number and the voting numbers is what the Board is entitled to. The argument that this includes the Act 1 additions, fails because the Charter specifies the numbers as 10. The people had the opportunity to vote to include them and they did not.

It was also not the intent of the legislature for the Act 1 additions to play a role with the decision making of HART, they would have been identified as ex officio voting members of the HART Board. The intent was clearly identified as that they were there to: "ensure appropriate use of state authorized funds to finance a locally preferred alternative for a mass transit project." If they were there in any other affirmative capacity, they would be voting members.

I further believe the Legislature did not make their appointees voting members because that would be an overstep. To find that their presence in essence makes it possible for 2 voting members to stop an action versus 4 voting members, is to undercut the intent of the Charter and Act 1. Notwithstanding, Senator Inouye proposed exactly that.

Though I have read accounts that some believe that a Charter Amendment is necessary, the amendment failed in 2018. Moreover, the HART Boards own action in 2017 makes a challenge of Act 1 difficult at this time. The fundamental issue will be, does HART and/or the City wish to challenge Act 1? There is a severability clause in Act 1 and the issue will be whether the City has slept on its rights. These are the necessary issues to discuss with in developing the strategies.

ii) **Short and Long-Term funding strategies for HART.** This provision requires the Offeror to collaborate with the HART Board and the Senior Leadership to develop short and long-terms funding strategies for the Project. The Appendix discusses the FTA funding pursuant to the FFGA; securing additional GET and TAT; collaborating with the City Administration for innovative ways to secure funding (I assume this means without raising real property taxes); and to explore New Start Programs of the FTA. In order to effectively plan the short and long-term strategies, you need someone who knows the history and why we are here. If you review the ceremonial FFGA, executed on December 19, 2012 (two days after Senator Daniel K. Inouye passed), you will find my signature as a member of Congress. As some of you may be aware, I sat as a member of HART Board from July 2015 to October 2016. From April to October 2016, I served as the Chair of the HART Board. During this time period, I became aware of the fact that the first GET extension of \$1.5 Billion passed in 2015 was adopted by the City Council in the 2016. At that time, I testified that it was not enough money. The difficulty with Council was that then Executive Director and the prior Chair of the HART Board had said "\$1.2 Billion, not a penny more." When they testified before the Legislature, the unified voice of HART and the City said only \$910 Million was needed. Two years later, HART and the City was before the Legislature asking for GET extension for 10 years; some in the construction industry asked for GET in perpetuity. As you know, the efforts in the regular session of 2017 failed in Conference.

The Legislature knew the significance of the funding shortfall and called the First Special Session of the 2017. I testified before and assisted the Legislature in the development of what became Act 1. All of the funding sources listed in 2. of the Appendix A will be necessary for the completion of this Project. Notwithstanding, there must be diligent monitoring of the FTA's New Start program. Though in the past the HART project was deemed not to qualify for any additional New Start funds, the issue will be whether the Biden Administration's Infrastructure Plan will provide additional funds. From the time I was in Congress, it was the Democrat's objective to pass a massive infrastructure bill and a priority of Speaker Nancy Pelosi and Majority Leader Steny Hoyer. All of these facts are essential in the development of the funding strategies. Given the history, it will not be a simple task.

(iii) Provide timely information about upcoming initiatives, changes, etc. which will impact HART and the funding and prepare the responses. I believe HART has had government relations individuals who have had this responsibility. However, I concur that the HART Board is in need of its own consultant to perform these functions. The Board may differ from the Senior Leadership of HART and among its members. Given the monthly meeting structure of HART which is an unpaid volunteer Board, timely information will permit the Board to have the necessary discussion to arrive at a unified position. To be without the ability to do this, the voice of HART will not be the Board, as it should be.

(iv) Research and prepare testimony for hearings at all levels of government. The Offeror has years of experience in researching legislations at all levels of government and preparing testimony. Just as critical, the Offeror has many years of experience conducting hearings and receiving testimony. When one has extensive experience in this area, one is able to prepare testimony that assist the entity holding the hearing to better comprehend the HART Board's position. The HART Board, and HART generally, is now in the position where it must regain public confidence and trust. This is where if like the Offeror one knows what kind of testimony could be persuasive, it will be better received.

(v) Support and assist HART in interactions with outreach with government at all levels, including to cooperate and support HART's Federal Liaison Consultant. The purpose of this provision is communications with the relevant parties at all levels of government to ensure that HART is viewed as transparent and open as to its activities. This is necessary to regain the public's trust and confidence in this Project. The Offeror is able to perform this task and adds that due to her years in Congress, she believes that she will be able to support and will cooperate with whomever HART selects as its Federal Liaison Consultant. The Offeror believes given the limited number who qualifies as the Federal Liaison Consultant, she has probably dealt with the individual and/or the entity.

(vi) **Establish and Maintain a good working relationship with all levels of government in order to maximize HART's input and influence.** The Offeror believes that her years of experience and the relationships built over time with her colleagues at the various levels of government will qualify her for this duty. In order to accomplish this goal, it is necessary that people respect the HART Board Consultant and the Offeror believes she has earned it from many over the years.

(vii) **Availability to perform the above stated duties.** The Offeror stands ready and able upon the Board reasonable request to meet with Board, staff and designees in order to satisfy the responsibilities as may be assigned to her.

b. The Offeror has the following:

(i) **Superior Experience in serving as a liaison consultant.** The Offeror has no prior experience serving as a liaison consultant. However, the Offeror believes that the responses provided above establishes her unique qualifications for the position of HART Board Consultant.

(ii) **Experience in providing comprehensive reports, researching, testimonies, planning and implementing long and short-term strategies.** The Offeror believes that the information provided above satisfies this requirement.

(iii) **Experience with Government initiatives, changes to legislation rulemaking, and other actions regarding transportation policies.** The Offeror believes that the information provided above satisfies this requirement. The Offeror also states that while on HART, she took the initiative to appear before the Charter Commission to ask for changes in the Charter to ensure that the HART Board would have oversight authority over the operations of HART in addition to the hiring and firing of the Executive Director. Without those changes, which also addressed the qualifications of the Executive Director, the HART Board would have remained for most part a rubber stamp to the HART staff. The change which the voters of the City and County of Honolulu concurred with, enables this discussion.

c. Offeror's with experience in successfully managing projects of similar size as this RFP.

The Offeror does not have experience in successfully managing a project similar to the size of this RFP. Notwithstanding, the Offeror believes that this RFP is not for the management of a project in the traditional sense. The RFP seeks an individual who will act as a consultant to this Board. Offeror believes she has the experience to do so and notes that it requires an individual to do this task not a team of individuals.

2. REQUIREMENTS AND INFORMATION TO BE PROVIDED WITH SECTION 2

- a. Exhibit 17 provides the response to Experience.
- b. Exhibit 18 provides the response to Past Performance. Offeror notes that it does not have past performance directly as a Board consultant however the history provided indicates why it is qualified.
- c. Exhibit 19 requests Subcontractor Information. This provision is not applicable in the Offeror does not intend to retain any subcontractors.

Exhibit 20 does not exist.

- d. Exhibit 21 provides the information of the Offeror's key personnel.

There is only one key personnel and she is Colleen Hanabusa.

(i) Her resume is submitted.

(ii) Her two references are:

Michael D. Formby
Attorney at Law

Redacted - Personal privacy protected information

Honolulu, HI 96816

Redacted - Personal privacy protected information

(808) Redacted - Personal privacy protected information

Jennifer Sabas
Executive Director
Move Oahu Forward

Redacted - Personal privacy protected information

Honolulu, HI 96813

jennifer@moveoahuforward.org

(808) Redacted - Personal privacy protected information

- e. The Offeror acknowledges the Exhibits which are part of Section 2 are 17, 18, 19 and 21.

Honolulu Rail Transit Project

EXHIBIT 17
EXPERIENCE

Name of Offeror: Colleen Hanabusa

Name of Firm: <u>Colleen Hanabusa AAL LLC</u>	
Project Role: <u>HART Board Consultant</u>	
Other (Describe): _____	
Name of Client (Owner/Agency, Contractor, etc.): N/A	
Address:	Fax No:
Contact Name:	Any Litigation? Yes _____ No _____
Commencement Date:	Contract Value (US\$):
<i>Narrative/Summary of the Project</i> Offeror has not served as a Consultant for this project or any similar project. Notwithstanding, the response found at Section 2 above, "Experience of Offeror" will support Offeror's unique qualifications for the role of Board Consultant. (Beginning at page 24)	

EXHIBIT 18 rev.1

PAST PERFORMANCE

Awards, Citations and/or Commendations

Firm Name	Name of Award, etc.	Year Received	Project and Location	Work for Which Award, etc. Received

Contract Claims, Dispute Proceedings, Litigation and Arbitration

Firm Name	Project/Issue	Owner/Agency Initiated Action	Resolution/Outcome	Indicate if Unresolved or Pending Action	Current Owner Contact Name, Phone and Fax Nos.

Termination for Cause or Default

Firm Name	Project	Describe Reason for Termination	Dollar Amount Involved	Current Owner Contact Name, Phone and Fax Nos.

Disciplinary Action, Fines and/or Penalties

Firm Name	Project	Describe Action Taken	Current Owner Contact Name, Phone and Fax Nos.

The Offeror does not have any Past Performance which is responsive to this Exhibit 18.

EXHIBIT 19

SUBCONTRACTOR INFORMATION

(known or should be known at the time of submission of Proposal to RFP)

Name of Offeror: Colleen Hanabusa AAL LLC

SUBCONTRACTOR NAME	ADDRESS AND PHONE NUMBER	NATURE OF WORK TO BE PERFORMED	YEARS OF RELATED EXPERIENCE
N/A			

Notes:

(1) Attach maximum of one page summary of subcontractor experience for each subcontractor listed, including subcontractants. Offeror does not anticipate hiring or contracting with any subcontractor.

Honolulu Rail Transit Project

EXHIBIT 21

KEY PERSONNEL INFORMATION

Name of Offeror: Colleen Hanabusa AAL LLC

Position	Name	Years of Exper.	Education
Consultant to the HART Board	Colleen Hanabusa	See attached Resume	See attached Resume

Use additional sheets when needed.

**RESUME OF
COLLEEN HANABUSA**

EDUCATION BACKGROUND

High School: St. Andrew's Priory School
B.A.: University of Hawai'i in Economics and Sociology
M.A.: University of Hawai'i in Sociology
J.D.: William S. Richardson School of Law, University of Hawai'i

POLITICAL HISTORY

In November of 1998, I was elected to serve the people of the 21st District in the Hawai'i State Senate. The 21st District began then in what was called Barber's Point (Kalaeloa) and covered the Wai'anae Coast to Kaena Point. I represented the 21st District for 12 years from 1999-2010. I held the following positions:

- Chair of the Committee on Water, Land and Hawaiian Affairs (1999-2000)
- Vice President of the Hawai'i State Senate and Vice-Chair of the Committee on Ways and Means (2001-2002)
- Majority Leader of Hawai'i State Senate and Chair of the Committee on Judiciary and Hawaiian Affairs (2003-2006)
- President Hawai'i State Senate (late 2006, 2007-2010)

In addition to the Leadership and Committee Chair positions, I also co-chaired the following special committees:

- Joint Senate-House Investigative Committee concerning the Felix Consent Decree (2001). This was the first Joint Investigative Committee authorized by the Hawai'i State Legislature (Co-Chair Representative Scott Saiki)
- Joint House-Senate Task Force on Ice and Drug Abatement (2003-2004) (Co-Chair then Representative Eric Hamakawa)
- Special Committee on the Hawai'i Youth Correctional Facility (2005) (Co-Chair Representative Sylvia Luke)

I was the first woman to lead either Chamber in the State of Hawai'i and the first Asian woman in the United States to lead a State legislative chamber.

While serving in the Hawai'i State Legislature, I was fortunate to receive the following awards and recognition:

- Outstanding Freshman Legislator, University of Hawai'i Professional Assembly (1999)
- Outstanding Lawmaker of Year, Small Business Hawai'i (1999)
- Mea Hanohano Kako'o (special honoree-not of Hawaiian ancestry-for support of Hawaiian issues and the Hawaiian community) from the Center for Hawaiian Studies, University of Hawai'i (2000)
- Toll Fellow, The Council of State Governments, The Henry Toll Fellowship Program (2000)
- Participant in the 2001 Leadership Academy for Asian Pacific American Elected Officials, co-sponsored by the Asian Pacific American Institute for Congressional Studies and the UCLA Asian American Studies Center
- Co AJA (American of Japanese Ancestry) for 2001, The Hawai'i Herald
- Honolulu Star Bulletin in its first publication of "10 Who Made a Difference" (2001)
- American Business Women's Association, along with Marion Higa (2003)
- Outstanding Legislator, Hawai'i Medical Association (2003)
- Recognized by Hawai'i Business Magazine as one of "Hawai'i's Powerbrokers" (2003)
- Humane State Legislator Award, the Humane Society of the United States (2006)
- Lifetime Achievement Award, Searider Productions, Wai'anae High School

In 2010, I was elected by the people of the First Congressional District of the State of Hawai'i to represent them in the Congress of the United States which I did from 2011-2014 and again in 2016-2018. I am technically a member of the 112, 113, 114 and 115 Congresses. I served on the following:

- The House Armed Services Committee (2011-2014, 2017-2018)
- The House Committee on Natural Resources (2011-2014, 2017-2018)
- Ranking Member (highest Democrat) on the Subcommittee on Indian and Alaskan Native Affairs (2013-2014) and on the Subcommittee on Public Lands Ranking Member (2017-2018)
- One 7 on the Panel on Business Challenges in the Defense Industry (2012)
- Ranking Member to Chair Randy Forbes on the Pivot to Asia Pacific resulting with the co introduction of the Asia Pacific Region Priority Act (2013-2014)
- The House Committee on Science Space and Technology (2017-2018)
- Freshman Representative on Nancy Pelosi's Leadership Team (2017-2018)
- The Democratic Committee on Steering and Policy (determine leadership and membership in House Committees for Democrats and sets policy for the Democrat Caucus)

In addition while serving in the House of Representatives, I was asked to speak primarily on Asia Pacific matters by the following organizations:

- The Brookings Institute
- The NBR (National Bureau of Asian Research) where I am listed as one of their Experts
- The CSIS (Center for Strategic and International Studies, Washington DC)
- Bertlesmann Foundation
- East West Center for events here and in Washington DC

PRACTICE OF LAW

As stated above, I have my law degree from the William S. Richardson School of Law. Prior to and while in the Hawai'i State Senate, I was able to maintain my practice of law. I enjoyed the practice and received the following recognition from my colleagues:

- Hawai'i's A+ Attorneys, Honolulu Magazine first published in 1993
- The Best Lawyers in America, Woodward/White (1995-2009)
- Martindale-Hubbell AV rating, the highest rating for lawyers (beginning 2004), Recently highest rating, Martindale-Hubbell AV Preeminent Rating.
- Dean's Award, University of Hawai'i William S. Richardson School of Law (2007)
- Outstanding Women Lawyer of the Year, Hawai'i Women Lawyers (2007)
- Spirit of Excellence Award from the American Bar Association (2009) (This award is for the promotion of racial and ethnic diversity in the Bar. Fellow Awardee was Professor Charles Ogletree of Harvard Law School, the mentor to Michelle Obama and President Barack Obama.

SPECIAL NOTE

I have been privileged to participate in certain very special events of which I wish to note:

- Chair, statewide official hearings on the impact of US Supreme Court decision, *Rice v. Cayetano*. This was the first time official hearings were permitted outside of the Capitol. (2000)
- Attended the Medal of Honor Ceremony for the twenty-two Asian American soldiers at the White House (2000)
- Keynote speaker in 2002 for the 59th Anniversary Memorial Service for the 442nd and 100th Battalion at Punchbowl National Cemetery
- Sustainability 2050, spearheaded by Senator Russell Kokubun and myself as Senate President. (2007-2008)
- Keynote Speaker for the Asian Pacific Law Students at Harvard Law School (2009)

-
- Speaker at the US Japan Council Annual Meeting to honor the Legacy of Senator Daniel K. Inouye in Tokyo (2013)
 - Graduation speaker for University of Hawai'i West Oahu. (2014) This was a symbolic culmination of my State legislative career's work to the building of the second City, Kapolei and the second tourism destination, Ko Olina
 - University of Hawai'i School of Law, Lecturer Fall 2015 Semester
 - Daniel K. Inouye Institutes' Distinguished Visiting Lecturer for the Spring 2016 Semester at the University of Hawai'i and taught a course on "Civil Liberties at the Time of National Crisis"

RECENT BOARD APPOINTMENTS

I have been appointed to the Board of:

- HART (Honolulu Authority for Rapid Transportation) which oversees the largest capital improvement project in the State of Hawai'i's history, the construction of the rail project. (June 2015).
- At the April 2016 meeting of the HART Board, assumed the Chairs position.
- Hawaii Gas, the only government-franchised, full-service gas company manufacturing and distributing gas in Hawai'i. It is a wholly owned indirect subsidiary of Macquarie Infrastructure Company. (May 2015)
- St. Andrew's Schools, Board of Trustees (twice, most recent tenure ended in 2016)

Section 3

APPROACH AND UNDERSTANDING

The purpose of this Section is to identify two primary characteristics of the Offeror. The first is an understanding of the government funding strategies with all relevant entities. The second is the demonstration of effective communication skills. The ability to convey information.

This Section has the following requirements:

1. Describe how the Offeror will ensure successful performance of this Contract.

As stated earlier, the Offeror has only one person and that is Colleen Hanabusa. The Offeror will ensure that she fulfills the requirement of this Contract and notes that the responses provides under Section 2 above should address the issue of expertise in this arena.

2. Offeror's unique approach to implement RFP.

This requirement addresses how the Offeror will meet HART, FTA and State requirements while meeting the conditions of this RFP. Critical to meeting this condition is to known that HART, FTA and State have specific guidelines. For example, the FTA has FTA Circular C 4220.1F which address Third Party Contracting Guidelines which have been reviewed by Offeror. In addition the Federal Requirements are attached to the RFP as Appendix C. This includes conditions relating to DBE participation. Offeror discloses that it is not a qualified DBE. Notwithstanding if Offeror were to subcontract, it will comply with DBE requirements. HART has a 27 page "General Terms and Conditions for Professional Services" which Offeror will comply with its terms and conditions. As for the State of Hawai'i, Offeror is familiar with the terms of Chapter 103D, HRS and the applicable Hawai'i Administrative Rules. In addition Offeror is very knowledgeable about Act 1 of the First Special Session of 2017.

In meeting these requirements, there must first be a recognition of the laws and rules and the ability to meet the conditions set forth therein. Offeror represents that it is able and willing to meet those conditions.

3. A narrative of how Offeror understanding and approach to address Appendix A.

Offeror points to Section 2 where it responded in detail; however the following is a narrative summary of its approach to the requirements of Appendix A

The subparts of Appendix A are bolded in this narrative. The **Membership and Quorum Issue** brings into light the conflict between the Act 1 of the First Special Session of 2017; the concept of home rule, the provisions of the Charter of the City and County of Honolulu, the legal theory of general laws and whether the acceptance of funding of Act 1 negates any defenses of home rule. This is further complicated by the fact that the HART Board did not challenge the provisions of Act 1 and in fact “welcomed” the four ex-officio non-voting members appointed by the Senate President and the Speaker of the House. Ironically, 3 of the voting members of this Board were originally appointed by the Senate President and the Speaker of the House. It is my contention that the legislature did not intend for its members to participate in the decision making of HART. If that was the intent, they would have been identified their representatives as ex officio voting members of the HART Board. Aside from the argument that the legislature overstepped and interfered with home rule, the Offeror believes the simplest and cheapest solution is to amend the law in the legislature. However, the present Board must be in agreement and there cannot be mixed messages sent to the legislature. **Short and Long-Term funding strategies for HART.** It appears as if since the inception of HART, the issue which it has been plagued with is money. That is to say, whether there is sufficient funds to finish this project. To develop the funding strategies, this provision requires the Offeror to collaborate with the HART Board and the Senior Leadership to develop short and long-terms funding strategies for the Project. The Appendix discusses the FTA funding pursuant to the FFGA; securing additional GET and TAT; collaborating with the City Administration for innovative ways to secure funding (I assume this means without raising real property taxes); and to explore New Start Programs of the FTA. In order to effectively plan the short and long-term strategies, you need someone who knows the history and why we are here. If you review the ceremonial FFGA, executed on December 19, 2012 (two days after Senator Daniel K. Inouye passed), you will find my signature as a member of Congress. As some of you may be aware, I sat as a member of HART Board from July 2015 to October 2016. From April to October 2016, I served as the Chair of the HART Board. During this time period, I testified before City Council that \$1.5 Billion was not enough money. The difficulty with Council was that then Executive Director and the prior Chair of the HART Board had said “\$1.2 Billion, not a penny more.” When they testified before the Legislature, the unified voice of HART and the City said only \$910 Million was needed. Two years later, HART and the City was before the Legislature asking for GET extension for 10 years; some in the construction industry asked for GET in perpetuity. As you know, the efforts in the regular session of 2017 failed in Conference. The Legislature knew the significance of the funding shortfall and called the First Special Session of the 2017. I testified before and assisted the Legislature in the development of what became Act 1. All of the funding sources listed in 2. of the Appendix A will be necessary for the completion of this Project. Notwithstanding, there must be diligent monitoring of the FTA’s New Start program. Though in the past the HART project was deemed not to qualify for any additional New Start funds, the

issue will be whether the Biden Administration's Infrastructure Plan will provide additional funds. From the time I was in Congress, it was the Democrat's objective to pass a massive infrastructure bill and a priority of Speaker Nancy Pelosi and Majority Leader Steny Hoyer. All of these facts are essential in the development of the funding strategies. Given the history, it will not be a simple task, especially with the legislature if a GET and TAT extensions are sought. **Provide timely information about upcoming initiatives, changes, etc. which will impact HART and the funding and prepare the responses.** I believe HART has had government relations individuals who have had this responsibility. However, I concur that the HART Board is in need of its own consultant to perform these functions. The Board may differ from the Senior Leadership of HART and among its members. Given the monthly meeting structure of HART which is an unpaid volunteer Board, timely information will permit the Board to have the necessary discussion to arrive at a unified position. To be without the ability to do this, the voice of HART will not be the Board, as it should be. The Offeror would propose that during the legislative session, it may be in the interest of the Board to form a PIG to meet and discuss these matters. This would mean at least a number less than the majority will be informed about the upcoming initiatives and changes. **Research and prepare testimony for hearings at all levels of government.** The Offeror has years of experience in researching legislations at all levels of government and preparing testimony. Just as critical, the Offeror has many years of experience conducting hearings and receiving testimony. When one has extensive experience in this area, one is able to prepare testimony that assist the entity holding the hearing to better comprehend the HART Board's position. The HART Board, and HART generally, is now in the position where it must regain public confidence and trust. This is where if like the Offeror one knows what kind of testimony could be persuasive, it will be better received. **Support and assist HART in interactions with outreach with government at all levels, including to cooperate and support HART's Federal Liaison Consultant.** The purpose of this provision is communications with the relevant parties at all levels of government to ensure that HART is viewed as transparent and open as to its activities. This is necessary to regain the public's trust and confidence in this Project. The Offeror is able to perform this task and adds that due to her years in Congress, she believes that she will be able to support and will cooperate with whomever HART selects as its Federal Liaison Consultant. The Offeror believes given the limited number who qualifies as the Federal Liaison Consultant, she has probably dealt with the individual and/or the entity. **Establish and Maintain a good working relationship with all levels of government in order to maximize HART's input and influence.** The Offeror believes that her years of experience and the relationships built over time with her colleagues at the various levels of government will qualify her for this duty. In order to accomplish this goal, it is necessary that people respect the HART Board Consultant and the Offeror believes she has earned it from many over the years. **Availability to perform the above stated duties.** The Offeror stands ready and able upon the Board reasonable request to meet with Board, staff and designees in order to satisfy the responsibilities as may be assigned to her.

Section 4

Price Proposal

This Section is requiring the submittal of specific forms. The Offeror states:

1. **Exhibit 22.** Paragraph 4 of Addendum 1 of the RFP has been amended and the amended version will be attached hereto. Offeror notes that the term of the contract was amended in Paragraph 1 and this affects Exhibit 22, Amended. In accordance with Section 5.5 of this RFP, Exhibit 22 rev.1 will be placed in a separate file when transmitted electronically.
2. **Exhibit 23.** Certificate of Current Cost and Pricing data with notary is submitted.
3. **Exhibit 24.** This is the Non-Collusion Affidavit and it will be submitted with notary statement.
3. **Discussion of Material Changes in Offeror's Financial condition over the past 3 years.** For the year 2018, the Offeror notes that Colleen Hanabusa was a member of the 115th Congress of the United States, House of Representatives. There has been no material changes in Colleen Hanabusa AAL LLC over this time. There are no claims or litigation/arbitration pending.

Offeror is aware that Exhibits 22, 23 and 24 are required in this Section.

Honolulu Rail Transit Project

EXHIBIT 23

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data as defined in section 3-122-122, HAR, and submitted pursuant to section 3-122-125, HAR; either actually or by specific identification in writing to the officer-in-charge in support of Honolulu Rail Transit Project, Hart Board Consultant Professional Services Contract (RFP-HRT-2100933) are accurate, complete, and current as of the date has not been mutually determined as of this date, alternatively, it is the date of this submittal.

(Month, day, year)

This certification includes the cost or pricing data supporting any advance agreement(s) between the offeror and HART which are part of the proposal.

Firm: Colleen Hanabusa AAL LLC

Signature: _____

Colleen Hanabusa, Managing Member
(Print name & title of person signing)

***Date of execution: 03/30/2021

- Describe the project and reference (i.e. project name, PCD No., field change, change order number, etc.).
- ** The date should be a mutually determined date prior to but as close to the date when price negotiations were concluded and the price was agreed to as possible.
- *** Date of execution should be as soon after the date when price negotiations were concluded and the contract price was agreed to as practical.

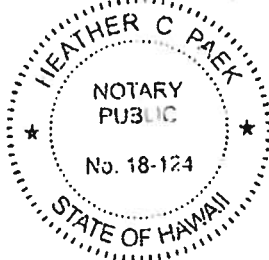
(This document shall be signed, sealed, and notarized.)

ACKNOWLEDGMENT:

STATE OF Hawaii

City & COUNTY OF Honolulu

On this 30 day of March A.D., 2021, before me personally appeared Colleen Hanabusa, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Managing Member.



Heather C. Paek
Notary Public

State of Hawaii at large

My Commission expires 03/25/2022

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

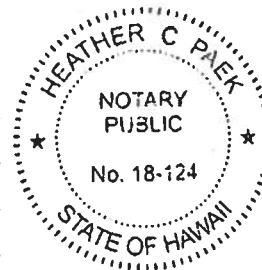
Document Identification Description: Exhibit 23 - Certificate of current cost
or pricing data

Doc. Date: undated No. Pages: 2 Jurisdiction: 1

Heather C. Paek
Signature of Notary Date of Certificate 03/30/2021

Heather C. Paek (Official Stamp or Seal)

Printed Name of Notary



Honolulu Rail Transit Project

EXHIBIT 24

NON-COLLUSION AFFIDAVIT

STATE OF Hawaii

city of Honolulu COUNTY OF Honolulu

Each of the undersigned, being first duly sworn, deposes and says that Colleen Hanabusa is the Managing Member of and n/a is the n/a of Colleen Hanabusa AAL LLC, which entity(ies) are making the foregoing Proposal, that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation; that the Proposal is genuine and not collusive or sham; that the Offeror has not directly or indirectly induced or solicited any other Offeror to put in a false or sham Final Proposal, and has not directly or indirectly colluded, conspired, connived or agreed with any Offeror or anyone else to put in a sham Proposal or that anyone shall refrain from proposing; that the Offeror has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the Contract Price or any component of the Contract Price, of the Offeror or any other Offeror, or to fix any overhead, profit or cost element included in the Proposal, or of that of any other Offeror, or to secure any advantage against HART of anyone interested in the proposed Contract; that all statements contained in the Proposal are true; and, further, that the Offeror has not, directly or indirectly, submitted its Contract Price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, proposal depository or any member or agent thereof to effectuate a collusive or sham Proposal.

(Signature)

Colleen Hanabusa

(Printed Name)

Managing Member

(Title)

n/a

(Signature)

(Printed Name)

(Title)

Subscribed and sworn to before me this 30 day of March, 2021.

Notary Public in and for)

Honolulu) SS

said County and State of Hawaii)

Heather C. Paek

State of Hawaii | Judicial

[Seal]

My commission expires: 03/25/2022

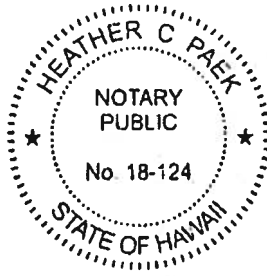
[Duplicate or modify this form as necessary so that it accurately describes the entity making the Proposal and so that it is signed on behalf of all general partners or joint venturers of the Offeror.]

46

NOTARY CERTIFICATION ON BACK

HART Board Consultant

Doc. Date: undated # Pages 1
Notary Name: Heather C Paek First Circuit
Doc. Description Exhibit 24
Non-Collusion on Affidavit.
[Signature] 05/25/2021
Notary Signature 30 Date
[Signature]



APPENDIX A

1. **Power of Attorney.** Offeror is including a Power of Attorney which is found at page 21 of this Proposal.

2. **Joint Venture is Not Applicable.**

3. **Details of Offeror's organizational structure.**

Offeror states that it is a Member Managed Limited Law Liability Company. It has only one member that serves as the Member Manager and that is Colleen Hanabusa. There is no organizational structure as may have been anticipated by this request.

APPENDIX B

Colleen Hanabusa AAL LLC has not company brochure.

APPENDIX C

Appendix C calls for "Awards, Citations and Commendations." These are found in Colleen Hanabusa's Resume; however for ease of reference it is listed here.

- Outstanding Freshman Legislator, University of Hawai'i Professional Assembly (1999)
- Outstanding Lawmaker of Year, Small Business Hawai'i (1999)
- Mea Hanohano Kako'o (special honoree-not of Hawaiian ancestry-for support of Hawaiian issues and the Hawaiian community) from the Center for Hawaiian Studies, University of Hawai'i (2000)
- Toll Fellow, The Council of State Governments, The Henry Toll Fellowship Program (2000)
- Participant in the 2001 Leadership Academy for Asian Pacific American Elected Officials, co-sponsored by the Asian Pacific American Institute for Congressional Studies and the UCLA Asian American Studies Center
- Co AJA (American of Japanese Ancestry) for 2001, The Hawai'i Herald
- Honolulu Star Bulletin in its first publication of "10 Who Made a Difference" (2001)
- American Business Women's Association, along with Marion Higa (2003)
- Outstanding Legislator, Hawai'i Medical Association (2003)
- Recognized by Hawai'i Business Magazine as one of "Hawai'i's Powerbrokers" (2003)
- Humane State Legislator Award, the Humane Society of the United States (2006)
- Lifetime Achievement Award, Searider Productions, Wai'anae High School

Additionally, Colleen Hanabusa has received the following awards, commendations as an attorney.

- Hawai'i's A+ Attorneys, Honolulu Magazine first published in 1993
- The Best Lawyers in America, Woodward/White (1995-2009)
- Martindale-Hubbell AV rating, the highest rating for lawyers (beginning 2004), Recently highest rating, Martindale-Hubbell AV Preeminent Rating (I was notified that I received this rating for this year as well).
- Dean's Award, University of Hawai'i William S. Richardson School of Law (2007)
- Outstanding Women Lawyer of the Year, Hawai'i Women Lawyers (2007)
- Spirit of Excellence Award from the American Bar Association (2009) (This award is for the promotion of racial and ethnic diversity in the Bar. Fellow Awardee was Professor Charles Ogletree of Harvard Law School, the mentor to Michelle Obama and President Barack Obama.

From: Ha, David
Sent: Tuesday, April 6, 2021 3:05 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant
Attachments: HART Board Consultant- SCOPE OF SERVICE.pdf; Federal Government - SCOPE OF WORK.pdf

Aloha Team,

Scope of work for both solicitations are attached.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Ha, David
Sent: Tuesday, April 06, 2021 12:03 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha,

Please see proposal for HART Board Consultant.

- Colleen Hanabusa AAL LLC

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
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Sent: Tuesday, April 06, 2021 12:01 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha,

Please see proposal for Federal Government Liaison.

- Dentons US LLP
- Holland & Knight LLP
- Strategies 360, Inc.
- William & Jensen PLLC – Link to download:
<https://www.dropbox.com/s/5f0og9gifon6sl2/William%20%26%20Jensen%20HART%20Q21%20-%20Electronic%20Version.pdf?dl=0>

Mahalo,
David Ha

David Ha
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From: Ha, David
Sent: Tuesday, April 06, 2021 11:56 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha Evaluation Committee,

Please see the attached documents for Evaluation Committee Meeting for Federal Government Liaison and HART Board Consultant . Due to size constraints, this is the first of a few emails to send you attachments and proposals.

Attachments:

- Adjectival Guidelines
- Agenda

HART BOARD CONSULTANT APPENDIX A - SCOPE OF SERVICES

The selected Offeror shall provide professional services primarily involving capital funding opportunities, including related Government liaison activities. This is expected to involve frequent consultations with the Board of Directors the Senior Leadership of the Honolulu Authority for Rapid transportation (HART) and interactions on behalf of HART with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government. To ensure that all aspects of HART's anticipated needs are covered by these professional services, the scope of the Contract is broad. These duties shall include, but are not limited to, the following:

1. Assist in the development and implementation of the HART Board of Directors membership and quorum strategies.
2. In collaboration with the HART Board and Senior Leadership, assist in the development and implementation of short and long-term funding strategies for the Honolulu Rail Transit Project (the Project);
 - a. Assist in securing the resumption of federal funding for advancing the Project's capital programs;
 - b. Assist in the development and execution of a plan to secure additional State funding, including General Excise Taxes (GET) and/or Transient Accommodation Taxes (TAT);
 - c. Collaborate with City Administration on innovative approaches to securing additional City funding; and,
 - d. Support and assist in monitoring the Federal Transit Authority's New Starts program.
3. Provide timely information about upcoming initiatives, changes to legislation, guidance, rulemaking, or other anticipated city and county, state, and federal actions that could have an impact on HART, particularly those related to potential funding opportunities, and support efforts to shape and deliver the Authority's response.
4. Research and prepare testimony and written comments on pending city and county, state, and federal legislation and regulations to be presented on behalf of HART at city and county, state, and federal administrative and legislative hearings.
5. Support and assist HART in interactions with and outreach to the Honolulu City Council, Hawaii State Legislature, and Congressional committees having jurisdiction over the Project and FTA New Starts program, including providing updates for committee members and staff about HART's activities. Federal outreach and communications will be in support and cooperation with HART's Federal Liaison Consultant.
6. Establish and maintain good working relationships with the Honolulu City Council, Hawaii State Legislature, and Hawaii Congressional delegation and their staffs in order to maximize the Authority's input and influence in matters relating to public transportation.

7. Be available, upon reasonable request, to meet with the HART Board of Directors, staff and others, as specified, in order to perform the responsibilities assigned.

The selected Offeror must comply with all applicable laws and regulations, including but not limited to lobbyist registration requirements. The selected Offeror must comply with the Lobbying Disclosure Act of 1995, as amended.

QUALIFICATIONS

Law degree and minimum 20 years of practice

Minimum of ten years experience at the city and county and/or state level of government in legislation and policy making

Minimum of five years experience at the federal level of government in legislation and policy making

APPENDIX A – SCOPE OF SERVICES

I. INTRODUCTION

The Honolulu Authority for Rapid Transportation (the "Authority" or "HART") is a semi-autonomous agency of the City and County of Honolulu. The Authority is responsible for the development, operation, maintenance and expansion of a fixed guideway transit system for the City and County of Honolulu.

The Authority is requesting proposals from Offerors to provide Federal Government Liaison Consultant services in Washington, D.C. The Consultant will serve as HART's liaison in Washington, D.C., with Hawaii's Congressional Delegation and appropriate Federal agencies. The Consultant will provide coordination, counsel, and information to HART and advise and represent HART with respect to federal transportation policy, legislation, regulation, and federal funding opportunities. Qualified respondents will have experience with Federal agencies within the U.S. Department of Transportation (USDOT), particularly the Federal Transit Administration (FTA). The term of the Contract will be three (3) years with two one-year renewal options.

II. SCOPE OF SERVICES

The selected Offeror shall provide Federal Government Liaison professional services through frequent consultations with HART and interactions on behalf of the Authority with the federal legislative and executive branches of government. To ensure that all aspects of HART's federal agenda are covered by these professional services, the scope of the Contract is broad. These services shall include, but are not limited to, the following:

1. Assist HART with strategic planning and coordination in the development of a comprehensive federal affairs strategy for HART, including:
 - a. Assist in the development and implementation of short and long-term federal funding strategies for the Honolulu Rail Transit Project (H RTP);
 - b. Assist in securing federal funding for advancing HART's capital programs;
 - c. Support and assist in monitoring the FTA New Starts program, including establishment of relationships and interactions with executive department personnel involved in the New Starts program, including the FTA, the Office of the Secretary of Transportation, and the White House Office of Management and Budget; and
 - d. Attend meetings to represent the interests of HART, and act as a liaison between HART and the Federal government, including but not limited to members of Congress and designated staff, USDOT officials, and FTA officials.
2. Provide timely information about upcoming initiatives, to include but not limited to, changes to legislation, guidance, rulemaking, or other anticipated federal actions that could have an impact on HART, and support efforts to shape and deliver the Authority's response.

3. Research and prepare testimony and written comments on pending federal legislation and regulations to be presented on behalf of the Authority at Federal Administrative and Congressional hearings.
4. Assist HART in outreach to the Congressional committees having jurisdiction over the FTA New Starts program, including providing updates for committee members and staff about the HRTTP and HART's other activities.
5. Support and assist HART in interactions with the Hawaii Congressional delegation and staff.
6. Establish and maintain good working relationships with the Hawaii Congressional delegation and their staffs in order to maximize the Authority's input and influence in federal matters relating to public transportation.
7. Work with Administration and Congressional members and their staffs during annual budget preparations, to maximize budgetary authorizations.
8. Work collaboratively with representatives of other agencies, governments, and associations that share a common interest in public transportation and the FTA New Starts program, including the American Public Transportation Association and others. Provide regular information to these groups about the HRTTP and report back to HART on the activities of groups with common interests.
9. Be available, upon reasonable request, to meet with HART staff and others, as specified, in order to perform the responsibilities assigned.
10. The selected Offeror must comply with the Lobbying Disclosure Act of 1995, as amended.

From: Ha, David
Sent: Wednesday, April 7, 2021 11:18 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant
Attachments: Responsive_Responsibility Checklist_FGL.PDF; Responsive_Responsibility Checklist_HBC.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Aloha Eval Committee,

Please see the attached responsive responsibility check for the proposals received for both Procurements. I did not see any material deficiencies with the proposals.

Spoke with Deanna and 4/13 seems to be a busy day for Rick. I will schedule accordingly with Deanna.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Ha, David
Sent: Tuesday, April 06, 2021 3:04 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha Team,

Scope of work for both solicitations are attached.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation

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To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha,

Please see proposal for HART Board Consultant.

- Colleen Hanabusa AAL LLC

Mahalo,
David Ha

David Ha
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Cc: Cantero, Dorothea
Subject: //Confidential// RE: Evaluation Committee No. 1 for Federal Government Liaison and HART Board Consultant

Aloha,

Please see proposal for Federal Government Liaison.

- Dentons US LLP
- Holland & Knight LLP
- Strategies 360, Inc.

- William & Jensen PLLC – Link to download:
<https://www.dropbox.com/s/5f0og9gfon6sl2/William%20%26%20Jensen%20HART%202021%20-%20Electronic%20Version.pdf?dl=0>

Mahalo,
David Ha

David Ha
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Attachments:

- Adjectival Guidelines
- Agenda
- RFP-HRT-2100929 Solicitation
- RFP-HRT-2100929 Addendum No. 1
- RFP-HRT-2100933 Solicitation
- RFP-HRT-2100933 Addendum No. 1
- Scoresheets
- Proposals

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
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FEDERAL GOVERNMENT LIAISON III				
RFP-HRT-2100929 - Proposal Checks	Denton	Holland & Knight	Strategies 360	William & Jensen
6.1: Cover Letter and Proposal Form (0 points)	X	X	X	X
Exhibit 03, Acknowledgement of Receipt Request for Proposals, Addenda,	X	X	X	X
Exhibit 04, Proposal Form	X	X	X	X
Exhibit 05, Bidder Registration Form (Offeror - Subs "encouraged")	X	X	X	X
Names and roles of all known Principal Participants and subcontractors	X	X	X	X
Single entity				
Single POC named, address, telephone/fax, email	X	X	X	X
Signed by authorized representative	X	X	X	X
6.2: Organizational Eligibility, Section 1 (5 points)				
Exhibit 06, Offeror's Organization Information	X	X	X	X
Exhibit 07, Information Requested of Partnerships and Corporations	X	X	X	X
Exhibit 08, Principal Participant Certification, plus (list up to 5 financial institutions)	X	X	X	X
Exhibit 10, Certification Regarding Lobbying	X	X	X	X
Exhibit 11, Certification Regarding Conflict of Interest	HHSC, UH, AND OHA listed	X	X	CCH-DTS, CoM-DoT listed
Exhibit 12, Certificate Regarding Ineligible Contractors	X	X	X	X
Exhibit 13, Certificate Regarding Ineligible Subcontractors	X	X	N/A	N/A
If a JV, LLC, or Partnership:			N/A	
Identity of Lead Principal Participant			N/A	
Percent share of each Principal Participant, if known (if a JV)			N/A	
Express statement of joint and several liabilities (if a JV)			N/A	
Identify full details of organization structure			N/A	
6.3: Experience of the Offeror and Principal Participants, Section 2 (45 Points)				
Exhibit 17, Experience - no more than 10 past projects w/in last 5 years	X	X	changed form all required information present	X
Exhibit 18, Past Performances	X	X	None	X
Exhibit 19, Subcontractor Information	X	X	N/A	N/A
Exhibit 21, Key Personnel Information	X	X	changed form all required information present	X
6.4 Approach and Understanding Relative to Scope of Services, Section 3 (30 Points)				
Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;	X	X	X	X
Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;	X	X	X	X
Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.	X	X	X	X
6.5: Price Proposal, Section 5 (20 points)				
Exhibit 22, Price Proposal	X	X	X	X
Exhibit 23, Certificate of Current Cost and Pricing Data	X	X	Not notarized	X
Exhibit 24, Non-Collusion Affidavit	X	X	X	X
Discuss any material changes over the last 3 years	X	None	None	X
Appendix A:				
Notarized POA and/or Corporate Resolution	X	X	see exhibit 07	X
Appendix B:				
Awards citations etc.	see exhibit 18	see exhibit 18	see exhibit 18	see exhibit 18
Certificates of Insurance				
Certificates of Insurance	(may submit upon award)	(may submit upon award)	(may submit upon award)	(may submit upon award)
Due Diligence Checks				
PVL	N/A	N/A	N/A	N/A
HCE	Expired	Not Compliant - DoTax	Not Compliant - DoTax	Compliant
BREG	Active	Unlisted	Active	Expired
SAM	Not Excluded	Not Excluded	Unlisted	Unlisted
SPO Excluded	Unlisted	Unlisted	Unlisted	Unlisted
OLIR Suspended	Unlisted	Unlisted	Unlisted	Unlisted
Notes:				

HART BOARD CONSULTANT		
RFP-HRT-2100933 - Proposal Checks	Hanabusa	
6.1: Cover Letter and Proposal Form (0 points)	X	
Exhibit 03, Acknowledgement of Receipt Request for Proposals, Addenda,	X	
Exhibit 04, Proposal Form	X	
Exhibit 05, Bidder Registration Form (Offeror - Subs "encouraged")	X	
Names and roles of all known Principal Participants and subcontractors	X	
Single entity	X	
Single POC named, address, telephone/fax, email	X	
Signed by authorized representative	X	
6.2: Organizational Eligibility, Section 1 (5 points)		
Exhibit 06, Offeror's Organization Information	X	
Exhibit 07, Information Requested of Partnerships and Corporations	N/A	
Exhibit 08, Principal Participant Certification, plus (list up to 5 financial institutions)	X	
Exhibit 10, Certification Regarding Lobbying	X	
Exhibit 11, Certification Regarding Conflict of Interest	X	
Exhibit 12, Certificate Regarding Ineligible Contractors	X	
Exhibit 13, Certificate Regarding Ineligible Subcontractors	N/A	
If a JV, LLC, or Partnership:	N/A	
Identity of Lead Principal Participant		
Percent share of each Principal Participant, if known (if a JV)		
Express statement of joint and several liabilities (if a JV)		
Identify full details of organization structure		
6.3: Experience of the Offeror and Principal Participants, Section 2 (45 Points)		
Exhibit 17, Experience - no more than 10 past projects w/in last 5 years	X	
Exhibit 18, Past Performances	None	
6.4 Approach and Understanding Relative to Scope of Services, Section 3 (30 Points)		
Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;	X	
Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;	X	
Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.	X	
6.5: Price Proposal, Section 5 (20 points)		
Exhibit 22, Price Proposal	X	
Exhibit 23, Certificate of Current Cost and Pricing Data	X	
Exhibit 24, Non-Collusion Affidavit	X	
Discuss any material changes over the last 3 years	X	
Appendix A:		
Notarized POA and/or Corporate Resolution	X	
Appendix B:		
Awards citations etc.	see exhibit 18	see exhibit 18
Certificates of Insurance		
Certificates of Insurance	(may submit upon award)	(may submit upon award)
Due Diligence Checks		
PVL	Active Bar member	
HCE	Expired	
BREG	Unlisted	
SAM	Unlisted	
SPO Excluded	Unlisted	
DLIR Suspended	Unlisted	
Notes:		

From: Ha, David
Sent: Thursday, April 15, 2021 4:00 PM
To: Matsushita, Cindy; Keene, Richard C; Manahan, Joey
Cc: Cantero, Dorothea
Subject: HART Board Consultant

Aloha Team,

Please confirm our Evaluation Committee meeting regarding the HART Board Consultant Procurement. The single proposal received from Colleen Hanabusa AAL LLC is acceptable and/or potentially acceptable based on your review.

Cindy as the Eval Chair can confirm.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Manahan, Joey
Sent: Friday, April 16, 2021 8:03 AM
To: Ha, David; Matsushita, Cindy; Keene, Richard C
Cc: Cantero, Dorothea
Subject: RE: HART Board Consultant

Aloha David,

Thank you the proposal for the Board Consultant is acceptable.

Mahalo,

Joey Manahan
Director of Government Relations and Public Involvement
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
808-768-6135 (phone)
808-768-6154 (fax)
jmanahan@honolulu.gov

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From: Ha, David <dha@honolulu.gov>
Sent: Thursday, April 15, 2021 4:00 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>; Manahan, Joey <jmanahan@honolulu.gov>
Cc: Cantero, Dorothea <dorothea.cantero@honolulu.gov>
Subject: HART Board Consultant

Aloha Team,

Please confirm our Evaluation Committee meeting regarding the HART Board Consultant Procurement. The single proposal received from Colleen Hanabusa AAL LLC is acceptable and/or potentially acceptable based on your review.

Cindy as the Eval Chair can confirm.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Friday, April 16, 2021 8:27 AM
To: Ha, David; Keene, Richard C; Manahan, Joey
Cc: Cantero, Dorothea
Subject: RE: HART Board Consultant

Confirmed, thank you.

From: Ha, David
Sent: Thursday, April 15, 2021 4:00 PM
To: Matsushita, Cindy; Keene, Richard C; Manahan, Joey
Cc: Cantero, Dorothea
Subject: HART Board Consultant

Aloha Team,

Please confirm our Evaluation Committee meeting regarding the HART Board Consultant Procurement. The single proposal received from Colleen Hanabusa AAL LLC is acceptable and/or potentially acceptable based on your review.

Cindy as the Eval Chair can confirm.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Cantero, Dorothea
Sent: Monday, April 19, 2021 3:44 PM
To: Matsushita, Cindy
Cc: Keene, Richard C; Manahan, Joey
Subject: HART Board Consultant
Attachments: Fair and Reasonable Determination.pdf

Attached please find the Fair and Reasonable justification for RFP-HRT-2100933 for the HART Consultant. If you concur, please sign and return to me. Please let me know if you have any questions.

Thank you,
Dorothea Cantero
Procurement and Specifications Specialist I
Honolulu Authority for Rapid Transit
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Email: dorothea.cantero@honolulu.gov

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From: Cantero, Dorothea
Sent: Tuesday, April 20, 2021 11:07 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Ha, David
Subject: HART Board Eval W/Price
Attachments: JM Hanabusa Scoresheet.xls; RK Hanabusa Scoresheet.xls; CM Hanabusa Scoresheet.xls

Attached please find the Eval. Scoresheets for the HART Board Consultant RFP-HRT-2100933 with the pricing included. This sheet includes the points for Price.

Please sign and return to me.

Thank you,

Dorothea Cantero

Procurement and Specifications Specialist I

Honolulu Authority for Rapid Transit

1099 Alakea Street, Suite 1700

Honolulu, HI 96813

Email: dorothea.cantero@honolulu.gov

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Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Joey Manahan

Evaluation Criteria (Section 6.0)

6.1 Cover Letter and Proposal Form The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall discuss its capability to meet the requirements of the Contract specifically with respect to cash and working capital. The Offeror shall identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter.	
Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 5.	
Evaluator Comments	Assigned Score 0 points max

6.2 Organization Eligibility (Section 1) a) Requirements and information to be provided in Section 1 of the Proposal are: i. Submit Offeror's Organization Information as identified on Exhibit 6; ii. If a Partnership or Corporation, submit Exhibit 7; iii. If a Joint Venture, Limited Liability Company, or Partnership. a. Identity of the lead entity, if any; b. Indicate the equity share percentage held by each member; c. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; & d. Identify full details of the organization structure in Appendix A to the proposal. iv. Submit Offeror's Certification on Exhibit 8 for the Offeror covering the last five (5) years; and v. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11), Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13). b) Requirements and information to be provided in Appendix A to the Proposal: i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Principal Participant's representative to sign for that Principal Participant; ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and iii. <u>Alternatively</u> , In lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.	
Exhibits required in Section 1 are: Exhibits 6, 7, 8, 10, 11, 12, and 13.	
Evaluator Comments	Assigned Score (5 points max)
(For Comments please see previously submitted Evaluation dated 4/14/21)	5

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Joey Manahan

6.3 Experience of the Offeror (Section 2)

- a) The objective of this section is:
- i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.
 - ii. To identify Offerors with the following:
 - A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;
 - B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
 - C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.
 - iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.
- b) Requirements and information to be provided in Section 2 of the Proposal:
- i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.
 - ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
 - iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
 - iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references.

v Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

Evaluator Comments	Assigned Score (45 points max)
(For Comments please see previously submitted Evaluation dated 4/14/21)	45

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Joey Manahan

6.4 Approach and Understanding Relative to Scope of Services (Section 3)

a) The objective of this section is:

- i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
- ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.

b) Requirements and information to be provided in Section 3 of the Proposal:

- i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
- ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
- iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

Evaluator Comments	Assigned Score (30 points max)
(For Comments please see previously submitted Evaluation dated 4/14/21)	30

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with price

Offeror: Colleen Hanabusa AAL, LLC

Date: 04/20/21

Evaluator: Joey Manahan

6.5 Price Proposal (Section 4)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.
- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
- i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

Evaluator Comments	Assigned Score (20 points max)
Pursuant to HAR §3-122-52(d)	20

Total Score (100 points max)	100
-------------------------------------	------------

Signature _____

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Rick Keene

Evaluation Criteria (Section 6.0)

6.1 Cover Letter and Proposal Form The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall discuss its capability to meet the requirements of the Contract specifically with respect to cash and working capital. The Offeror shall identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter.	
Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 5.	
Evaluator Comments	Assigned Score 0 points max)
Appropriate and adequate cover letter.	

6.2 Organization Eligibility (Section 1) a) Requirements and information to be provided in Section 1 of the Proposal are: i. Submit Offeror's Organization Information as identified on Exhibit 6; ii. If a Partnership or Corporation, submit Exhibit 7; iii. If a Joint Venture, Limited Liability Company, or Partnership: a. Identity of the lead entity, if any; b. Indicate the equity share percentage held by each member; c. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; & d. Identify full details of the organization structure in Appendix A to the proposal. iv. Submit Offeror's Certification on Exhibit 8 for the Offeror covering the last five (5) years; and v. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11), Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13). b) Requirements and information to be provided in Appendix A to the Proposal: i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Principal Participant's representative to sign for that Principal Participant; ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and iii. <u>Alternatively</u> , in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.	
Exhibits required in Section 1 are: Exhibits 6, 7, 8, 10, 11, 12, and 13.	
Evaluator Comments	Assigned Score (5 points max)
Deemed adequate and appropriate.	5

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa AAL LLLC

Date: 04/20/21

Evaluator: Rick Keene

6.3 Experience of the Offeror (Section 2)	
<p>a) The objective of this section is:</p> <ul style="list-style-type: none"> i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A. ii. To identify Offerors with the following: <ul style="list-style-type: none"> A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities. B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes. iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP. <p>b) Requirements and information to be provided in Section 2 of the Proposal:</p> <ul style="list-style-type: none"> i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract. ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit. iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor. iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide: <ul style="list-style-type: none"> 1) a resume; and 2) two references. <p>v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.</p>	
<p style="text-align: center;">Evaluator Comments</p>	<p style="text-align: center;">Assigned Score (45 points max)</p>
<p>CH has excellent experience and background to fulfill the requirements of this engagement.</p>	<p>36</p>

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Rick Keene

6.4 Approach and Understanding Relative to Scope of Services (Section 3)

a) The objective of this section is:

- i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly: U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
- ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.

b) Requirements and information to be provided in Section 3 of the Proposal:

- i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
- ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
- iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

Evaluator Comments	Assigned Score (30 points max)
Knowledge of scope and approach are very good. CH has experience to immediately begin to become involved in initiatives. She also conveys understanding of the need to work with and provide support to the HART Board and the need to collaborate with HART's federal liaison.	24

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa AAL LLC

Date: 04/20/21

Evaluator: Rick Keene

6.5 Price Proposal (Section 4)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.
- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and Information to be provided in Section 6 of the Proposal:
- i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

Evaluator Comments	Assigned Score (20 points max)
Pursuant to HAR §3-122-52(d)	20

Total Score (100 points max)	85
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Signature: _____

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa

Date: 04/20/21

Evaluator: Cindy Matsushita

Evaluation Criteria (Section 6.0)

6.1 Cover Letter and Proposal Form	
The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all Principal Participants and known subcontractors. The Offeror shall discuss its capability to meet the requirements of the Contract specifically with respect to cash and working capital. The Offeror shall identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter.	
Exhibits required in the Cover Letter and Proposal Form Section are: Exhibit 3, 4, and 5.	
Evaluator Comments	Assigned Score (0 points max)

6.2 Organization Eligibility (Section 1)	
a) Requirements and information to be provided in Section 1 of the Proposal are: i. Submit Offeror's Organization Information as identified on Exhibit 6; ii. If a Partnership or Corporation, submit Exhibit 7; iii. If a Joint Venture, Limited Liability Company, or Partnership: a. Identity of the lead entity, if any; b. Indicate the equity share percentage held by each member; c. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; & d. Identify full details of the organization structure in Appendix A to the proposal. iv. Submit Offeror's Certification on Exhibit 8 for the Offeror covering the last five (5) years; and v. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11), Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13). b) Requirements and information to be provided in Appendix A to the Proposal: i. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Principal Participant's representative to sign for that Principal Participant; ii. Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and iii. <u>Alternatively</u> , in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.	
Exhibits required in Section 1 are: Exhibits 6, 7, 8, 10, 11, 12, and 13.	
Evaluator Comments	Assigned Score (5 points max)
Offeror has met all required criteria for organization eligibility	5

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa

Date: 04/20/21

Evaluator: Cindy Matsushita

6.3 Experience of the Offeror (Section 2)

a) The objective of this section is:

i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

ii. To identify Offerors with the following:

A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;

B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and

C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.

iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

i. Experience: Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.

ii. Past Performances: Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.

iii. Subcontractor Information: If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.

iv. Key Personnel: Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:

- 1) a resume; and
- 2) two references.

v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

Evaluator Comments	Assigned Score (45 points max)
Offeror has significant experience at both the federal, state, and local levels in providing the government liaison services sought. Offeror's firsthand experience with the HRTTP as a Board member, as well as a former member of Congress at the time of the FFGA signing render her uniquely poised to effectively strategize and assist with legislation, and in particular, funding.	40

**Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933**

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa

Date: 04/20/21

Evaluator: Cindy Matsushita

6.4 Approach and Understanding Relative to Scope of Services (Section 3)

a) The objective of this section is:

i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.

ii. To identify Offerors with demonstrated effective communication skills. Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.

b) Requirements and information to be provided in Section 3 of the Proposal:

i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;

ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;

iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

Evaluator Comments	Assigned Score (30 points max)
Offeror's subject matter expertise (despite the fact that she is the sole key personnel) makes her particularly well-suited to successfully performing the contract. Her intimate firsthand knowledge of the historical issues faced by the HRT, and her role in the project from the perspectives of lawmaker and Board member will be an asset to her as Board Consultant. The relationships she has built throughout her career in government will enable her to help achieve HART's objectives.	25

Honolulu Authority for Rapid Transportation
HART Board Consultant
Request for Proposals No. RFP-HRT-2100933

Evaluation Committee Sheet with Price

Offeror: Colleen Hanabusa

Date: 04/20/21

Evaluator: Cindy Matsushita

6.5 Price Proposal (Section 4)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.
- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. The Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
- i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

Evaluator Comments	Assigned Score (20 points max)
Pursuant to HAR §3-122-52(d)	20

Total Score (100 points max)	90
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Signature: _____

From: Ha, David
Sent: Tuesday, April 20, 2021 1:04 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: RE: HART Board Eval W/Price
Attachments: Exhibit 22 rev.1 - Price Proposal.pdf

Aloha,

Please also see Colleen Hanabusa AAL LLC's Price Proposal.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Cantero, Dorothea
Sent: Tuesday, April 20, 2021 11:07 AM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Ha, David
Subject: HART Board Eval W/Price

Attached please find the Eval. Scoresheets for the HART Board Consultant RFP-HRT-2100933 with the pricing included. This sheet includes the points for Price.

Please sign and return to me.

Thank you,
Dorothea Cantero
Procurement and Specifications Specialist I
Honolulu Authority for Rapid Transit
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Email: dorothea.cantero@honolulu.gov

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**EXHIBIT 22 rev.1
PRICE PROPOSAL**

	Year 1	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
Month 1	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 2	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 3	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 4	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 5	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 6	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 7	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 8	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 9	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 10	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 11	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
Month 12	\$ 12,000.00	\$ 12,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 14,000.00
TOTAL	\$ 144,000.00	\$ 144,000.00	\$ 156,000.00	\$ 156,000.00	\$ 156,000.00	\$ 168,000.00

Cells highlighted in light green are priced options.

The payments shall be inclusive of all costs including but not limited to: labor, materials, profit, overhead, general and administrative expenses, other direct costs, subcontractor costs, applicable taxes and insurance. Reimbursable expenses and allowance for extra work is not applicable to this Contract.

CONTRACT PRICING

AMOUNT

TOTAL BASE CONTRACT PRICE (1 year and 6 months):

\$ 216,000.00

TOTAL AGGREGATE OPTION YEARS:

\$ 708,000.00

TOTAL EVALUATED PRICE:

\$ 924,000.00

From: Ha, David
Sent: Friday, April 30, 2021 1:52 PM
To: Keene, Richard C; Manahan, Joey; Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: NTPs for Federal Government Liaison and HART Board Consultant

Aloha,

We are putting together the execution package for both projects. With that said, would you like the transmittal letter to also serve as the Notice to Proceed. We usually ask the PMs if they want to issue NTP as the same date as the transmittal or have a specific start date. Let me know and we can draft accordingly.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Thursday, December 10, 2020 2:42 PM
To: Matsushita, Cindy; lmccrory654@gmail.com
Cc: 'Hoyt Zia'
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

That's great! Thank you Cindy

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

Mr. Martyn is a member of the Investment Company Institute (ICI), the National Securities Industry Conference on Fraud Prevention (NSICFP), and the Financial Research Corporation (FRC).

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Thursday, December 10, 2020 2:37 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: 'Hoyt Zia' <hoytzia@yahoo.com>
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

Ruth advises that there are unused funds from monies set aside for the federal investigation defense (which is being handled by COR) that can be used for the consultant contract.

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:27 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: 'Hoyt Zia'
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

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Lynn,

I'm guessing that Lori (and later Rick) might have their own Admin Assistants that they'll want to bring with them, but this is less important than the matter of freeing up dollars for the Board consultant contract. The dollars associated with Joyce, Dave and Steve should be more than adequate don't you think?

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-2601 (808) 521-2660 direct (808) 521-2621 fax
(866) 436-2584 toll free martyn@stifel.com

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Honolulu, Hawaii 96813

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From: lmccrory654@gmail.com <lmccrory654@gmail.com>

Sent: Thursday, December 10, 2020 2:23 PM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; 'Matsushita, Cindy' <cmatsushita@honolulu.gov>

Cc: 'Hoyt Zia' <hoytzia@yahoo.com>

Subject: RE: HART HR Committee 12-03-20 Meeting Notes

Toby,

There is Joyce Oliveria, Steve Cayetano, David Uchiyama, and their secretaries and Andy's secretary. Cindy was putting together a draft letter that would list everyone as though they are being reappointed. Let me ask her where that is. I would strongly recommend reappointing the secretaries. They know where everything is, and if they don't get along with whoever comes next, the new person can let them go.

Lynn

From: Martyn, Tobias <martynt@stifel.com>

Sent: Thursday, December 10, 2020 2:18 PM

To: lmccrory654@gmail.com; 'Matsushita, Cindy' <cmatsushita@honolulu.gov>

Cc: 'Hoyt Zia' <hoytzia@yahoo.com>

Subject: RE: HART HR Committee 12-03-20 Meeting Notes

Lynn,

If there are 7 total HART appointee's tied to Andy (including Andy) and Lori brings over Rick Keene, I would think that there should be adequate funds available (the difference between the cost of the 7 and the cost of 3 (Lori, Rick and a shared Admin person).

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-2601 (808) 521-2660 direct (808) 521-2621 fax
(866) 436-2584 toll free martyn@stifel.com

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Honolulu, Hawaii 96813

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From: lmccrory654@gmail.com <lmccrory654@gmail.com>

Sent: Thursday, December 10, 2020 2:12 PM

To: 'Matsushita, Cindy' <cmatsushita@honolulu.gov>; Martyn, Tobias (Honolulu) <martynt@stifel.com>

Cc: 'Hoyt Zia' <hoytzia@yahoo.com>
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

Cindy,
Any final answer on whether there are funds in the budget or we need to go forward with procurement? Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Monday, December 7, 2020 10:20 AM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: 'Hoyt Zia' <hoytzia@yahoo.com>
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

I have a meeting later today with her to discuss transition stuff. The budget question would change if we are looking to hire a particular individual as opposed to going out for a competitive procurement, so I'll get back to you on that.

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Monday, December 07, 2020 10:14 AM
To: Matsushita, Cindy; 'Martyn, Tobias '
Cc: 'Hoyt Zia'
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

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Cindy,
Did you hear anything back from Ruth as to whether she has the funds we could use? Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Monday, December 7, 2020 9:56 AM
To: Martyn, Tobias <martynt@stifel.com>; Lynn McCrory <lmccrory654@gmail.com>
Cc: Hoyt Zia <hoytzia@yahoo.com>
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

To be clear, I made inquiries on conducting a competitive procurement for lobbying services that would likely take about a couple of months. If the Board has someone in mind, we should explore the HDR consultant route, which will be more expedient.

To answer Hoyt's question about the terms of the deputy directors, our HR folks inform me that the employment terms of the deputies would indeed be coterminous with their appointing authority (the interim ED). Although they are coterminous, however, their employment is at-will and can be terminated at any time during the interim ED's term.

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Monday, December 07, 2020 6:35 AM
To: Lynn McCrory
Cc: Hoyt Zia; Matsushita, Cindy
Subject: RE: HART HR Committee 12-03-20 Meeting Notes

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Thank you Lynn. That sounds about right. Do we have a sense as to how long it would take to set this up?
Regarding a call, I'll come back to confirm, but I'm thinking around 11:00am.

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

808-639-8442 (Hawaii) 808-639-8442 (US) 808-639-8442 (US)
1400 Ala Moana Blvd, Suite 1400, Honolulu, HI 96813

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Honolulu, Hawaii 96813
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From: Lynn McCrory <lmccrory654@gmail.com>
Sent: Monday, December 7, 2020 5:25 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>
Cc: Hoyt Zia <hoytzia@yahoo.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Re: HART HR Committee 12-03-20 Meeting Notes

Toby,
Sure call any time except 9:00 to 10:00 as the computer company I use has to fix a few things for me. Cindy checked last week on the procurement issue. In talking with Joyce, Joyce indicated that depending on the amount they may have it in the budget. The amount I gave her to look for was \$150K to \$200K, as two years ago I paid \$150K to get a bill through the Legislature and monitor a few bills. Mahalo!

Lynn McCrory
808-639-8442

On Dec 7, 2020, at 4:48 AM, Martyn, Tobias <martynt@stifel.com> wrote:

Thank you very much for your steady hand Lynn!

Can we meet soon to talk strategy on the leadership transition? This includes the retainer of Colleen Hanabusa as a consultant to the Board to work with the State Legislature to help us get the GET/TAT tax extended and find a solution for our quorum issues (through possible amendments to Act 1). Also to work with the FTA to extend the \$250MM lapsing at the end of this year and to also work on the release funds to help us bridge the funding gap cause by the COVID induced slow down to our revenue.

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

808-639-8442 (Hawaii) 808-639-8442 (US) 808-639-8442 (US)
1400 Ala Moana Blvd, Suite 1400, Honolulu, HI 96813

From: lmccrory654@gmail.com <lmccrory654@gmail.com>
Sent: Friday, December 4, 2020 11:30 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; 'Hoyt Zia' <hoytzia@yahoo.com>
Cc: Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: [EXTERNAL] HART HR Committee 12-03-20 Meeting Notes

Toby and Hoyt,

I added a few more things that should be considered as we get through the balance of December and beginning of January for your review, besides the information you will need for the formal interview of the ED/CEO candidate to reach concurrence on terms and start date.

Have a great weekend!!! I will continue wrapping holidays gifts..... Mahalo!

Lynn

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 2:58 PM
To: Kam, Geoffrey M
Cc: Matsushita, Cindy
Subject: FW: Board Consultant Contract

CONFIDENTIAL

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias
Cc: lmccrory654@gmail.com; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

Toby Martyn

Branch Manager, Vice President/Investments

15000 North Central Expressway, Suite 1000, Dallas, Texas 75243

Phone: 214.750.1000 Fax: 214.750.1001 Email: tmartyn@stifel.com

STIFEL

10000 Wilshire Avenue, Suite 1000
Beverly Hills, California 90210

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Matsushita, Cindy

From: Kam, Geoffrey M
Sent: Thursday, December 10, 2020 3:09 PM
To: Ishikawa, Randall K
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract
Attachments: image001.png; image002.png

Assuming we've got money that Ruth is willing to certify for this purpose, still need to discuss with David Ha as to procurement method.

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 2:57 PM
To: Kam, Geoffrey M
Cc: Matsushita, Cindy
Subject: FW: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov<<mailto:randall.ishikawa@honolulu.gov>>

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

[cid:image002.png@01D1AAD0.2D7951A0]
[cid:image003.png@01D1AAD0.2D7951A0]

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:41 PM
To: Matsushita, Cindy
Subject: FW: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:06 PM
To: 'Martyn, Tobias ' <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Toby Martyn
Branch Manager, Vice President, Investments

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Thursday, December 10, 2020 3:42 PM
To: Ishikawa, Randall K
Subject: RE: Board Consultant Contract

Thanks. I'll respond to you and Geoff on the other thread so we're all on the same page.

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:41 PM
To: Matsushita, Cindy
Subject: FW: Board Consultant Contract

Cindy:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Thursday, December 10, 2020 3:06 PM
To: 'Martyn, Tobias' <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Thursday, December 10, 2020 3:45 PM
To: Kam, Geoffrey M; Ishikawa, Randall K
Subject: RE: Board Consultant Contract.

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-----Original Message-----

From: Kam, Geoffrey M
Sent: Thursday, December 10, 2020 3:09 PM
To: Ishikawa, Randall K
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

Redacted – Attorney-Client Communication

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 2:57 PM
To: Kam, Geoffrey M
Cc: Matsushita, Cindy
Subject: FW: Board Consultant Contract

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Geoff:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

[cid:image002.png@01D1AAD0.2D7951A0]
[cid:image003.png@01D1AAD0.2D7951A0]

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Thursday, December 10, 2020 3:53 PM
To: Ishikawa, Randall K
Subject: RE: Board Consultant Contract

Let me know if you want to talk. I'm free the rest of the afternoon.

From: Matsushita, Cindy
Sent: Thursday, December 10, 2020 3:42 PM
To: Ishikawa, Randall K
Subject: RE: Board Consultant Contract

Thanks. I'll respond to you and Geoff on the other thread so we're all on the same page.

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:41 PM
To: Matsushita, Cindy
Subject: FW: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 3:06 PM
To: 'Martyn, Tobias' <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Toby Martyn

Branch Manager, Vice President, Investments

STIFEL Financial Services, Inc. 100 West 31st Street, 10th Floor
New York, NY 10001-2298 Phone: (212) 465-2000 Fax: (212) 465-2001

STIFEL | Financial Services, Inc.
Member SIPC

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 5:07 PM
To: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

Same here.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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-----Original Message-----

From: Kam, Geoffrey M
Sent: Thursday, December 10, 2020 4:53 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

okay with me

From: Matsushita, Cindy
Sent: Thursday, December 10, 2020 4:51 PM
To: Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Thanks. Can we all discuss tomorrow morning? I'm free from 9:00 on.

-----Original Message-----

From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 4:04 PM
To: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

Update received from Lynn.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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-----Original Message-----

From: Kam, Geoffrey M

Sent: Thursday, December 10, 2020 3:57 PM

To: Matsushita, Cindy <matsushita@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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-----Original Message-----

From: Matsushita, Cindy

Sent: Thursday, December 10, 2020 3:45 PM

To: Kam, Geoffrey M <gkam1@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

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-----Original Message-----

From: Kam, Geoffrey M
Sent: Thursday, December 10, 2020 3:09 PM
To: Ishikawa, Randall K
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Thursday, December 10, 2020 2:57 PM
To: Kam, Geoffrey M
Cc: Matsushita, Cindy
Subject: FW: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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From: Martyn, Tobias [mailto:martynt@stifel.com]

Sent: Thursday, December 10, 2020 2:48 PM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: Board Consultant Contract

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Thank you!

[cid:image002.png@01D1AAD0.2D7951A0]

[cid:image003.png@01D1AAD0.2D7951A0]

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Matsushita, Cindy

From: lmccrory654@gmail.com
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Friday, December 11, 2020 9:54 AM
To: Ishikawa, Randall K
Cc: Imccrory654@gmail.com; Matsushita, Cindy
Subject: Board Consultant Contract

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Randy,

Happy Aloha Friday!

Thank you for your prompt attention to this matter!

I've inserted feedback to your points below.

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

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Member SIPC
Member FINRA
Member NYSE

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>
Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Friday, December 11, 2020 2:39 PM
To: Imccrory654@gmail.com; 'Martyn, Tobias '
Cc: Ishikawa, Randall K
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: Imccrory654@gmail.com [mailto:Imccrory654@gmail.com]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: Imccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Redacted – Attorney-Client Communication

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

1980-1981 } 24, 25 } 1982-1983 } 26, 27 } 1984-1985 } 28, 29 } 1986-1987 } 30, 31 }

[illegible]

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Matsushita, Cindy

From: lmccrory654@gmail.com
Sent: Friday, December 11, 2020 2:42 PM
To: Matsushita, Cindy; 'Martyn, Tobias '
Cc: Ishikawa, Randall K
Subject: RE: Board Consultant Contract

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Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

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To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
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Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
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Toby:

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Randy,

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Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Lohr, Ruth
Sent: Friday, December 11, 2020 5:36 PM
To: Andy Robbins; Matsushita, Cindy
Subject: RE: HART Board consultant

These are the same comments that I voiced previously as well. The only difference was that I had the optics as the opening remark. Cindy is aware that this is not coming from HART.

Mahalo,

Ruth



From: Andy Robbins [mailto:asrobbins@hotmail.com]
Sent: Friday, December 11, 2020 3:39 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>
Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>
Subject: RE: HART Board consultant

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I think it's risky to phrase an agenda item that way because:

1. It circumvents the public procurement process by nominating a subcontractor to come under an existing contractor – unless the Board fully intends to let HDR make the decision on who to bring in. This was a flaw in how HART was doing things in the past – that could have led to audit issues or worse, federal investigation issues.
2. HDR will be very cautious in picking up a nominated subcontractor – especially one of this nature. They may refuse to do it.
3. HART went out via normal public procurement in the recent past to find a consultant like this. So the precedent was set there – and this is the appropriate way to bring someone in.
4. It sounds like the Board wants to hire a lobbyist. Whether it's called a consultant or a lobbyist, this firm would I believe have to register with the State as a lobbyist. COR should check if HART can hire such a firm – even if yes, the Board should consider the optics.

My comments.

From: Matsushita, Cindy <cmatsushita@honolulu.gov>

Sent: Friday, December 11, 2020 3:15 PM

To: asrobbins@hotmail.com

Subject: HART Board consultant

Andy,

A new development in the past couple days for next week's Board meeting is the Board's effort to retain a consultant to assist with issues at the state legislature (Board quorum issue, GET/TAT extension), and with the FTA on the resumption of funding. I'm working with Ruth and Rona to bring the consultant on through the HDR contract, and the Board will be discussing the following agenda item to address the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct Costs) to HDR Inc. Contract

Let me know if you'd like to discuss.

Thanks,

Cindy A. Matsushita

HART Board Executive Officer

(808) 768-6258

cmatsushita@honolulu.gov

Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Friday, December 11, 2020 8:34 PM
To: Imccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "Imccrory654@gmail.com" <Imccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
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Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

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Thanks,
Cindy

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Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn

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Subject: RE: Board Consultant Contract

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Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Kam, Geoffrey M
Sent: Saturday, December 12, 2020 9:13 AM
To: Ishikawa, Randall K; Matsushita, Cindy
Subject: BOD Agenda Item VII

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Tuesday, December 15, 2020 1:40 PM
To: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract
Attachments: RE: Sunshine Law guidance

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Kam, Geoffrey M
Sent: Tuesday, December 15, 2020 1:02 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Tuesday, December 15, 2020 1:01 PM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: FW: Board Consultant Contract

Geoff and Cindy:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Tuesday, December 15, 2020 12:24 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

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Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

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Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

--

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>

Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

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From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]

Sent: Thursday, December 10, 2020 3:57 PM

To: Ishikawa, Randall K; 'Martyn, Tobias '

Cc: Matsushita, Cindy

Subject: RE: Board Consultant Contract

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Lynn

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Sent: Thursday, December 10, 2020 3:06 PM

To: Martyn, Tobias <martynt@stifel.com>

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Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

Investment Services, Inc. 10000 E. 1st Avenue, Suite 1000, Denver, CO 80231
Tel: 303.733.8400 Fax: 303.733.8401 Email: tmartyn@stifel.com

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From: Ishikawa, Randall K
Sent: Tuesday, December 15, 2020 4:09 PM
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Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

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Randy,

I understand.

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Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

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San Francisco, CA 94133

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Tuesday, December 15, 2020 3:17 PM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Lynn McCrory <lmccrory654@gmail.com> on behalf of Lynn McCrory
Sent: Wednesday, December 16, 2020 6:21 AM
To: Ishikawa, Randall K
Cc: Martyn, Tobias; Matsushita, Cindy; Kam, Geoffrey M
Subject: Re: Board Consultant Contract
Attachments: image001.png; image002.png; image001.png; image002.png; image001.png; image002.png

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Randy,

If we discussed the scope of what the consultant would do in relation to the new ED not having the time nor experience to do this work, could we do that in Executive Session?

Lynn McCrory
808-639-8442

On Dec 16, 2020, at 6:11 AM, Ishikawa, Randall K <randall.ishikawa@honolulu.gov> wrote:

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Randall K. Ishikawa

Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
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Randall K. Ishikawa
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Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. Redacted - A

Redacted – Attorney-Client Communication

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 3:17 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
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Toby:

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Redacted – Attorney-Client Communication

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To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

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Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

STIFEL

Investment Services Since 1890

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc.
Contract
Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [mailto:lmccrory654@gmail.com]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

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Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Wednesday, December 16, 2020 8:08 AM
To: Ishikawa, Randall K; Matsushita, Cindy; Imccrory654@gmail.com
Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

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Hmm.....

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Additional Questions:

Can we do #2 as a part of item VII, Re-appropriation Request or do we have to do this in the next Board meeting?

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:35 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Imccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication
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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 7:12 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Not exactly.

Before we discuss this in open or executive session, I want to be able to flesh out:

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2. Redacted – Attorney-Client Communication
3. Redacted – Attorney-Client Communication

What I do not want to do is to go into this with all these open questions of what we can do and what we cannot do. I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-2634 • (808) 521-2635 direct • (808) 521-2636 fax

(808) 446-2556 toll free • tmartyn@stifel.com

STIFEL

1502 Market Street, Suite 1500
Honolulu, Hawaii 96813

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 6:12 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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Redacted – Attorney-Client Communication

: Redacted – Attorney-Client Communication

.

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

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Toby:

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randall.ishikawa@honolulu.gov

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Cindy/Randy,

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Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

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Toby Martyn
Branch Manager, Vice President Investments

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Investment Services Since 1890

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

–

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "'Matsushita, Cindy'" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "'Ishikawa, Randall K'" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

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Thanks,
Cindy

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Cc: Matsushita, Cindy
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Randy,

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1. Redacted – Attorney-Client Communication
2. Redacted – Attorney-Client Communication
3. Redacted – Attorney-Client Communication
4. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Lynn

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Toby:

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1. Redacted – Attorney-Client Communication
2. Redacted – Attorney-Client Communication
3. Redacted – Attorney-Client Communication
4. Redacted – Attorney-Client Communication
5. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn
Branch Manager, Vice President/Investments

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 8:39 AM
To: Martyn, Tobias ; Matsushita, Cindy; lmccrory654@gmail.com
Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

I'm reviewing and working with Geoff on a response.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Wednesday, December 16, 2020 8:08 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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3. Redacted – Attorney-Client Communication

Additional Questions:

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Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

STIFEL

1000 Alaka Street, Suite 300
Honolulu, Hawaii 96813

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Wednesday, December 16, 2020 7:12 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

[REDACTED]

[REDACTED]

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Not exactly.

Before we discuss this in open or executive session, I want to be able to flesh out:

1. Redacted – Attorney-Client Communication [REDACTED]

2. If the answer to question # [Redacted - Attorney-Client Communication] [Redacted]

3. [Redacted - Attorney-Client Communication] See above.

What I do not want to do is to go into this with all these open questions of what we can do and what we cannot do. I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments
Stifel Financial Corporation
1000 California Street, Suite 1000
San Francisco, CA 94109
toby.martyn@stifel.com



From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 6:12 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

[Redacted - Attorney-Client Communication]

Legal Advice. [Redacted - Attorney-Client Communication]

- [Redacted - Attorney-Client Communication]
- [Redacted - Attorney-Client Communication]
- [Redacted - Attorney-Client Communication]

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Thank you!

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 3:26 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. Redacted – Attorney-Client Communication

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vite President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 3:17 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 12:24 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-2651 (808) 521-2652 direct (808) 521-2653 fax

(866) 436-2854 toll free t.martyn@stifel.com

STIFEL

1000 Avenue of the Americas, Suite 1000
New York, New York 10020-1399

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>

Sent: Tuesday, December 15, 2020 10:11 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com

Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,

Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Friday, December 11, 2020 8:34 PM

To: lmccrory654@gmail.com; Matsushita, Cindy

Cc: Ishikawa, Randall K

Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>

Date: Friday, December 11, 2020 at 2:42:49 PM

To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>

Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

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4. Redacted - Attorney-Client Communication

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Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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5. Redacted – Attorney-Client Communication

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Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

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Matsushita, Cindy

From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 9:53 AM
To: Matsushita, Cindy; Ishikawa, Randall K
Subject: RE: Board Consultant Contract

To answer the question: sure.

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 9:26 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Should we also include Ruth and Rona?

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 9:24 AM
To: Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Okay. They are meeting with Lori at noon, so hopefully free after 1:00-ish.

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 9:23 AM
To: Matsushita, Cindy; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Unless Cindy has a different view, I think we're pretty much aligned. If so, can we schedule a conference call/webex with Lynn and Toby after 1 p.m.?

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 9:20 AM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

I'm not available til after lunch, around 1:00.

From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 9:02 AM
To: Ishikawa, Randall K; Matsushita, Cindy
Subject: RE: Board Consultant Contract

And is that just us or Toby and Lynn.

Btw, I'm okay w Randy's response. I was just outlining a "frame" for future discussion. If Toby's willing to defer the actual consultant question to the ED, I think we should take that.

We can discuss.

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 9:00 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

What time do you want to do a call?

Geoffrey M. Kam
Deputy Corporation Counsel

530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Kam, Geoffrey M

Sent: Wednesday, December 16, 2020 9:00 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: RE: Board Consultant Contract

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 - B. Redacted – Attorney-Client Communication
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 - a. Redacted – Attorney-Client Communication
 - b. Redacted – Attorney-Client Communication
 - c. Redacted – Attorney-Client Communication
 - ii. Redacted – Attorney-Client Communication
 - a. Redacted – Attorney-Client Communication
 - b. Redacted – Attorney-Client Communication
 5. Redacted – Attorney-Client Communication

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150

E-Mail: gkam1@honolulu.gov

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Additional Questions:

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Thank you!

Toby Martyn

Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
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lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Not exactly.

Before we discuss this in open or executive session, I want to be able to flesh out:

1. Redacted – Attorney-Client Communication
2. Redacted – Attorney-Client Communication
3. Redacted – Attorney-Client Communication See above.

Redacted – Attorney-Client Communication

I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 6:12 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

STIFEL

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. Redacted - Attorney-Client Communication

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Toby:

Redacted - Attorney-Client Communication

Redacted - Attorney-Client Communication

Redacted - Attorney-Client Communication

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

STIFEL

1000 Ala Moana Street, Suite 1000
Honolulu, Hawaii 96813

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2. Redacted – Attorney-Client Communication

3. Redacted – Attorney-Client Communication

4. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>

Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
2. Redacted – Attorney-Client Communication
3. Redacted – Attorney-Client Communication
4. Redacted – Attorney-Client Communication
5. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

15055 Wilshire Blvd., Suite 1000, Beverly Hills, CA 90210-2700

Phone: 310.254.6100 Fax: 310.254.6101 Email: tmartyn@stifel.com

STIFEL | 100 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210-2700

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Matsushita, Cindy

From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 10:25 AM
To: Ishikawa, Randall K; Matsushita, Cindy
Subject: RE: Board Consultant Contract

Redacted – Attorney-Client Communication

1. **Redacted – Attorney-Client Communication**
2. **[REDACTED]**
3. **[REDACTED]**

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 10:19 AM
To: Martyn, Tobias <martynt@stifel.com>; Imccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Lynn and Toby:

Redacted – Attorney-Client Communication

Cindy will also be setting up a conference call for this afternoon to discuss further.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)

Sent: Wednesday, December 16, 2020 8:08 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; imccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

3.

Additional Questions:

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Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

See

above.

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;

lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. **Redacted – Attorney-Client Communication**

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 7:12 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy.

Not exactly

Before we discuss this in open or executive session, I want to be able to flesh out:

1. Redacted – Attorney-Client Communication

2.

3.

Redacted – Attorney-Client Communication

See above.

Redacted – Attorney-Client Communication

1. I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

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Honolulu, Hawaii 96813
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Toby:

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Legal Advice. Redacted – Attorney-Client Communication

: Redacted – Attorney-Client Communication

.

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Thank you!

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Branch Manager, Vice President, Investments

Stifel Nicolaus, Inc. 100 Wall Street, Suite 1000
New York, NY 10038-1000
Phone: (212) 260-1000
Fax: (212) 260-1001
www.stifel.com

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Toby:

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Branch Manager, Vice President, Investments

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Redacted – Attorney-Client Communication

Thanks,
Cindy

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Sent: Friday, December 11, 2020 8:34 PM
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Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

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To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
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FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

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Thanks,
Cindy

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Cc: Matsushita, Cindy
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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
- 2.
- 3.
- 4.

Redacted – Attorney-Client Communication

Lynn

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Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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1. Redacted – Attorney-Client Communication
- 2.
- 3.
- 4.
- 5.

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Thursday, December 10, 2020 2:48 PM
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Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 12:03 PM
To: Carter, Michelle A
Subject: Re: Board Consultant Contract
Attachments: image001.png; image002.png

And please invite Ruth and Rona as well. I haven't heard back from them, but they can attend if they are available. Thanks!

Sent from my iPhone

On Dec 16, 2020, at 11:46 AM, Kam, Geoffrey M <gkam1@honolulu.gov> wrote:

Michelle,

Please set meeting for 1:15

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Wednesday, December 16, 2020 11:12 AM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Lynn and I have a 12:00pm lunch. Can we do it at 1:15pm?

Thank you!

<image001.png>

<image002.png>

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Wednesday, December 16, 2020 10:31 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

Are you free at 1:00 to discuss?

Cindy

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 10:19 AM
To: Martyn, Tobias ; lmccrory654@gmail.com
Cc: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn and Toby:

Redacted – Attorney-Client Communication

Cindy will also be setting up a conference call for this afternoon to discuss further.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 8:08 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy
<cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
- 2.
- 3.

Additional Questions:

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication See above.

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

3.

Redacted – Attorney-Client Communication See above.

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 6:12 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

Legal Advice. Redacted – Attorney-Client Communication

: Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Tuesday, December 15, 2020 4:09 PM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Tuesday, December 15, 2020 3:26 PM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue.

Redacted – Attorney-Client Communication

Does that work?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Tuesday, December 15, 2020 3:17 PM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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Randall K. Ishikawa

Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 12:24 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

<image001.png>

<image002.png>

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a

legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc.
Contract
Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy:

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

3.

4.

Redacted – Attorney-Client Communication

Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

3.

4.

5.

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

Thank you!

<image001.png>

<image002.png>

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 12:22 PM
To: Kam, Geoffrey M
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract
Attachments: image001.png; image002.png

Redacted – Attorney-Client Communication

I also agree with your outline sent earlier today. Thanks for bringing everything into clear focus for discussion.

Sent from my iPhone

On Dec 16, 2020, at 10:24 AM, Kam, Geoffrey M <gkam1@honolulu.gov> wrote:

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
2. [REDACTED]
3. [REDACTED]

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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Cc: Kam, Geoffrey M <gkam1@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Lynn and Toby:

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Cindy will also be setting up a conference call for this afternoon to discuss further.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Redacted – Attorney-Client Communication

1. **Redacted – Attorney-Client Communication**

2.

3.

Additional Questions:

Redacted – Attorney-Client Communication

Redacted - Attorney-Client Communication

See above.

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

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lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call.

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2. Redacted – Attorney-Client Communication

3.

Redacted – Attorney-Client Communication

See above.

Redacted – Attorney-Client Communication

want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

<image001.png>

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

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Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

Legal Advice Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

• Redacted – Attorney-Client Communication

•

•

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

<image001.png>
<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Sent: Tuesday, December 15, 2020 3:26 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. Redacted - P

Redacted – Attorney-Client Communication

Does that work?

Thank you!

<image001.png>

<image002.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 3:17 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

<image001.png>

<image002.png>

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

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Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc.
Contract
Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

3.

4.

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Thank you!

<image001.png>

<image002.png>

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Matsushita, Cindy

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 12:51 PM
To: Matsushita, Cindy; Lohr, Ruth
Cc: Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Yes I'm available at 1pm

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 11:08 AM
To: Lohr, Ruth; Paglinawan, Rona N
Cc: Ishikawa, Randall K; Kam, Geoffrey M
Subject: FW: Board Consultant Contract

Ruth and Rona,

See the email string below regarding the Board consultant. Please advise if you are available for a meeting this afternoon at 1:00.

Thanks,
Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 10:31 AM
To: Ishikawa, Randall K; Martyn, Tobias ; Imccrory654@gmail.com
Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Toby and Lynn,

Are you free at 1:00 to discuss?

Cindy

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 10:19 AM
To: Martyn, Tobias ; Imccrory654@gmail.com
Cc: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn and Toby:

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Cindy will also be setting up a conference call for this afternoon to discuss further.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]
Sent: Wednesday, December 16, 2020 8:08 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
- 2.
- 3.

Additional Questions:

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

above.

See

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments



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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:35 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. **Redacted – Attorney-Client Communication**

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 7:12 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Tohy Martyn
Branch Manager, Vice President, Investments



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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;

lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication

2.

Redacted – Attorney-Client Communication

3. Redacted – Attorney-Client Communication

See above.

Redacted – Attorney-Client Communication

■ I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 6:12 AM

To: Martyn, Tobias (Honolulu) <martyn@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

Redacted – Attorney-Client Communication

: Redacted – Attorney-Client Communication

•

Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 3:26 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. **Redacted – Attorney-Client Communication**

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 3:17 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

Redacted – Attorney-Client Communication

Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

STIFEL

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>

Sent: Tuesday, December 15, 2020 10:11 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com

Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,

Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Friday, December 11, 2020 8:34 PM

To: lmccrory654@gmail.com; Matsushita, Cindy

Cc: Ishikawa, Randall K

Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>

Date: Friday, December 11, 2020 at 2:42:49 PM

To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>

Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>

Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

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To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. Redacted – Attorney-Client Communication
2. [Redacted]
3. [Redacted]
4. [Redacted]

Redacted – Attorney-Client Communication

Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>

Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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1. Redacted – Attorney-Client Communication
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]

Redacted – Attorney-Client Communication

Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn

Branch Manager, Vice President-Investments

1800 741 2601 | 08 9474 2530 | t.martyn@stifel.com

08 9474 2530 | www.stifel.com

STIFEL | 200 William Street, Suite 100
New York, NY 10038

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Matsushita, Cindy

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 3:42 PM
To: Matsushita, Cindy
Subject: RE: Board Consultant Contract

May I share the wording with HDR, less the mention of the \$200k, so they may have that for their meeting tomorrow?

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 3:41 PM
To: Ishikawa, Randall K; Kam, Geoffrey M; Paglinawan, Rona N; Lohr, Ruth
Subject: RE: Board Consultant Contract

That's much better. I'm good with that, thanks.

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 3:37 PM
To: Kam, Geoffrey M; Matsushita, Cindy; Paglinawan, Rona N; Lohr, Ruth
Subject: RE: Board Consultant Contract

I'm fine with this. If no one else has changes, I'll be sending the following:

The proposed transfer of \$200,000 from the Operating Budget to the HDR Contract is to retain a consultant who will assist HART in 1) addressing the Board's quorum and voting majority issues arising out of the passage of Act 1 in 2017, and 2) securing funding to finish the remainder of the project.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 3:32 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>
Subject: RE: Board Consultant Contract

Redacted – Attorney-Client Communication

Geoffrey M. Kam

Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 2:54 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Cindy:

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 2:06 PM
To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Thanks Rona, will forward to Toby and Lynn.

Proposed language for the agenda item tomorrow:

The purpose of this budget transfer for assistance in ensuring the Board's ability to conduct its business and to ensure the agency's ability to secure funding to finish the remainder of the project.

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 2:00 PM
To: Matsushita, Cindy; Lohr, Ruth; Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Attached is a copy of one of Gary Omori's (HDR subcontractor) task orders that includes providing legislative support to the DED. Please also forward to Toby and Lynn. Thank you.

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 1:46 PM
To: Matsushita, Cindy; Lohr, Ruth; Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Attached is a copy of HDR's subcontract agreement with Pat Lee. Please forward to Toby and Lynn. Thank you!!

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 11:08 AM
To: Lohr, Ruth; Paglinawan, Rona N
Cc: Ishikawa, Randall K; Kam, Geoffrey M
Subject: FW: Board Consultant Contract

Ruth and Rona,

See the email string below regarding the Board consultant. Please advise if you are available for a meeting this afternoon at 1:00.

Thanks,
Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 10:31 AM
To: Ishikawa, Randall K; Martyn, Tobias ; lmccrory654@gmail.com
Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Toby and Lynn,

Are you free at 1:00 to discuss?

Cindy

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 10:19 AM
To: Martyn, Tobias ; lmccrory654@gmail.com
Cc: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn and Toby:

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randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 8:08 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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1. Redacted – Attorney-Client Communication

2.

3.

Additional Questions:

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Redacted – Attorney-Client Communication
above.

See

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Wednesday, December 16, 2020 7:12 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn

Branch Manager, Vice President, Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:07 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Wednesday, December 16, 2020 6:34 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Randy,

Redacted – Attorney-Client Communication

1. **Redacted – Attorney-Client Communication**

2. Redacted – Attorney-Client Communication

3. Redacted – Attorney-Client Communication See above.

Redacted – Attorney-Client Communication

I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

1000 Market Street, Suite 1100
Honolulu, HI 96813
Phone: (808) 551-1100
Fax: (808) 551-1101
Email: tmartyn@stifel.com

STIFEL

1000 Market Street, Suite 1100
Honolulu, HI 96813
Phone: (808) 551-1100
Fax: (808) 551-1101
Email: tmartyn@stifel.com

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 6:12 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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: Redacted – Attorney-Client Communication

[REDACTED]

Randall K. Ishikawa
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(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 3:26 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. In the executive session, I'll explain the specific reasons for engaging a consultant and the particular person that we have in mind.

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 3:17 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 12:24 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

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Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias ' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [<mailto:lmccrory654@gmail.com>]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

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1. Redacted – Attorney-Client Communication

2.

3.

4.

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Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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1. Redacted – Attorney-Client Communication
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]

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Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn

Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Lohr, Ruth
Sent: Wednesday, December 16, 2020 4:32 PM
To: Ishikawa, Randall K; Kam, Geoffrey M; Matsushita, Cindy; Paglinawan, Rona N
Subject: RE: Board Consultant Contract

Understand your point on the deliverable but neither a lobbyist or HART (whether board or the organization) are able to "secure" funding. We are at the mercy of the City related to funding.

Mahalo,

Ruth

(808) 768-5229
(808) 768-5229



From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 4:28 PM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>
Subject: RE: Board Consultant Contract

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randall.ishikawa@honolulu.gov

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From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 4:18 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Lohr, Ruth

<ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>
Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 4:08 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>
Subject: RE: Board Consultant Contract

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From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 4:04 PM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Obtain? The consultant may very well work with the new mayor on enabling City legislation for a potential GET/TAT increase.

From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 4:03 PM
To: Lohr, Ruth; Paglinawan, Rona N; Ishikawa, Randall K; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Lohr, Ruth
Sent: Wednesday, December 16, 2020 4:00 PM
To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Sorry to be a pain but I don't know if "secure" funding is appropriate.

First, the Board isn't the one to "secure" funding, it would need to be in concert with the new Mayor as the GET is a county surcharge.

Could it be phrased another way?

Mahalo,

Ruth

DL 12/16/20 4:12 PM

DL 12/16/20 4:12 PM



From: Paglinawan, Rona N

Sent: Wednesday, December 16, 2020 3:43 PM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>

Subject: RE: Board Consultant Contract

No issue. Thank you.

From: Ishikawa, Randall K

Sent: Wednesday, December 16, 2020 3:42 PM

To: Matsushita, Cindy; Kam, Geoffrey M; Paglinawan, Rona N; Lohr, Ruth

Subject: RE: Board Consultant Contract

Ruth, Rona?

Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Matsushita, Cindy

Sent: Wednesday, December 16, 2020 3:41 PM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>

Subject: RE: Board Consultant Contract

That's much better. I'm good with that, thanks.

From: Ishikawa, Randall K

Sent: Wednesday, December 16, 2020 3:37 PM

To: Kam, Geoffrey M; Matsushita, Cindy; Paglinawan, Rona N; Lohr, Ruth

Subject: RE: Board Consultant Contract

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
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From: Kam, Geoffrey M
Sent: Wednesday, December 16, 2020 3:32 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>
Subject: RE: Board Consultant Contract

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 2:54 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Cindy:

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Your thoughts?

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 2:06 PM
To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Thanks Rona, will forward to Toby and Lynn.

Proposed language for the agenda item tomorrow:

The purpose of this budget transfer for assistance in ensuring the Board's ability to conduct its business and to ensure the agency's ability to secure funding to finish the remainder of the project.

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 2:00 PM
To: Matsushita, Cindy; Lohr, Ruth; Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Attached is a copy of one of Gary Omori's (HDR subcontractor) task orders that includes providing legislative support to the DED. Please also forward to Toby and Lynn. Thank you.

From: Paglinawan, Rona N
Sent: Wednesday, December 16, 2020 1:46 PM
To: Matsushita, Cindy; Lohr, Ruth; Ishikawa, Randall K; Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Attached is a copy of HDR's subcontract agreement with Pat Lee. Please forward to Toby and Lynn. Thank you!!

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 11:08 AM
To: Lohr, Ruth; Paglinawan, Rona N
Cc: Ishikawa, Randall K; Kam, Geoffrey M
Subject: FW: Board Consultant Contract

Ruth and Rona,

See the email string below regarding the Board consultant. Please advise if you are available for a meeting this afternoon at 1:00.

Thanks,
Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 16, 2020 10:31 AM
To: Ishikawa, Randall K; Martyn, Tobias ; lmccrory654@gmail.com
Cc: Kam, Geoffrey M
Subject: RE: Board Consultant Contract

Toby and Lynn,

Are you free at 1:00 to discuss?

Cindy

From: Ishikawa, Randall K
Sent: Wednesday, December 16, 2020 10:19 AM
To: Martyn, Tobias ; lmccrory654@gmail.com
Cc: Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Lynn and Toby:

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Randall K. Ishikawa
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(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 8:08 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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3. Redacted – Attorney-Client Communication

Additional Questions:

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Redacted – Attorney-Client Communication

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above.

See

Thank you!

Toby Martyn
Branch Manager, Vice President, Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Wednesday, December 16, 2020 7:35 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

We can discuss as part of the proposed conference call. Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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distribution by unintended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete and destroy all copies of the original message including any attachments.

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 7:12 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Regarding #2, if we are discussing names of potential candidate(s) would that provide us the basis for going into executive session?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 6:34 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

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1. **Redacted – Attorney-Client Communication**

2.

3. **Redacted – Attorney-Client Communication** See above.

Redacted – Attorney-Client Communication

I want a plan, I want to share this plan with fellow board members, I want to see if fellow board members will support this. If they do, we move forward. If they don't, we don't move forward.

Does this make sense? Perhaps a quick phone call would be helpful?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Wednesday, December 16, 2020 6:12 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;

lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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: Redacted – Attorney-Client Communication

.

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
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randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Wednesday, December 16, 2020 5:40 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

Let's approach this from a different angle....

You know what we are trying to accomplish, can you tell us what we can do (rather than what we can't do)?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

STIFEL | 1000 Alameda Street, Suite 1500
Honolulu, Hawaii 96813
Investment Services Since 1890

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Tuesday, December 15, 2020 4:09 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, December 15, 2020 3:26 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com
Cc: Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: Board Consultant Contract

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Randy,

I understand.

How about this.....

In open session, we talk about the fact that the Board is going to work with the HART ED/CEO to hire a consultant to work with the board on matters related to HART revenue. **Redacted – Attorney-Client Communication**

Does that work?

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

1500 Kalia Road, Suite 200, Honolulu, HI 96813
(808) 591-2200 ext. 200 Fax: (808) 591-2000

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Tuesday, December 15, 2020 3:17 PM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>;
lmccrory654@gmail.com

Cc: Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: Board Consultant Contract

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Toby:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Tuesday, December 15, 2020 12:24 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

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Cindy/Randy,

Thank you for the background on this.

I'm prepared to discuss this both in open session and in executive session.

In open session, my plan is to only talk about the desire for the board to engage a consultant to assist us with certain matters related to state and federal funding. Do you think this is adequate disclosure for open session?

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Please advise if you see anything concerning with this effort, other than the optical concerns expressed below.

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, December 15, 2020 10:11 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; lmccrory654@gmail.com
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

All,

I'd like to make sure we're clear on how the discussion will go on this item: while Ruth can speak to the budget aspects, the bulk of the conversation (some of which will have to occur in public unless there is a legal issue) will be amongst Board members. Toby should lead this discussion as the one with the most firsthand information.

Redacted – Attorney-Client Communication

Thanks,
Cindy

From: Martyn, Tobias (<mailto:martynt@stifel.com>)
Sent: Friday, December 11, 2020 8:34 PM
To: lmccrory654@gmail.com; Matsushita, Cindy
Cc: Ishikawa, Randall K
Subject: Re: Board Consultant Contract

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Yes! Well said Lynn! Thanks a bunch!

From: "lmccrory654@gmail.com" <lmccrory654@gmail.com>
Date: Friday, December 11, 2020 at 2:42:49 PM
To: "Matsushita, Cindy" <cmatsushita@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Great News!!! Thank you Cindy.

Have a great weekend!! Mahalo!

Lynn

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Friday, December 11, 2020 2:39 PM
To: lmccrory654@gmail.com; 'Martyn, Tobias' <martynt@stifel.com>
Cc: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Subject: RE: Board Consultant Contract

Toby and Lynn,

After extensive discussions with Randy, Geoff and Ruth, we've decided to put the funding issue on the Board agenda as such for next Thursday, so we can get the ball rolling regarding the budget aspect:

FY21 Budget Reappropriation Request - HART 201 (HART Expenses and Other Direct costs) to HDR Inc. Contract Executive Session

I am also working concurrently on the onboarding piece with the HDR contract manager. Apparently there is fairly recent precedent in hiring lobbyists through HDR (folks we sent to neighborhood board meetings, etc.).

Thanks,
Cindy

From: lmccrory654@gmail.com [mailto:lmccrory654@gmail.com]
Sent: Thursday, December 10, 2020 3:57 PM
To: Ishikawa, Randall K; 'Martyn, Tobias '
Cc: Matsushita, Cindy
Subject: RE: Board Consultant Contract

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Randy,

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1. Redacted – Attorney-Client Communication
- 2.
- 3.
- 4.

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Lynn

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Thursday, December 10, 2020 3:06 PM
To: Martyn, Tobias <martynt@stifel.com>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: Board Consultant Contract

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Toby:

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- 2.
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- 4.
- 5.

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Finally, my move is underway, but connectivity has been an issue, so responses may not be as quick as hoped for.

Mahalo.

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Thursday, December 10, 2020 2:48 PM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Cc: lmccrory654@gmail.com; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Board Consultant Contract

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Randy,

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Friday, December 18, 2020 7:15 AM
To: Ishikawa, Randall K; Lynn McCrory
Cc: Lohr, Ruth; Paglinawan, Rona N; Kam, Geoffrey M; Matsushita, Cindy
Subject: RE: [EXTERNAL] FW: HDR's Position on the Board Consultant

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Randy,

Happy Aloha Friday!

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Thank you!

Toby Martyn
Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Friday, December 18, 2020 7:12 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Lynn McCrory <lmccrory654@gmail.com>
Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: [EXTERNAL] FW: HDR's Position on the Board Consultant

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Toby and Lynn:

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Randall K. Ishikawa
Deputy Corporation Counsel
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randall.ishikawa@honolulu.gov

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From: Lohr, Ruth
Sent: Friday, December 18, 2020 6:55 AM
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

Randy,

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Mahalo.

Ruth

Ph: (808) 768 6103

Cell: (808) 375 3711



From: Ishikawa, Randall K
Sent: Friday, December 18, 2020 6:22 AM
To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

Rona:

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Ruth:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Paglinawan, Rona N
Sent: Thursday, December 17, 2020 2:45 PM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: HDR's Position on the Board Consultant
Importance: High

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2.

3.

4.

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*Rona Paglinawan
Transit Contracts Manager
Honolulu Authority for Rapid Transportation*

1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813
Phone: 808-768-6136
Fax: 808-768-5110
E-mail: rona.paqilinawana@honolulu.gov

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Matsushita, Cindy

From: Ishikawa, Randall K
Sent: Friday, December 18, 2020 8:49 AM
To: Kam, Geoffrey M; Matsushita, Cindy
Subject: FW: HDR's Position on the Board Consultant

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Lohr, Ruth
Sent: Friday, December 18, 2020 8:45 AM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

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Mahalo.
Ruth



From: Kam, Geoffrey M
Sent: Friday, December 18, 2020 8:40 AM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Lohr, Ruth
Sent: Friday, December 18, 2020 8:39 AM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

Actually, the point is simply that the remaining option would be to do a procurement. Redacted – Attorney-Client Communication
Redacted – Attorney-Client Communication

Mahalo,
Ruth

Fh (808) 768 6155
Cell: (808) 375 8711



From: Kam, Geoffrey M

Sent: Friday, December 18, 2020 8:27 AM

To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>;

Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: RE: HDR's Position on the Board Consultant

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Kam, Geoffrey M

Sent: Friday, December 18, 2020 8:14 AM

To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: RE: HDR's Position on the Board Consultant

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Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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From: Paglinawan, Rona N

Sent: Friday, December 18, 2020 7:24 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: HDR's Position on the Board Consultant

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From: Ishikawa, Randall K
Sent: Friday, December 18, 2020 6:21 AM
To: Paglinawan, Rona N; Lohr, Ruth; Matsushita, Cindy; Kam, Geoffrey M
Subject: RE: HDR's Position on the Board Consultant

Rona:

Redacted – Attorney-Client Communication

Ruth:

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Paglinawan, Rona N
Sent: Thursday, December 17, 2020 2:45 PM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: HDR's Position on the Board Consultant
Importance: High

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1. Redacted – Attorney-Client Communication

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4.

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication Thank you.

Rona Paglinawan
Transit Contracts Manager
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813
Phone: 808-768-6136
Fax: 808-768-5110
E-mail: rona.paglinawana@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Monday, December 21, 2020 1:32 PM
To: Paglinawan, Rona N
Subject: RE: HDR's Position on the Board Consultant

The Board's piece was just the funding piece, so it's now in the interim ED's hands on how they want to proceed. We need to hear back from (1) Ruth on the non-federal funding; and (2) HDR on their counsel's read on Hawaii's mini-Byrd Act.

So, no news since last week. I'll keep you posted. Thanks for following up.

From: Paglinawan, Rona N
Sent: Monday, December 21, 2020 1:27 PM
To: Matsushita, Cindy
Subject: FW: HDR's Position on the Board Consultant

Cindy - have you heard from the Board how they want to proceed? Are we looking to a new procurement? I haven't received feedback from Ruth if HART has access to non-federal funding to be in compliance with the Byrd Act. Please keep me posted. Thank you

From: Lohr, Ruth
Sent: Friday, December 18, 2020 8:44 AM
To: Kam, Geoffrey M; Paglinawan, Rona N; Ishikawa, Randall K; Matsushita, Cindy
Subject: RE: HDR's Position on the Board Consultant

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Mahalo.

Ruth



From: Kam, Geoffrey M
Sent: Friday, December 18, 2020 8:40 AM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

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From: Lohr, Ruth
Sent: Friday, December 18, 2020 8:39 AM
To: Kam, Geoffrey M <gkam1@honolulu.gov>; Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: HDR's Position on the Board Consultant

Actually, the point is simply that the remaining option would be to do a procurement.

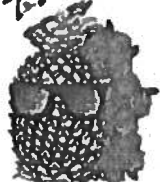
Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

Mahalo,
Ruth

808 (808) 768-5150
808 (808) 275-8712

Mele Kalikimaka



From: Kam, Geoffrey M

Sent: Friday, December 18, 2020 8:27 AM

To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>;

Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

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From: Kam, Geoffrey M
Sent: Friday, December 18, 2020 8:14 AM
To: Paglinawan, Rona N <rona.paglinawana@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
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Subject: RE: HDR's Position on the Board Consultant

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Randall K. Ishikawa
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Thank you.

*Rona Paglinawan
Transit Contracts Manager
Honolulu Authority for Rapid Transportation*

1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813
Phone: 808-768-6136
Fax: 808-768-5110
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Kahikina, Lori M K

From: lmccrory654@gmail.com
Sent: Wednesday, December 30, 2020 11:05 AM
To: Kahikina, Lori M K
Subject: RE: Setting Up for Government Assistance to Board

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Lori,
I have asked Cindy to check with David Ha, Procurement, to see if we can do the same process we used to the APTA contract. She will get back to you and me.

Actually we need Colleen on board much earlier than next month. Depending on what she is going to do, bills need to be written, legislators talked with, and it looks like it will all be virtual for this session. Not anywhere near the same as calling for an appointment or just dropping in.

Just another rush and urgency issue. We do seem to have those. Mahalo!

Lynn

From: Kahikina, Lori M K <lkahikina@honolulu.gov>
Sent: Wednesday, December 30, 2020 10:38 AM
To: 'lmccrory654@gmail.com' <lmccrory654@gmail.com>
Subject: RE: Setting Up for Government Assistance to Board

Ok thank you!! Let me know if I can do anything to expedite this. I know we need her on for the session starting next month.

Happy New Year as well!

From: lmccrory654@gmail.com <lmccrory654@gmail.com>
Sent: Wednesday, December 30, 2020 10:37 AM
To: Kahikina, Lori M K <lkahikina@honolulu.gov>
Subject: RE: Setting Up for Government Assistance to Board

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Okay, I must have misunderstood Cindy. If it is the normal HART procurement, than I can get back with Cindy and we can go that route. We did it for the contract with APTA for the Internal Audit Peer Review.

Yes, I believe that she will do this once we get the structure set up. Just need to know what we are doing and then let her know. Mahalo!

Lynn

From: Kahikina, Lori M K <lkahikina@honolulu.gov>
Sent: Wednesday, December 30, 2020 10:33 AM

To: 'lmccrory654@gmail.com' <lmccrory654@gmail.com>
Subject: RE: Setting Up for Government Assistance to Board

Thank you for following up, Lynn.

Actually the only other procurement method that would not have "uncomfortable appearances" and not get HDR involved would be for her to have a direct contract with HART. Unfortunately, I don't know how long HART normally takes to do a process like that. My experience working with BFS, it can take several months. I'd like to think that HART can move quicker but I'm not sure.

I need to figure out who the Procurement person is at HART and work with him/her.

Do you have any better thoughts?

Also, has anyone been in contact with her to ensure that she's willing to do this? Cindy wasn't sure.

From: lmccrory654@gmail.com <lmccrory654@gmail.com>
Sent: Wednesday, December 30, 2020 10:14 AM
To: Kahikina, Lori M K <lkahikina@honolulu.gov>
Subject: Setting Up for Government Assistance to Board

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Lori,

Just following up on what we have to do to get the structure for Colleen Hanabusa to start working on the four items for the Board. Cindy indicated that you had an alternative procurement process that would allow us to select the entity, not take very long to complete, and not have uncomfortable appearances.

Is there anything I can do to assist?

Happy New Year!!!! Mahalo!

Lynn

Matsushita, Cindy

From: Lynn McCrory <lmccrory654@gmail.com>
Sent: Wednesday, December 30, 2020 3:50 PM
To: Matsushita, Cindy
Cc: Kahikina, Lori M K
Subject: Re: consultant contract

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Cindy, yes please start the document preparation. Let me know what you need me to do. Mahalo!

Lynn McCrory
808-639-8442

On Dec 30, 2020, at 3:36 PM, Matsushita, Cindy <cmatsushita@honolulu.gov> wrote:

Lynn and Lori,

Following up on my separate conversations with you on the subject of hiring a Board consultant to assist with leg/FTA matters, the Deputy Director of Procurement David Ha confirmed that it must go through an RFP process that will take 5-6 weeks after all documents have been prepared. Timeline is as follows:

- Document preparation -- we can begin this process now if so desired
- 15-25 days for RFP to be out on the street (30 day requirement waivable by CPO)
- 3 weeks for evaluation, award, and contract execution

This method will provide the greatest transparency and will prevent objections of the kind raised by an HDR subconsultant.

Lynn: the APTA peer review procurement was on a sole source basis, which is why it was expedited. The consultant services will not be eligible for a sole source procurement. However, narrowly tailoring the scope and qualifications will assist in focusing the field.

Let me know if you'd like me to start preparing the RFP documents.

Mahalo,
Cindy A. Matsushita
HART Board Executive Officer
(808) 768-6258
cmatsushita@honolulu.gov

Kahikina, Lori M K

From: Martyn, Tobias <martynt@stifel.com>
Sent: Friday, January 8, 2021 8:22 AM
To: Kahikina, Lori M K; Matsushita, Cindy
Cc: Lynn McCrory (lmccrory654@gmail.com); Ishikawa, Randall K; Lohr, Ruth; Ha, David;
Keene, Richard C
Subject: Board consultant

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Lori,

I agree on retaining Denis.

I spoke with Denis a few days ago. He is talking with the City about about renewing his contract. He will let us know if he is renewed and whether that new contract allows him to works with HART.

Thank you!

Toby

From: "Kahikina, Lori M K" <lkahikina@honolulu.gov>
Date: Friday, January 8, 2021 at 7:59:25 AM
To: "Martyn, Tobias (Honolulu)" <martynt@stifel.com>, "Matsushita, Cindy" <cmatsushita@honolulu.gov>
Cc: "Lynn McCrory (lmccrory654@gmail.com)" <lmccrory654@gmail.com>, "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>, "Lohr, Ruth" <ruth.lohr@honolulu.gov>, "Ha, David" <dha@honolulu.gov>, "Keene, Richard C" <richard.keene@honolulu.gov>
Subject: RE: Board consultant

Hi Cindy,

As we discussed last night, we would like to retain Denis Dwyer too so can we please make sure that there is no overlap. Maybe as you suggested Colleen focuses on the local and Congressional and Denis does the other portion of the Feds?

If Toby and Rick can provide guidance, I would appreciate it.

Lori M. K. Kahikina, P.E.
Interim Executive Director & CEO
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: 808.768.6262 Email: lkahikina@honolulu.gov

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From: Martyn, Tobias <martynt@stifel.com>
Sent: Thursday, January 7, 2021 9:34 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>
Subject: Board consultant

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Thanks Cindy. This sounds good. Please let me know the time line for process.

From: "Matsushita, Cindy" <cmatsushita@honolulu.gov>
Date: Thursday, January 7, 2021 at 10:52:45 AM
To: "Kahikina, Lori M K" <lkahikina@honolulu.gov>, "Martyn, Tobias (Honolulu)" <martynt@stifel.com>
Cc: "Lynn McCrory (lmccrory654@gmail.com)" <lmccrory654@gmail.com>, "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>, "Lohr, Ruth" <ruth.lohr@honolulu.gov>, "Ha, David" <dha@honolulu.gov>
Subject: [EXTERNAL] Board consultant

Lori and Toby,

As we are going forward with a procurement for the Board consultant, I am attaching a draft scope of services and qualifications for your review. Outstanding questions are:

1. Compensation – the compensation structure must be included in the RFP. If we follow the Denis Dwyer contract (monthly flat rate inclusive of all costs), compensation would be \$16,666 monthly for 12 months, for a total of \$200k. Toby, any news on this?
2. Source of funds – as we cannot use FFGA or Act 1 monies for this contract, the finance folks will need to advise as to this piece.

Thanks,
Cindy A. Matsushita
HART Board Executive Officer
(808) 768-6258
cmatsushita@honolulu.gov

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Friday, January 8, 2021 11:30 AM
To: Ishikawa, Randall K
Cc: Matsushita, Cindy; lmccrory654@gmail.com
Subject: Board consultant

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Randy,

Good comments/changes.

Cindy,

Even if we do end up engaging Denis Dwyer, my preference would be to leave the Federal references in the consultant contract. Colleen is a former sitting U.S. Congresswoman who has maintained relationships from her years spent in Washington, D.C. I'm told that this really matters in the full contact sport of politics in D.C., particularly now that Congress and the White House are controlled by the Democrats.

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Anyway, the conversation went well. She is ready to get to work to help us as soon as we can put the structure in place to do so.

Thank you!

Toby

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-2607 (808) 521-2700 (808) 521-2600

(808) 436-2844 (808) 436-2844

STIFEL

100 Alakea Street, Suite 1510
Honolulu, Hawaii 96813

Investment Services Since 1890

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Friday, January 8, 2021 8:25 AM

To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (Honolulu) <martynt@stifel.com>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>

Subject: [EXTERNAL] RE: Board consultant

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Cindy:

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Friday, January 8, 2021 11:36 AM
To: Ha, David
Subject: FW: Board consultant

Hi David,

As we are now looking to engage both Colleen and Denis, is there any concern regarding overlapping of duties in crafting the scopes of the respective RFPs? Give me a call at 864-2758.

Thanks,
Cindy

From: Kahikina, Lori M K
Sent: Friday, January 08, 2021 7:59 AM
To: Martyn, Tobias ; Matsushita, Cindy
Cc: Lynn McCrory (lmccrory654@gmail.com); Ishikawa, Randall K; Lohr, Ruth; Ha, David; Keene, Richard C
Subject: RE: Board consultant

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Lori M. K. Kahikina, P.E.
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City & County of Honolulu
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HART

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(808) 768-6258
cmatsushita@honolulu.gov

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Matsushita, Cindy

From: Cindy Matsushita <matsushc@gmail.com> on behalf of Cindy Matsushita
Sent: Friday, January 8, 2021 3:15 PM
To: Matsushita, Cindy
Subject: Fwd: Board consultant

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----- Forwarded message -----

From: Martyn, Tobias <martynt@stifel.com>
Date: Fri, Jan 8, 2021 at 3:14 PM
Subject: Board consultant
To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>, Cindy Matsushita <matsushc@gmail.com>, Lynn McCrory (lmcrrory654@gmail.com) <lmcrrory654@gmail.com>

Okay.

From: "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov>
Date: Friday, January 8, 2021 at 1:28:58 PM
To: "Martyn, Tobias (Honolulu)" <martynt@stifel.com>, "Cindy Matsushita" <matsushc@gmail.com>, "Lynn McCrory (lmcrrory654@gmail.com)" <lmcrrory654@gmail.com>
Subject: RE: [EXTERNAL] RE: Board consultant

Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Martyn, Tobias [mailto:martynt@stifel.com]

Sent: Friday, January 8, 2021 11:54 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Cindy Matsushita <matsushc@gmail.com>; Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>

Subject: FW: [EXTERNAL] RE: Board consultant

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Randy,

Redacted – Attorney-Client Communication

Thank you!

Toby Martyn

Branch Manager, Vice President Investments

STIFEL

Investment Services Since 1890

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Friday, January 8, 2021 11:48 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

Redacted – Attorney-Client Communication

Randall K. Ishikawa

Deputy Corporation Counsel

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From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Friday, January 8, 2021 11:34 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

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Randy,

Redacted – Attorney-Client Communication

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

STIFEL | 1100 Avenue of the Americas, Suite 1400
New York, NY 10020-1097
Investment Services Since 1890

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>
Sent: Friday, January 8, 2021 11:19 AM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (Honolulu) <martynt@stifel.com>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: [EXTERNAL] RE: Board consultant

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Toby, Lori, and Cindy:

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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From: Ishikawa, Randall K
Sent: Friday, January 8, 2021 8:25 AM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (martynt@stifel.com) <martynt@stifel.com>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>
Subject: RE: Board consultant

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Cindy:

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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distribution by unintended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete and destroy all copies of the original message including any attachments.

From: Matsushita, Cindy
Sent: Thursday, January 7, 2021 10:52 AM
To: Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (martynt@stifel.com) <martynt@stifel.com>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>
Subject: Board consultant

Lori and Toby,

As we are going forward with a procurement for the Board consultant, I am attaching a draft scope of services and qualifications for your review. Outstanding questions are:

1. Compensation – the compensation structure must be included in the RFP. If we follow the Denis Dwyer contract (monthly flat rate inclusive of all costs), compensation would be \$16,666 monthly for 12 months, for a total of \$200k. Toby, any news on this?
2. Source of funds – as we cannot use FFGA or Act 1 monies for this contract, the finance folks will need to advise as to this piece.

Thanks,

Cindy A. Matsushita

HART Board Executive Officer

(808) 768-6258

cmatsushita@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Friday, January 8, 2021 4:17 PM
To: Keene, Richard C
Subject: RE: to do items
Attachments: Scope of Services-Quals (rki)(cam).docx

Hi Rick,

Thanks for reaching out.

Regarding the consultant, we first need to determine if Denis continues his consultancy with the City, whether there will be a conflict if he is retained by HART. Lori and I discussed having Colleen do the local and Congressional pieces, with Denis doing the federal administrative piece (FTA, DOT, etc.). David Ha in procurement advised that it is best to not have the two scopes overlap; I'm attaching the latest version of the scope and qualifications that reflect that. There is also the outstanding issue of the color of money to fund these contracts, as we can neither utilize FFGA funds or GET/TAT funds under Act 1 for lobbying (fed monies), or administrative costs (Act 1).

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Regarding the internal audit, we are scheduled to have the first meeting of the Board Rules Permitted Interaction Group on Jan 28 to discuss the structuring of HART's internal audit function; I'll send you the invite and welcome your input. We've had APTA conduct a peer review of HART to make recommendations on how to structure the function, and are now poised to implement via the amendment of Board rules.

Thanks,
Cindy

From: Keene, Richard C
Sent: Friday, January 08, 2021 3:50 PM
To: Matsushita, Cindy
Subject: to do items

Hi Cindy

Lori and I spoke about some things you're working on and I wanted to let you know that I can possibly help.

- I will take a look at the proposed language for the Board consultant position. I will also discuss with Denis his role.
- I am experienced with internal audit functions and can help you with this initiative if you would like. Let me know.

Thanks
Rick

Matsushita, Cindy

From: Lohr, Ruth
Sent: Monday, January 11, 2021 7:51 AM
To: Kahikina, Lori M K; Martyn, Tobias ; Ishikawa, Randall K; Matsushita, Cindy
Cc: Lynn McCrory (lmccrory654@gmail.com); Ha, David; Kam, Geoffrey M
Subject: RE: [EXTERNAL] RE: Board consultant
Attachments: SC-HRT-1300100 Williams & Jensen Payments.xlsx

Hi Lori,

Please see attached for a summary of spend on the Williams & Jensen contract by fiscal year. In total, \$1,475,000 was paid with the final payment on the contract on 12/21/2018.

Mahalo,

Ruth

File: 1300100-1300100
1300100-1300100



From: Kahikina, Lori M K
Sent: Sunday, January 10, 2021 2:14 PM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Martyn, Tobias <martynt@stifel.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: [EXTERNAL] RE: Board consultant

Hi Ruth,
How much are we spending per year for the contract? Also, what is the exact scope?
Thank you

Lori M. K. Kahikina, P.E.
Interim Executive Director & CEO
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: 808.768.6262 Email: lkahikina@honolulu.gov

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From: Lohr, Ruth <ruth.lohr@honolulu.gov>

Sent: Friday, January 8, 2021 1:29 PM

To: Martyn, Tobias <martynt@stifel.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory <lmccrory654@gmail.com> <lmccrory654@gmail.com>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

All,

Please find more clarification on the funding question based on a similar contract, the Williams & Jenson contract - SC-HRT-1300100. (Denis Dwyer's firm)

Although there are no explanation on the Funding Certification, Act 1 likely played a role in how the 2018 portion was funded. The Comptroller certification requirement created a color of money challenge and the State took the position that federally non-permissible items are also ineligible for reimbursement/certification under Act 1. The original contract and the first amendment were coded to the capital fund with a unit code that identified it as not federally eligible. (690/7791) By the second amendment which applied to FY2018, after Act 1 had been passed, the funding codes moved it to fund 290. The invoices in fund 290 are not be submitted to the State for reimbursement/certification due to fund 290 being considered the operating/administrative fund and are strictly prohibited under Act 1.

The following screenshot is the Funding certification from the Williams & Jenson contract referenced above. The reclassification of funding and the December 2017 date supports that conclusion as well.

Revised Certificate

The attached contract for **Federal Government Liaison Contract Am No. 2**

Original Contract Amount	(\$900,000)
Amendment No. 1	(\$300,000)
Amendment No. 2	(\$300,000)
New Contract Amount	(\$1,500,000)

is hereby approved as to availability and designation of funds, and certification is hereby made that there is a valid appropriation which expenditures to be made under said contract may be made and that sufficient unencumbered funds will be available of the City and County of Honolulu to the credit of such appropriation to pay the amounts of such expenditures when the same are due and payable.

CONTRACT NO. SC - HRT - 1300100
FUND Transit Fund (690) & (290)

HONOLULU, HAWAII

Date:

ACCOUNT NO.

690/7791 - 13 =	\$900,000.00	(4123)
690/7791 - 16 =	\$300,000.00	(4123)
290/3002 - 18 =	\$300,000.00	(3004B)

[Signature]
Executive Director
Honolulu Authority for Rapid Transit

Total = \$1,500,000.00

* FY18 290 increased from \$0 to \$300,000 for
Amendment No. 2.

Date: 12/26/17

Mahalo,

Ruth



From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Friday, January 08, 2021 11:49 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dhah@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: RE: [EXTERNAL] RE: Board consultant

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Thanks Randy!

Toby Martyn

Branch Manager, Vice President/Investments

(808) 521-7600 (808) 521-7266 direct, (808) 521-2673 fax

(866) 436-2834 toll free martynt@stifel.com

STIFEL

1099 Alakea Street, Suite 1100
Honolulu, Hawaii 96813

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Friday, January 8, 2021 11:48 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dhah@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Martyn, Tobias (<mailto:martynt@stifel.com>)

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To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dhah@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

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Randy,

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Thank you!

Toby Martyn

Branch Manager, Vice President Investments

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From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov>

Sent: Friday, January 8, 2021 11:19 AM

To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (Honolulu) <martynt@stifel.com>

Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: [EXTERNAL] RE: Board consultant

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Toby, Lori, and Cindy:

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Randall K. Ishikawa

Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov

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Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>

Subject: RE: Board consultant

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Cindy:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov

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From: Matsushita, Cindy
Sent: Thursday, January 7, 2021 10:52 AM
To: Kahikina, Lori M K <lkahikina@honolulu.gov>; Martyn, Tobias (martynt@stifel.com) <martynt@stifel.com>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>; Ha, David <dha@honolulu.gov>
Subject: Board consultant

Lori and Toby,

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2. Source of funds – as we cannot use FFGA or Act 1 monies for this contract, the finance folks will need to advise as to this piece.

Thanks,
Cindy A. Matsushita
HART Board Executive Officer
(808) 768-6258
cmatsushita@honolulu.gov

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Matsushita, Cindy

From: Ha, David
Sent: Wednesday, January 13, 2021 11:24 AM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

I think we will need a signed ICE, M-4 and Scope from you.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 13, 2021 10:55 AM
To: Ha, David
Subject: RE: William Jensen Contract

Oh ok, sorry I thought I had to draft all that stuff myself! Just wanting to make sure I have everything I need so we can be ready to go once the color of money issue is resolved.

From: Ha, David
Sent: Wednesday, January 13, 2021 10:51 AM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

Hi Cindy,

We usually draft the RFP documents but I can send you samples of everything else. If you would like to see the William Jensen RFP we issued and cancelled in 2017, I can provide that. I would have to review it to see if anything needs updating from our newer procurement templates. I believe you can find the scope in the RFP package but you also drafted one recently.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 13, 2021 10:44 AM
To: Ha, David
Subject: RE: William Jensen Contract

David,

Would you also be able to send me samples of the Ice, Scope, RFP Docs, M-4, so I can draft them?

Thanks,
Cindy

From: Ha, David
Sent: Wednesday, January 06, 2021 1:56 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

The scope looks good. Do you want me to begin the conversation with Ruth regarding the color of the money? I think it's important that is not federal dollars and potentially State dollars.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 06, 2021 1:48 PM
To: Ha, David
Subject: RE: William Jensen Contract

Hi David,

Can you take a look at the attached proposed scope of services and quals for the Board consultant to see if I'm on the right track? We're still working out the compensation piece, but I need to have this stuff in place fairly quickly.

Thanks,
Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:53 PM
To: Ha, David
Subject: RE: William Jensen Contract

Got it. thanks.

From: Ha, David
Sent: Wednesday, December 30, 2020 2:42 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

I think 15 to 25 days would be appropriate. I think it will be dependent on when we finish the prep work (Ice, Scope, RFP Docs, M-4).

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:38 PM
To: Ha, David
Subject: RE: William Jensen Contract

Okay, and if the CPO can waive the 30 days, what's the shortest acceptable time for an RFP?

From: Ha, David
Sent: Wednesday, December 30, 2020 2:34 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

We could aggressively push evaluators to score in a week, 1 week for award and contractor to sign and a few days for us to sign. Would be my guessimate on timing if we expedite.

Mahalo,

David Ha

David Ha

Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:31 PM
To: Ha, David
Subject: RE: William Jensen Contract

Mahalo for the info David. How long does the evaluation period typically take? I'm guessing it depends on the number of proposals and complexity of the scope, but for something like this, I'm thinking perhaps a week?

From: Ha, David
Sent: Wednesday, December 30, 2020 2:14 PM
To: Matsushita, Cindy
Subject: William Jensen Contract

Hi Cindy Please see attached. Also for Request for Proposals it is minimum 30 days. CPO can waive this requirement and with approval be shorten.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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Matsushita, Cindy

From: Martyn, Tobias <martynt@stifel.com> on behalf of Martyn, Tobias
Sent: Thursday, January 14, 2021 7:46 AM
To: Kahikina, Lori M K
Cc: Lohr, Ruth; Ishikawa, Randall K; Matsushita, Cindy; Lynn McCrory (lmccrory654@gmail.com); Ha, David; Kam, Geoffrey M
Subject: RE: Board consultant

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Lori,

My preference is the monthly flat fee, but I am certain open to other ideas on this.

Thank you!

Toby

-----Original Message-----

From: Kahikina, Lori M K <lkahikina@honolulu.gov>
Sent: Thursday, January 14, 2021 6:59 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>
Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
Subject: Re: Board consultant

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Sent from my iPhone

On Jan 14, 2021, at 4:02 AM, Martyn, Tobias <martynt@stifel.com> wrote:

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Lori,

It's a fair question. I'll have to defer to Rick here given his experience working with Denis at the City. In other words, these kinds of contractual arrangements may be standard practice but having no first hand experience with this I really don't know.

This all said, having had the benefits of Denis' counsel, throughout 2020, I can say that he is a hugely important resource. My sense is that the value he brings will be important in 2021 as well.

Aloha,
Toby

From: "Kahikina, Lori M K" <l kahikina@honolulu.gov<mailto:l kahikina@honolulu.gov>>
Date: Wednesday, January 13, 2021 at 9:57:52 PM
To: "Lohr, Ruth" <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>
Cc: "Martyn, Tobias (Honolulu)" <martynt@stifel.com<mailto:martynt@stifel.com>>, "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>, "Matsushita, Cindy" <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>, "Lynn McCrory (lmccrory654@gmail.com)" <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>, "Ha, David" <dha@honolulu.gov<mailto:dha@honolulu.gov>>, "Kam, Geoffrey M" <gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>
Subject: Re: [EXTERNAL] RE: Board consultant

Thank you, Ruth.

Toby, Rick, Cindy
Should the contract be paid by task vs a flat monthly rate with no deliverable?

Sent from my iPhone

On Jan 11, 2021, at 7:50 AM, Lohr, Ruth <ruth.lohr@honolulu.gov> wrote:

Hi Lori,

Please see attached for a summary of spend on the Williams & Jensen contract by fiscal year. In total, \$1,475,000 was paid with the final payment on the contract on 12/21/2018.

Mahalo,

Ruth

Ph: (808) 768-6163
Cell: (808) 375-8712
<image005.png>

From: Kahikina, Lori M K
Sent: Sunday, January 10, 2021 2:14 PM
To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Martyn, Tobias <martynt@stifel.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Cc: Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>

Subject: RE: [EXTERNAL] RE: Board consultant

Hi Ruth,

How much are we spending per year for the contract? Also, what is the exact scope?

Thank you

Lori M. K. Kahikina, P.E.
Interim Executive Director & CEO
City & County of Honolulu
Honolulu Authority for Rapid Transportation

<image008.jpg>

<image011.jpg>

1099 Alakea Street, Suite 1700

Honolulu, HI 96813

Phone: 808.768.6262 Email: lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>

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From: Lohr, Ruth <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>
Sent: Friday, January 8, 2021 1:29 PM
To: Martyn, Tobias <martynt@stifel.com<mailto:martynt@stifel.com>>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>
Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>) <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Ha, David <dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M <gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>
Subject: RE: [EXTERNAL] RE: Board consultant

All,

Please find more clarification on the funding question based on a similar contract, the Williams & Jenson contract – SC-HRT-1300100. (Denis Dwyer's firm)

Although there are no explanation on the Funding Certification, Act 1 likely played a role in how the 2018 portion was funded. The Comptroller certification requirement created a color of money challenge and the State took the position that federally non-permissible items are also ineligible for reimbursement/certification under Act 1. The original contract and the first amendment were coded to the capital fund with a unit code that identified it as not federally eligible. (690/7791) By the second amendment which applied to FY2018, after Act 1 had been passed, the funding codes moved it to fund 290. The invoices in fund 290 are not be submitted to the State for reimbursement/certification due to fund 290 being considered the operating/administrative fund and are strictly prohibited under Act 1.

The following screenshot is the Funding certification from the Williams & Jenson contract referenced above. The reclassification of funding and the December 2017 date supports that conclusion as well.

<Image009.png>

Mahalo,

Ruth

Ph: (808) 768-6163

Cell: (808) 375-8712

<Image010.png>

From: Martyn, Tobias [mailto:martynt@stifel.com]

Sent: Friday, January 08, 2021 11:49 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>

Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M

<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

Subject: RE: [EXTERNAL] RE: Board consultant

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Redacted – Attorney-Client Communication

<Image016.png>

<Image017.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>

Sent: Friday, January 8, 2021 11:48 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com<mailto:martynt@stifel.com>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>

Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M

<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

Subject: RE: [EXTERNAL] RE: Board consultant

Redacted – Attorney-Client Communication

Randall K. Ishikawa
Deputy Corporation Counsel

(808) 768-5229

randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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From: Martyn, Tobias [mailto:martynt@stifel.com]

Sent: Friday, January 8, 2021 11:34 AM

To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>

Cc: Lynn McCrory [lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>]

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M

<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

Subject: RE: [EXTERNAL] RE: Board consultant

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Thank you!

<image016.png>

<image017.png>

From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>

Sent: Friday, January 8, 2021 11:19 AM

To: Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>; Martyn, Tobias (Honolulu)

<martynt@stifel.com<mailto:martynt@stifel.com>>

Cc: Lynn McCrory [lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>]

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

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<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

Subject: [EXTERNAL] RE: Board consultant

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Toby, Lori, and Cindy:

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Randall K. Ishikawa
Deputy Corporation Counsel
(808) 768-5229
randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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From: Ishikawa, Randall K.
Sent: Friday, January 8, 2021 8:25 AM
To: Matsushita, Cindy <matsushita@honolulu.gov<mailto:matsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>; Martyn, Tobias <martynt@stifel.com<mailto:martynt@stifel.com>> <martynt@stifel.com<mailto:martynt@stifel.com>>
Cc: Lynn McCrory <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>> <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David <dha@honolulu.gov<mailto:dha@honolulu.gov>>
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Cindy:

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From: Matsushita, Cindy
Sent: Thursday, January 7, 2021 10:52 AM

To: Kahikina, Lori M K <l kahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>; Martyn, Tobias (martynt@stifel.com<mailto:martynt@stifel.com>) <martynt@stifel.com<mailto:martynt@stifel.com>>
Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>) <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Lohr, Ruth <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David <dha@honolulu.gov<mailto:dha@honolulu.gov>>
Subject: Board consultant

Lori and Toby,

As we are going forward with a procurement for the Board consultant, I am attaching a draft scope of services and qualifications for your review. Outstanding questions are:

1. Compensation – the compensation structure must be included in the RFP. If we follow the Denis Dwyer contract (monthly flat rate inclusive of all costs), compensation would be \$16,666 monthly for 12 months, for a total of \$200k. Toby, any news on this?
2. Source of funds – as we cannot use FFGA or Act 1 monies for this contract, the finance folks will need to advise as to this piece.

Thanks,
Cindy A. Matsushita
HART Board Executive Officer
(808) 768-6258
cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>

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<SC-HRT-1300100 Williams & Jensen Payments.xls>

Kahikina, Lori M K

From: Kahikina, Lori M K
Sent: Thursday, January 14, 2021 10:17 PM
To: Keene, Richard C
Subject: Re: Board consultant

I'm not sure if those 3 know but we'll make it clear to them.

I'm uncomfortable with a monthly fee without a break out, Let's discuss this too with Toby tomorrow

Sent from my iPhone

> On Jan 14, 2021, at 2:50 PM, Keene, Richard C <richard.keene@honolulu.gov> wrote:

>

> Redacted – Attorney-Client Communication

[REDACTED]

>

> I am not tied to either payment approach so long as we have a means of assessing progress. Paying Denis based on time spent makes sense. Paying her a flat fee monthly is ok, but how will we know how much time she is spending and how much progress she is making? Maybe still get a monthly "invoice" form her summarizing her work effort?

>

> Thanks

> Rick

>

>

> -----Original Message-----

> From: Kahikina, Lori M K

> Sent: Thursday, January 14, 2021 2:42 PM

> To: Keene, Richard C <richard.keene@honolulu.gov>

> Subject: RE: Board consultant

>

> What do you think?

>

> Lori M. K. Kahikina, P.E.

> Interim Executive Director & CEO

> City & County of Honolulu

> Honolulu Authority for Rapid Transportation

>

>

> 1099 Alakea Street, Suite 1700

> Honolulu, HI 96813

> Phone: 808.768.6262 Email: lkahikina@honolulu.gov

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> Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>; Lynn McCrory (lmccrory654@gmail.com) <lmccrory654@gmail.com>; Ha, David <dha@honolulu.gov>; Kam, Geoffrey M <gkam1@honolulu.gov>
> Subject: RE: Board consultant

>
> CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

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>
> Lori,

>
> My preference is the monthly flat fee, but I am certain open to other ideas on this.

>
> Thank you!

>
> Toby

>
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> This all said, having had the benefits of Denis' counsel, throughout 2020, I can say that he is a hugely important resource. My sense is that the value he brings will be important in 2021 as well.

>

> Aloha,

> Toby

>

>

>

> From: "Kahikina, Lori M K" <l kahikina@honolulu.gov<mailto:l kahikina@honolulu.gov>>

> Date: Wednesday, January 13, 2021 at 9:57:52 PM

> To: "Lohr, Ruth" <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>

> Cc: "Martynt, Tobias (Honolulu)" <martynt@stifel.com<mailto:martynt@stifel.com>>, "Ishikawa, Randall K" <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>, "Matsushita, Cindy" <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>, "Lynn McCrory (lmccrory654@gmail.com)" <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>, "Ha, David" <dha@honolulu.gov<mailto:dha@honolulu.gov>>, "Kam, Geoffrey M" <gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

> Subject: Re: [EXTERNAL] RE: Board consultant

>

> Thank you, Ruth.

>

> Toby, Rick, Cindy

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>

> Sent from my iPhone

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>

> Ruth

>

> Ph: (808) 768-6163

> Cell: (808) 375-8712

> <image005.png>

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> Sent: Sunday, January 10, 2021 2:14 PM

> To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Martynt, Tobias <martynt@stifel.com>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

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> Subject: RE: [EXTERNAL] RE: Board consultant

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> Lori M. K. Kahikina, P.E.

> Interim Executive Director & CEO

> City & County of Honolulu

> Honolulu Authority for Rapid Transportation

>

> <image008.jpg>

>

> <image011.jpg>

> 1099 Alakea Street, Suite 1700

> Honolulu, HI 96813

> Phone: 808.768.6262 Email: lkahikiina@honolulu.gov<mailto:lkahikiina@honolulu.gov>

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>

>

> From: Lohr, Ruth <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>

> Sent: Friday, January 8, 2021 1:29 PM

> To: Martyn, Tobias <martynt@stifel.com<mailto:martynt@stifel.com>>; Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikiina@honolulu.gov<mailto:lkahikiina@honolulu.gov>>

> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Ha, David

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<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

> Subject: RE: [EXTERNAL] RE: Board consultant

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> All,

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> Please find more clarification on the funding question based on a similar contract, the Williams & Jenson contract – SC-HRT-1300100. (Denis Dwyer's firm)

>

> Although there are no explanation on the Funding Certification, Act 1 likely played a role in how the 2018 portion was funded. The Comptroller certification requirement created a color of money challenge and the State took the position that federally non-permissible items are also ineligible for reimbursement/certification under Act 1. The original contract and the first amendment were coded to the capital fund with a unit code that identified it as not federally eligible. (690/7791) By the second amendment which applied to FY2018, after Act 1 had been passed, the funding codes moved it to fund 290. The invoices in fund 290 are not be submitted to the State for reimbursement/certification due to fund 290 being considered the operating/administrative fund and are strictly prohibited under Act 1.

>

> The following screenshot is the Funding certification from the Williams & Jenson contract referenced above. The reclassification of funding and the December 2017 date supports that conclusion as well.

>
> <image009.png>
>
>
> Mahalo,
>
> Ruth
>
> Ph: (808) 768-6163
> Cell: (808) 375-8712
> <image010.png>
>
> From: Martyn, Tobias [mailto:martynt@stifel.com]
> Sent: Friday, January 08, 2021 11:49 AM
> To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy
<cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K
<lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>
> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>
<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth
<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David
<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M
<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>
> Subject: RE: [EXTERNAL] RE: Board consultant
>
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attachments or links.

Redacted – Attorney-Client Communication

>
>
> <image016.png>
> <image017.png>
>
> From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>
> Sent: Friday, January 8, 2021 11:48 AM
> To: Martyn, Tobias (Honolulu) <martynt@stifel.com<mailto:martynt@stifel.com>>; Matsushita, Cindy
<cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K
<lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>
> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>
<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth
<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David
<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M
<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>
> Subject: RE: [EXTERNAL] RE: Board consultant
>

Redacted – Attorney-Client Communication

Redacted – Attorney-Client Communication

> Randall K. Ishikawa
> Deputy Corporation Counsel

> (808) 768-5229

> randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

>

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>

> From: Martyn, Tobias (mailto:martynt@stifel.com)

> Sent: Friday, January 8, 2021 11:34 AM

> To: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>; Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>

> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M

<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

> Subject: RE: [EXTERNAL] RE: Board consultant

>

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>

> Randy,

>

Redacted – Attorney-Client Communication

> Thank you!

>

> <image016.png>

> <image017.png>

>

> From: Ishikawa, Randall K <randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>>

> Sent: Friday, January 8, 2021 11:19 AM

> To: Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K.

<lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>; Martyn, Tobias (Honolulu)

<martynt@stifel.com<mailto:martynt@stifel.com>>

> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)

<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth

<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David

<dha@honolulu.gov<mailto:dha@honolulu.gov>>; Kam, Geoffrey M

<gkam1@honolulu.gov<mailto:gkam1@honolulu.gov>>

> Subject: [EXTERNAL] RE: Board consultant

>

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> ATTORNEY-CLIENT COMMUNICATION

> DO NOT CIRCULATE

>

> Toby, Lori, and Cindy;

>

Redacted – Attorney-Client Communication

> Randall K. Ishikawa
> Deputy Corporation Counsel
> (808) 768-5229
> randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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> From: Ishikawa, Randall K.
> Sent: Friday, January 8, 2021 8:25 AM
> To: Matsushita, Cindy <cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>>; Kahikina, Lori M K <lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>>; Martyn, Tobias <martynt@stifel.com<mailto:martynt@stifel.com>> <martynt@stifel.com<mailto:martynt@stifel.com>>
> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>) <lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Lohr, Ruth <ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David <dha@honolulu.gov<mailto:dha@honolulu.gov>>
> Subject: RE: Board consultant

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> ATTORNEY-CLIENT COMMUNICATION
> DO NOT CIRCULATE

> Cindy:

Redacted – Attorney-Client Communication

> Randall K. Ishikawa
> Deputy Corporation Counsel
> (808) 768-5229
> randall.ishikawa@honolulu.gov<mailto:randall.ishikawa@honolulu.gov>

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> From: Matsushita, Cindy
> Sent: Thursday, January 7, 2021 10:52 AM

> To: Kahikina, Lori M K <l kahikina@honolulu.gov<mailto:l kahikina@honolulu.gov>>; Martyn, Tobias
(martynt@stifel.com<mailto:martynt@stifel.com>) <martynt@stifel.com<mailto:martynt@stifel.com>>

> Cc: Lynn McCrory (lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>)
<lmccrory654@gmail.com<mailto:lmccrory654@gmail.com>>; Ishikawa, Randall K
<randall.is hikawa@honolulu.gov<mailto:randall.is hikawa@honolulu.gov>>; Lohr, Ruth
<ruth.lohr@honolulu.gov<mailto:ruth.lohr@honolulu.gov>>; Ha, David
<dha@honolulu.gov<mailto:dha@honolulu.gov>>

> Subject: Board consultant

>

> Lori and Toby,

>

> As we are going forward with a procurement for the Board consultant, I am attaching a draft scope of services and qualifications for your review. Outstanding questions are:

>

>

> 1. Compensation – the compensation structure must be included in the RFP. If we follow the Denis Dwyer contract (monthly flat rate inclusive of all costs), compensation would be \$16,666 monthly for 12 months, for a total of \$200k. Toby, any news on this?

>

> 2. Source of funds – as we cannot use FFGA or Act 1 monies for this contract, the finance folks will need to advise as to this piece.

>

> Thanks,

> Cindy A. Matsushita

> HART Board Executive Officer

> (808) 768-6258

> cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>

>

>

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>

> <SC-HRT-1300100 Williams & Jensen Payments.xls>

Kahikina, Lori M K

From: Keene, Richard C
Sent: Thursday, January 14, 2021 5:53 PM
To: Kahikina, Lori M K
Subject: FW: consulting scope

FYI – maybe we can talk to Toby during our call tomorrow

From: Matsushita, Cindy
Sent: Thursday, January 14, 2021 3:46 PM
To: Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: consulting scope

Yes, Toby and Lori should absolutely be in the conversation, and perhaps Lynn McCrory as well, since Colleen would be the Board's liaison.

Point of clarification: will Denis be HART's liaison, or the Board's? It may seem like a fine point now, but there may be a time down the road when that distinction matters.

From: Keene, Richard C
Sent: Thursday, January 14, 2021 3:38 PM
To: Matsushita, Cindy
Subject: RE: consulting scope

Yeah, we need to discuss – maybe with Toby and Lori.

I betcha that Denis has better relationships with the congressional delegation than Colleen. For example, he helped Schatz write the language that was in the recent bill that extended HART's funding. Plus, I think Colleen would have to be a registered lobbyist in order to do that – maybe that's not a problem.

The way I tried to write it still includes some communication with the congressional delegation, but not as a HART liaison – more in connection with the funding opportunities.

This ultimately is not my call. But I prefer to not lose Denis as a point of contact with all the folks in DC. If we strip out the congressional delegation from his role, he would be left only working with us with the FTA. Which is important for sure, but doing that in a silo would not be nearly as effective.

From: Matsushita, Cindy
Sent: Thursday, January 14, 2021 3:30 PM
To: Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: consulting scope

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The problem with removing interfacing with legislators is that the Chair wanted to tap into Colleen's Congressional experience. With this in mind, Lori and I had discussed separating the federal duties as: Denis liaising with the federal administrative agencies (FTA, USDOT), and Colleen liaising with Congress.

We should probably have a discussion about their respective roles so we can be sure we're all on the same page moving forward, particularly since time is of the essence.

From: Keene, Richard C
Sent: Wednesday, January 13, 2021 12:03 PM
To: Matsushita, Cindy
Subject: consulting scope

Cindy

I took a stab at changing this scope of work. I tried to focus it more on funding strategies and support on the Board quorum issue. I tried to take out general comments about being a liaison with legislators. This is where the overlap would be with Denis. Plus there was a question of whether the person would need to be a registered lobbyist (which Denis is) in order to perform that role.

See if this makes sense.

Thanks
Rick

Rick Keene
Deputy Director & COO
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: 808.788.6278 Email: richard.keene@honolulu.gov

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Kahikina, Lori M K

From: Keene, Richard C
Sent: Wednesday, January 27, 2021 5:42 PM
To: Kahikina, Lori M K
Subject: RE: SB998

Wow. Interesting. This would take away one of the deliverables from Colleen.

From: Kahikina, Lori M K
Sent: Wednesday, January 27, 2021 5:40 PM
To: Kam, Geoffrey M <gkam1@honolulu.gov>
Cc: Keene, Richard C <richard.keene@honolulu.gov>
Subject: Re: SB998

Whoa! Thank you do finding this! I have the Mayor's Office, Cindy M and Joey Manahan tracking but you're the only one that caught this.

Sent from my iPhone

On Jan 27, 2021, at 5:24 PM, Kam, Geoffrey M <gkam1@honolulu.gov> wrote:

Lori,

FYI

Measure Title: RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION.
Report Title: Honolulu Authority for Rapid Transportation; Board of Directors; Voting Rights
Description: Grants voting rights to members of the board of directors of the Honolulu authority for rapid transportation appointed by the president of the senate or speaker of the house of representatives.

https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=998&year=2021

Do you have someone tracking these sorts of things?

Geoffrey M. Kam
Deputy Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Phone: 808-768-5150
E-Mail: gkam1@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Thursday, January 28, 2021 9:43 AM
To: Ha, David
Subject: RE: William Jensen Contract

Thanks for that suggestion David. I think we do need to have the two liaisons coordinate, so that may be appropriate. Let me run it up the chain. Thanks.

From: Ha, David
Sent: Wednesday, January 27, 2021 5:03 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

Hi Cindy,

I reviewed the two scopes and also found the cancelled RFP scope which is formatted nicely, which I have attached. It is the same as the federal liaison.

My only question is that it seems the City/State liaison will do similar federal functions as the federal liaison. Do we want to have the City/State liaison to work/cooperate/support HART's federal liaison? For instance:

"5. Support and assist HART in interactions with and outreach to the Honolulu City Council, Hawaii State Legislature, and Congressional committees having jurisdiction over the Project and FTA New Starts program, including providing updates for committee members and staff about HART's activities. Federal outreach and communications will be in support and cooperation with HART's Federal Liaison Consultant"

Just a suggestion but if the plan is to have them work independently or on a "as needed" for the federal side we can leave it.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Tuesday, January 26, 2021 3:20 PM
To: Ha, David
Subject: RE: William Jensen Contract

Hi David,

I was able to get some clarity about the respective scopes of the federal liaison (HART's) versus the local/federal liaison (Board's). I am attaching both for your review. The federal liaison scope is the exact same as contained in the Williams & Jensen 2013 contract. The local/federal scope has been drafted so as not to overlap with the federal scope.

Please let me know what you think. I'll be meeting with the Chair and Lori/Rick on Friday.

Thanks,
Cindy

From: Ha, David
Sent: Wednesday, January 13, 2021 11:24 AM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

I think we will need a signed ICE, M-4 and Scope from you.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 13, 2021 10:55 AM
To: Ha, David
Subject: RE: William Jensen Contract

Oh ok, sorry I thought I had to draft all that stuff myself! Just wanting to make sure I have everything I need so we can be ready to go once the color of money issue is resolved.

From: Ha, David
Sent: Wednesday, January 13, 2021 10:51 AM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

Hi Cindy,

We usually draft the RFP documents but I can send you samples of everything else. If you would like to see the William Jensen RFP we issued and cancelled in 2017, I can provide that. I would have to review it to see if anything needs

updating from our newer procurement templates. I believe you can find the scope in the RFP package but you also drafted one recently.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 13, 2021 10:44 AM
To: Ha, David
Subject: RE: William Jensen Contract

David,

Would you also be able to send me samples of the Ice, Scope, RFP Docs, M-4, so I can draft them?

Thanks,
Cindy

From: Ha, David
Sent: Wednesday, January 06, 2021 1:56 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

The scope looks good. Do you want me to begin the conversation with Ruth regarding the color of the money? I think it's important that is not federal dollars and potentially State dollars.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, January 06, 2021 1:48 PM
To: Ha, David
Subject: RE: William Jensen Contract

Hi David,

Can you take a look at the attached proposed scope of services and quals for the Board consultant to see if I'm on the right track? We're still working out the compensation piece, but I need to have this stuff in place fairly quickly.

Thanks,
Cindy

From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:53 PM
To: Ha, David
Subject: RE: William Jensen Contract

Got it. thanks.

From: Ha, David
Sent: Wednesday, December 30, 2020 2:42 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

I think 15 to 25 days would be appropriate. I think it will be dependent on when we finish the prep work (Ice, Scope, RFP Docs, M-4).

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:38 PM
To: Ha, David
Subject: RE: William Jensen Contract

Okay, and if the CPO can waive the 30 days, what's the shortest acceptable time for an RFP?

From: Ha, David
Sent: Wednesday, December 30, 2020 2:34 PM
To: Matsushita, Cindy
Subject: RE: William Jensen Contract

We could aggressively push evaluators to score in a week, 1 week for award and contractor to sign and a few days for us to sign. Would be my guessitmate on timing if we expedite.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Matsushita, Cindy
Sent: Wednesday, December 30, 2020 2:31 PM
To: Ha, David
Subject: RE: William Jensen Contract

Mahalo for the info David. How long does the evaluation period typically take? I'm guessing it depends on the number of proposals and complexity of the scope, but for something like this, I'm thinking perhaps a week?

From: Ha, David
Sent: Wednesday, December 30, 2020 2:14 PM
To: Matsushita, Cindy
Subject: William Jensen Contract

Hi Cindy Please see attached. Also for Request for Proposals it is minimum 30 days. CPO can waive this requirement and with approval be shorten.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

Matsushita, Cindy

From: Kahikina, Lori M K
Sent: Friday, January 29, 2021 9:37 AM
To: Martyn, Tobias ; Matsushita, Cindy; Keene, Richard C; Lohr, Ruth
Subject: RE: HART Board Consultant scope of work

Terrific! Thank you, Toby

Lori M. K. Kahikina, P.E.
Interim Executive Director & CEO
City & County of Honolulu
Honolulu Authority for Rapid Transportation



HART

1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone 808.788.6262 Email: lkahikina@honolulu.gov

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From: Martyn, Tobias <martynt@stifel.com>
Sent: Friday, January 29, 2021 9:35 AM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>
Subject: HART Board Consultant scope of work

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Dear Colleagues,

Understanding that I will not be able to join the call at 11:00am this morning, I reviewed the updated consultant scope of work. I think it captures exactly what we are looking for, while giving us needed flexibility. I'm comfortable with it and would support moving forward as expeditiously as possible.

Thank you!

Toby Martyn
Branch Manager, Vice President Investments

STIFEL

Investment Services Since 1890

From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Thursday, January 28, 2021 10:25 PM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C

<richard.keene@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>

Subject: [EXTERNAL] HART Board Consultant scope of work

Aloha all,

I am attaching the revised scope of services for discussion tomorrow, which contain the following edits:

1. Requirement that the consultant coordinate with the federal liaison (#5); and
2. Requirement that the consultant comply with all applicable laws (including but not limited to federal lobbying requirements).

Mahalo,

Cindy A. Matsushita

HART Board Executive Officer

(808) 768-6258

cmatsushita@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Friday, January 29, 2021 11:29 AM
To: Ha, David; Keene, Richard C; Kahikina, Lori M K
Cc: Lohr, Ruth
Subject: RE: scope revisions

Thanks David.

I'm attaching the final Board consultant scope of work.

Let's start the ball rolling on both the Board consultant and federal liaison RFPs. Please let me know what else I need to do to assist in this regard.

Thanks,
Cindy

From: Ha, David
Sent: Friday, January 29, 2021 9:07 AM
To: Keene, Richard C; Kahikina, Lori M K
Cc: Lohr, Ruth; Matsushita, Cindy
Subject: RE: scope revisions

Hi Rick,

Got a copy of the contract and your recollection of it explicitly saying "excluding rail" in the scope was correct. It would be difficult for us to utilize the City's contract since HART was not included in the procurement process (i.e. Cooperative or joint procurement or named as a potential user). It would also be difficult to assign the contract to HART with its current scope. New procurements are recommended for these services.

I will continue to work with Cindy and try to prep front end documents so release can be timely when ready.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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From: Keene, Richard C
Sent: Wednesday, January 27, 2021 12:32 PM
To: Kahikina, Lori M K
Cc: Lohr, Ruth; Matsushita, Cindy; Ha, David
Subject: RE: scope revisions

Sorry. I also meant to copy David.

David – can you talk to the folks at City Purchasing about the contract with Williams and Jensen and discuss the best way to provide for HART to utilize him? I don't remember who worked on the extension of the contract, but Wendy and several others were involved, so there should be good familiarity with it. See the notes below.

Thanks
Rick

From: Keene, Richard C
Sent: Wednesday, January 27, 2021 12:24 PM
To: Kahikina, Lori M K <lukahikina@honolulu.gov>
Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: RE: scope revisions

I don't know for sure and I am open to whatever is the best approach.

At one point, both City and HART had a contract.

- At some point, City Procurement revised Denis' City contract to remove any reference to rail since HART had a contract. I don't believe this was appropriate, as both City and HART had reason to utilize him on rail related topics.
- HART canceled contract, which left City without any clause for rail-related discussions. I was told that Andy told MD that he was going to engage Mufi as the HART lobbyist. This never happened, but the contract cancellation caused lots of communication/billing problems for the City and for Denis. By the way, even after HART canceled his contract, HART and the HART Board continued to call on him for help.
- City just completed an extension with Denis at the end of last year but I think it may only be a year.
- DTS oversight of the City's contract has been very poor. He did not have ANY contract from June through December because, in my view, DTS dropped the ball. Despite no contract, he continued to provide assistance to both City and HART during that time.
- We can check to see if we could leverage the DTS contract, but given the history and the lack of focus on his contract by both DTS and HART, I believe the best approach is for us to have our own contract. If City and HART procurement feel otherwise, that's ok with me – but we need to get this resolved as Denis is currently "working for free" which is not fair to him and he is a key link between us and FTA and Congressional delegation.

With the funding issues that we are facing, the 2 RFPs that we are considering are both very important.

Rick

From: Kahikina, Lori M K
Sent: Wednesday, January 27, 2021 11:16 AM
To: Keene, Richard C <richard.keene@honolulu.gov>
Cc: Lohr, Ruth <ruth.lohr@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>
Subject: Re: scope revisions

Is there a conflict to have 2 identical contracts within the city? Maybe a question for David.

Sent from my iPhone

On Jan 27, 2021, at 7:48 AM, Keene, Richard C <richard.keene@honolulu.gov> wrote:

Yes. That's correct.

From: Lohr, Ruth

Sent: Wednesday, January 27, 2021 7:42 AM

To: Keene, Richard C <richard.keene@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>;

Matsushita, Cindy <cmatsushita@honolulu.gov>

Subject: RE: scope revisions

It would then need to go out for a new Procurement.

From: Keene, Richard C

Sent: Wednesday, January 27, 2021 7:37 AM

To: Lohr, Ruth <ruth.lohr@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Matsushita,

Cindy <cmatsushita@honolulu.gov>

Subject: RE: scope revisions

This was been an ongoing problem the entire time I was at MD's office. I think it best that HART execute their own contract with him. HART had a contract, but dropped it. My understanding of Andy's reasoning was that he was going to engage someone else to perform that function, which never happened. We are using Denis now and need to put an agreement in place.

From: Lohr, Ruth

Sent: Wednesday, January 27, 2021 7:09 AM

To: Kahikina, Lori M K <lkahikina@honolulu.gov>; Matsushita, Cindy <cmatsushita@honolulu.gov>

Cc: Keene, Richard C <richard.keene@honolulu.gov>

Subject: RE: scope revisions

DTS does have the open contract with Williams and Jensen. If the contract is designed with this same scope, they could either transfer the contract to HART or allow for HART to assign work to the contract with the funding reimbursement through our direct charges from the City.

This would be similar to other contracts currently in place.

Mahalo,

Ruth

201 808 700 1000

201 808 700 1000

From: Kahikina, Lori M K
Sent: Tuesday, January 26, 2021 10:51 PM
To: Matsushita, Cindy <cmatsushita@honolulu.gov>
Cc: Keene, Richard C <richard.keene@honolulu.gov>; Lohr, Ruth <ruth.lohr@honolulu.gov>
Subject: Re: scope revisions

Yes that was our understanding too. Hopefully we can move forward quickly on both of them now.

Sent from my iPhone

On Jan 26, 2021, at 3:21 PM, Matsushita, Cindy <cmatsushita@honolulu.gov> wrote:

Thanks Rick.

David Ha advises that a William Jensen RFP was issued and cancelled in 2017, so it appears there is no open contract.

From: Keene, Richard C
Sent: Monday, January 25, 2021 4:01 PM
To: Matsushita, Cindy
Subject: RE: scope revisions

Yes, I think so – at least for the time being. If Purchasing pushes back, we could see about revising it

From: Matsushita, Cindy
Sent: Monday, January 25, 2021 3:05 PM
To: Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: scope revisions

Thanks Rick. And the scope of the federal lobbyist would remain the same as the one from the 2013 Williams & Jensen contract?

From: Keene, Richard C
Sent: Monday, January 25, 2021 11:09 AM
To: Matsushita, Cindy
Subject: scope revisions

Cindy

Here are some additional edits to the scope for the consultant.

I believe there is enough distinction between this one and Denis' but would like for Purchasing to take a look at both of them.

Thanks
Rick

Rick Keene
Deputy Director & COO
City & County of Honolulu
Honolulu Authority for Rapid Transportation

<image001.jpg>

<image002.jpg>

1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Phone: 808.768.6278 Email: richard.keene@honolulu.gov

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Matsushita, Cindy

From: Matsushita, Cindy
Sent: Friday, February 12, 2021 2:18 PM
To: Ha, David
Cc: Cantero, Dorothea
Subject: RE: Evaluation Committee - Federal and State Government Liaisons
Attachments: Affidavit Federal Liaison-C Matsushita.pdf; Affidavit Board Consultant-C Matsushita.pdf

Attaching the signed affidavits. Thanks so much for doing the ICEs for these.

Didn't receive the experience/quals summary yet, but will be happy to edit whatever you have.

From: Ha, David
Sent: Thursday, February 11, 2021 11:33 AM
To: Matsushita, Cindy
Cc: Cantero, Dorothea
Subject: Evaluation Committee - Federal and State Government Liaisons

Aloha Cindy,

Thank you for agreeing to be a member of the Evaluation Committee for the following solicitations:

- Federal Government Liaison
- HART Board Consultant
-

Please complete the following:

1. Please provide a short paragraph of your experience and qualifications to be used on the approval of the evaluation committee.
2. Please sign the attached affidavits for city employees. Once signed, please provide the original to me.

Mahalo,
David Ha

David Ha
Deputy Director of Procurement
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, HI 96813
Phone: (808) 768-6294

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Kahikina, Lori M K

From: Martyn, Tobias <martynt@stifel.com>
Sent: Tuesday, February 16, 2021 9:10 AM
To: Matsushita, Cindy
Cc: 'hoytzia@yahoo.com'; Kahikina, Lori M K; Keene, Richard C
Subject: RE: Quick update on consultant contract status

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Thanks Cindy!

Toby Martyn
Branch Manager, Vice President, Investments

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>
Sent: Tuesday, February 16, 2021 9:09 AM
To: Martyn, Tobias (Honolulu) <martynt@stifel.com>
Cc: 'hoytzia@yahoo.com' <hoytzia@yahoo.com>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>
Subject: RE: Quick update on consultant contract status

Our procurement folks advised it would be a couple of weeks out on the street, with another couple of weeks for proposal evaluation and contract execution.

From: Martyn, Tobias [<mailto:martynt@stifel.com>]
Sent: Tuesday, February 16, 2021 9:08 AM
To: Matsushita, Cindy
Cc: 'hoytzia@yahoo.com'; Kahikina, Lori M K; Keene, Richard C
Subject: RE: Quick update on consultant contract status

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Thanks Cindy. Once the RFP has been released, can you please refresh my memory on the timeframe ending with the engagement of the consultant?

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

809.521.2600 ext. 523 2700 direct 809.521.2611 fax

809.521.2626 toll free 1.800.221.1100

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From: Matsushita, Cindy <cmatsushita@honolulu.gov>

Sent: Tuesday, February 16, 2021 9:07 AM

To: Martyn, Tobias (Honolulu) <martynt@stifel.com>

Cc: 'hoytzia@yahoo.com' <hoytzia@yahoo.com>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Keene, Richard C <richard.keene@honolulu.gov>

Subject: RE: Quick update on consultant contract status

Toby,

The documents were prepared last week with the goal of getting the procurement out on the street this week.

Thanks,

Cindy

From: Martyn, Tobias [<mailto:martynt@stifel.com>]

Sent: Tuesday, February 16, 2021 4:11 AM

To: Matsushita, Cindy

Cc: 'hoytzia@yahoo.com'; Kahikina, Lori M K; Keene, Richard C

Subject: Quick update on consultant contract status

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Cindy,

I'm having lunch today with Colleen Hanabusa. Can you please give me a quick update on the status of the consultant contract?

Thank you!

Toby Martyn

Branch Manager, Vice President/Investments

809.521.2600 ext. 523 2700 direct 809.521.2611 fax

809.521.2626 toll free 1.800.221.1100

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Matsushita, Cindy

From: Keene, Richard C
Sent: Friday, March 5, 2021 10:03 PM
To: Kahikina, Lori M K; Matsushita, Cindy
Cc: Lohr, Ruth
Subject: RE: draft HART Finance Committee meeting agenda

Denis estimated \$20-25k/mo which would be \$240-300/yr. Colleen is \$200/yr. Over 2 full years, it would be in the \$850 range in total. The 24 months would span portions of FY 21, 22, and 23.

From: Kahikina, Lori M K
Sent: Friday, March 05, 2021 6:21 PM
To: Matsushita, Cindy
Cc: Keene, Richard C; Lohr, Ruth
Subject: Re: draft HART Finance Committee meeting agenda

Just checking, not all of those funds are going to the 2 consultants? I thought they were only going to be for 2 years at about \$200K/each?

Sent from my iPhone

> On Mar 5, 2021, at 4:22 PM, Matsushita, Cindy <cmatsushita@honolulu.gov> wrote:

>

> Rick and Ruth,

>

> Attached is a draft of a couple of slides for the budget reappropriation request. Please review and comment.

>

> Thanks,

> Cindy

>

> -----Original Message-----

> From: Keene, Richard C

> Sent: Thursday, March 04, 2021 5:14 PM

> To: Matsushita, Cindy; Kahikina, Lori M K; Dean Hazama

> Cc: Martyn, Tobias (martynt@stifel.com); Lohr, Ruth

> Subject: RE: draft HART Finance Committee meeting agenda

>

> That's great and makes sense. Thanks.

>

> Rick

>

> -----Original Message-----

> From: Matsushita, Cindy

> Sent: Thursday, March 04, 2021 5:11 PM

> To: Keene, Richard C <richard.keene@honolulu.gov>; Kahikina, Lori M K <lkahikina@honolulu.gov>; Dean Hazama <djkahazama@hawaii.rr.com>

> Cc: Martyn, Tobias (martynt@stifel.com) <martynt@stifel.com>; Lohr, Ruth <ruth.lohr@honolulu.gov>

> Subject: RE: draft HART Finance Committee meeting agenda

>

> Per my conversation with Dean today, he is okay with presenting the attached presentation from the February 18th Board meeting, knowing that the data will largely be unchanged.

>

> -----Original Message-----

> From: Keene, Richard C

> Sent: Wednesday, March 03, 2021 9:29 PM

> To: Kahikina, Lori M K; Matsushita, Cindy; Dean Hazama

> Cc: Martyn, Tobias (martynt@stifel.com)

> Subject: RE: draft HART Finance Committee meeting agenda

>

> Me too. Granted the dashboard reports will not change much from month to month, but I asked Ruth to update. Also trying to get some additional info pulled together for future meetings.

>

> Rick

>

> From: Kahikina, Lori M K

> Sent: Wednesday, March 03, 2021 9:19 PM

> To: Matsushita, Cindy; Dean Hazama

> Cc: Keene, Richard C; Martyn, Tobias (martynt@stifel.com)

> Subject: RE: draft HART Finance Committee meeting agenda

>

> Thank you, Cindy. I'm ok with this Agenda.

>

> Lori M. K. Kahikina, P.E.

> Interim Executive Director & CEO

> City & County of Honolulu

> Honolulu Authority for Rapid Transportation

>

> [cid:image001.jpg@01D0510E.99BAC2D0] [HART-HEADER-Daniel]

> 1099 Alakea Street, Suite 1700

> Honolulu, HI 96813

> Phone: 808.768.6262 Email: lkahikina@honolulu.gov<mailto:lkahikina@honolulu.gov>

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>

>

> From: Matsushita, Cindy <cmatsushita@honolulu.gov>

> Sent: Wednesday, March 3, 2021 5:31 PM

> To: Dean Hazama <djhazama@hawaii.rr.com>; Kahikina, Lori M K <lkahikina@honolulu.gov>

> Cc: Keene, Richard C <richard.keene@honolulu.gov>; Martyn, Tobias (martynt@stifel.com) <martynt@stifel.com>

> Subject: draft HART Finance Committee meeting agenda

>

> Aloha Dean and Lori,

>

> Attached for your review and comment is the draft Finance agenda for March 11. Item III is a budget reappropriation for the Board's consultant and HART's federal liaison. Recall that we had made a reappropriation back in November 2020 to the PMSC line item, but are now moving the funds to the Legal Services/Consultant line item.

>

> Call me if you'd like to discuss.
>
> Mahalo,
> Cindy A. Matsushita
> HART Board Executive Officer
> (808) 768-6258
> cmatsushita@honolulu.gov<mailto:cmatsushita@honolulu.gov>
>
> <20210311-fy2021-budget-reappropriation.pptx>

**HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION**

HONOLULU RAIL TRANSIT PROJECT

**HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT**

REQUEST FOR PROPOSALS

RFP-HRT-2100933

FEBRUARY 26, 2021

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

transitmailbox@honolulu.gov

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU RAIL TRANSIT PROJECT
HART BOARD CONSULTANT
PROFESSIONAL SERVICE CONTRACT
RFP-HRT-2100933**

This procurement is being conducted in accordance with Hawaii Revised Statutes ("HRS") Section 103D-303 and Hawaii Administrative Rules ("HAR") Chapter 3-122, Subchapter 6.

Proposals shall be submitted electronically no later than 2:00 p.m., Hawaii Standard Time (HST) on April 1, 2021, to the Honolulu Authority for Rapid Transportation via email at transitmailbox@honolulu.gov. Hard copy originals must be provided no later than 5 days after the Proposal Due Date.

Because the Honolulu Rail Transit Project ("HRTTP") is being funded with Federal assistance, the selected Offeror shall comply with all applicable Federal Transit Administration ("FTA") requirements.



LORI M. K. KAHIKINA, P. E.
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation

INSTRUCTIONS TO OFFERORS

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1.0 OVERVIEW

The Honolulu Authority for Rapid Transportation ("HART") is a semi-autonomous agency of the City and County of Honolulu ("City"), created pursuant to an amendment to the Revised Charter of the City and County of Honolulu 1973 ("RCH") to develop, operate, and maintain the Honolulu Rail Transit Project ("HRTTP").

This Request for Proposals ("RFP") is issued by HART to identify Persons qualified to submit competitive sealed proposals for the HART Board Consultant Services Contract. "Persons" means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, public or private organization, other legal entity, or combination thereof.

1.1 HRTTP Description

The HRTTP will provide high-capacity rapid transit service in the travel corridor between East Kapolei and Ala Moana Center. This corridor includes the majority of housing and employment on O'ahu. The north-south width of the corridor is a maximum of four (4) miles, with the corridor constrained by the Ko'olau and Wai'anae Mountain Ranges to the north and the Pacific Ocean to the south.

The HRTTP is identified in the Final Environmental Impact Statement ("FEIS") as the design, construction and operation of a twenty (20) mile grade-separated fixed guideway transit system between East Kapolei and Ala Moana Center. All parts of the guideway will be elevated, except near Leeward Community College where it will be at-grade. The system will incorporate steel wheel-on-steel rail technology. The HRTTP includes twenty-one (21) stations, one (1) Rail Operations Center ("ROC"), and eighty (80) light metro vehicles and associated core systems.

The FEIS was released in June 2010 and a Final Supplemental EIS and Amended Record of Decision ("ROD") were released in September 2013. The FEIS and additional information on the HRTTP can be found at: <http://honolulutransit.org>.

1.2 HART Board Consultant Services Description

The selected Offeror (or "Contractor") will provide HART Board Consultant services in Honolulu, Hawaii. The selected Offeror will serve as HART's liaison to the Honolulu City Council, Hawaii State Legislature and Congressional Committees and appropriate federal and state agencies. The selected Offeror will provide coordination, counsel, and information to HART and will advise and represent HART with respect to state transportation policy, legislation, regulation, and state funding opportunities. The scope of services for this Contract is attached hereto in the Special Provisions, Appendix A Scope of Services.

1.3 Reserved

1.4 Solicitation Timetable

The following is the solicitation timetable for this RFP:

ACTIVITY	DATE
Issue RFP	February 26, 2021
Deadline for Clarification Requests	March 12, 2021
Issue Final Addendum	March 23, 2021
Proposal Due Date	April 1, 2021 at 2:00 p.m. HST
Award of Contract (Tentative)	April 30, 2021

Any changes to the dates in the above timetable will be made by HART by written addendum.

2.0 TERM OF THE CONTRACT

- 3.0 The term of any Contract awarded pursuant to this solicitation will be for five (5) months, commencing from the issuance of a written Notice to Proceed ("NTP"), with options to extend the contract up to six (6) years. The total Contract term shall not exceed a total of six (6) years with options.

The Contract will be a multi-term contract subject to the availability of funds in accordance with HAR §3-122-149.

Contract funds are available for only the initial term of the contract, and the contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. HART shall notify the Consultant, on a timely basis, if funds are not available for the continuation of the contract for each succeeding fiscal period. If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the Consultant shall be reimbursed in accordance with the contract documents.

4.0 COMMUNICATIONS

3.1 Inquiries and Requests for Clarification

All inquiries and requests for clarification regarding this RFP shall be submitted to the Transit Mailbox at the following email address: transitmailbox@honolulu.gov by no later than the deadline set forth in the Solicitation Timetable (Section 1.4). All correspondence shall refer to the appropriate RFP number, page number, and section number. See Exhibit 1. Oral interpretations or clarifications will be without legal effect. Only answers to questions issued by a formal written addendum shall be binding on HART.

3.2 Rules of Contact and Communications

Offerors may not contact HART officials, Board members, employees or representatives concerning this RFP while the solicitation process is in progress, except as expressly required or permitted by this Instructions to Offerors ("ITO"), the RFP documents, or other instructions from HART. The solicitation process begins when the RFP is issued

other instructions from HART. The solicitation process begins when the RFP is issued and will be completed with the award of the Contract. Any contact determined to be improper, at the sole discretion of HART, may result in disqualification. In the case of a multi-award contract, the solicitation process begins when the RFP is issued and will be completed with the award of the last contract.

4.0 PROCUREMENT PROCESS

4.1 Addenda

HART will issue responses to inquiries, additional background information, and any other corrections or modifications it deems necessary, via written addenda, on or before the Final Addendum Date. Addenda will be incorporated as part of the RFP. Oral interpretations, clarifications, changes, or substitutions will be without legal effect. Only interpretations, clarifications, changes, or approved substitutions provided by a formal written addendum to the solicitation shall be binding.

4.2 Modification or Withdrawal of Proposals

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07. Any proposal received by HART after the exact time of the Proposal Due Date will not be accepted, will not be considered for award, and shall be returned to the Offeror unopened at the time of late submission or as soon as practicable.

4.3 Receipt and Registration of Proposals

In accordance with HAR §3-122-51, proposals and any modifications thereto will be time-stamped upon receipt and held in a secure place by HART until the Proposal Due Date. Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more HART officials. Prior to contract awards, proposals and modifications will be shown only to members of the evaluation committee and HART personnel or their designees having legitimate interest in them.

4.4 Confidential Solicitation Process

HART will maintain a confidential process for the duration of this solicitation. To the extent permitted by law, all records related to this procurement, including, but not limited to, proposals, evaluations, priority list procedures, price proposals, evaluation and selection procedures, and records during the evaluation and selection process, will remain confidential until the contract awards have been posted by HART in accordance with HAR §3-122-9.01 and §3-122-63.

4.5 Proposals Property of HART

Proposals will become the property of HART. Copies of each proposal will be retained by HART after the proposal evaluation process.

4.6 Discussions with Offerors

If discussions with Offerors are required to make a selection, the discussions will be conducted in accordance with HAR §3-122-53. Pursuant to HAR §3-122-53, a priority list will be established consisting of up to three Offerors. If more than three acceptable or potentially acceptable proposals have been submitted, the priority list will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked proposals.

4.7 Best and Final Offers

If required, best and final offers will be accepted in accordance with HAR §3-122-54.

4.8 Rejection of Proposals; Waiver of Informalities and Minor Irregularities

Proposals may be rejected in accordance with HAR §3-122-97. Furthermore, HART may:

- a) Reject any or all proposals if such action is in the public interest; and
- b) Waive informalities and minor irregularities in proposals received.

4.9 Basis of Award

The basis of award(s) will be the "best value" in accordance with the evaluation criteria set forth herein (HAR §3-122-57).

4.10 Verification of Responsibility of Offeror

The successful Offeror shall, within three (3) business days of notification of contract award, furnish proof of compliance with the requirements of HRS §103D-310(c):

- HRS Chapter 237, tax clearance;
- HRS Chapter 383, unemployment insurance;
- HRS Chapter 386, workers' compensation;
- HRS Chapter 392, temporary disability insurance;
- HRS Chapter 393, prepaid health care; and
- One of the following:
 - (a) Registered and incorporated or organized under the laws of the State of Hawaii, hereinafter referred to as a "Hawaii business"; or
 - (b) Registered to do business in the State of Hawaii, hereinafter referred to as a "compliant non-Hawaii business."

Offerors may choose to use the Hawaii Compliance Express ("HCE"), which allows businesses to register online at <http://vendors.ehawaii.gov> to acquire a single, printable electronic "Certificate of Vendor Compliance." The HCE provides current compliance status as of the certificate issuance date. The "Certificate of Vendor Compliance," indicating that the Offeror's status is compliant with the requirements of HRS §103D-310(c), will be accepted for both contracting purposes and final payment. Offerors that elect to use the HCE services will be required to pay an annual fee of twelve dollars (\$12.00) to the Hawaii Information Consortium, LLC ("HIC"). Offerors choosing not to

participate in the HCE program will be required to provide the paper certificates as specified above.

4.11 Suspension and Debarment

In accordance with 2 CFR §1200, the Offeror is required to verify that none of its principals, as defined in 2 CFR §180.995, or affiliates, as defined in 2 CFR §180.905, are excluded or disqualified as defined in 2 CFR §§180.935 and 180.945. The Offeror is required to comply with 2 CFR §1200, Subpart C, and must include the requirements to comply with 2 CFR §1200, Subpart C, in any lower tier covered transaction it enters into. By signing and submitting its proposal, the Offeror certifies to these requirements.

4.12 Execution of Contract

Subsequent to contract award(s), HART will present the contract to the successful Offeror(s) for execution. The successful Offeror(s) shall return the signed contract within ten (10) calendar days from the date upon which the contract was presented for signature by HART, or within such time as HART may otherwise allow.

The successful Offeror(s) shall provide evidence of the required insurance coverages when returning the signed contract to HART.

4.13 Cancellation of Solicitation

This solicitation may be cancelled at any time pursuant to the Chief Procurement Officer's determination that cancellation is in the public interest or reasons based on, but not limited to, those set forth in HAR §3-122-96.

4.14 Public Inspection; Segregation of Confidential Information

Public inspection will be in accordance with HAR §3-122-58. The existing contract file, except those portions the Offeror has designated in writing to be confidential as trade secrets or other proprietary data, subject to HAR §3-122-58(b), will be available for public inspection upon posting of the award pursuant to HRS §103D-701.

If a person requests to inspect the portions of an Offeror's proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by Corporation Counsel for confidentiality in accordance with HRS Chapter 92F. If Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to HRS §92F-42(1).

4.15 Debriefing

The purpose of a debriefing is to inform a non-selected Offeror of the basis for the source selection decision and contract award. Pursuant to HAR §3-122-60, a written request for a debriefing shall be made within three (3) working days after the posting of the award of the contract. To the extent practicable, debriefing shall be held by HART within seven (7) working days of the request for the debriefing, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.

4.16 Protests

Protests shall be made in accordance with HRS §103D-701 and HAR §3-126-4. A protest by a non-selected Offeror shall be filed in writing within five (5) working days after the posting of the notice of award or within five (5) working days after the date upon which the debriefing was conducted.

Offerors are hereby notified of their right to appeal to the FTA pursuant to FTA C 4220.1F Chapter VII, Section 1.b.

4.17 Commencement of Services

Services shall not commence until: (a) the contract has been executed; (b) the Chief Procurement Officer has certified the availability of funds; and (c) a Notice to Proceed has been issued.

4.18 Conflict of Interest and Non-Disclosure Requirements

The Offeror shall disclose and provide what may be or may be perceived as a potential conflict of interest, the nature of the potential conflict, and whether it can be minimized.

A Contractor who is paid for developing or preparing specifications or work statements in the development of the specifications is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and HAR §3-122-13(e).

Offerors are required to submit Exhibit 11, Certification Regarding Conflict of Interest.

Offerors are required to disclose if they are currently representing any departments, agencies, or other entities of the State of Hawaii, City and County of Honolulu, and/or any other city or county of Hawaii. Offerors are required to state whether that representation is an actual and/or potential conflict and whether the named party or HART would have to waive the conflict in order for the Offeror to perform this Contract. For actual or potential conflicts the Offeror shall also provide a detailed plan describing how the Offeror, alone, will mitigate the conflict. HART reserves the right to:

1. Reject any proposal that presents an actual or potential conflict of interest;
2. Accept or reject any request for conflict waiver;
3. Accept or reject any proposed conflict mitigation plan; and
4. Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

It is a requirement of HART that Offeror organizations identified, including specialized subcontractors, remain intact for the duration of the procurement process, up to and including the execution of the resulting contract, unless otherwise approved in writing by HART.

The selected attorney/firm(s) acknowledges that they shall be prohibited from representing other clients whose interests are adverse to that of HART, or whose case(s) requires filing any form of litigation against HART, without HART's consent in writing.

and pursuant to Hawaii Rules of Professional Conduct. HART will evaluate any such conflict of interest on a case by case basis and may consent to representation by an attorney/firm where HART's interests will not be adversely affected.

Non-Disclosure: The Offeror may be given access to confidential records, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

5.0 PREPARATION OF PROPOSALS; SUBMITTAL REQUIREMENTS

5.1 Proposals Signed by Authorized Personnel

Each proposal shall be signed in ink by the Offeror and where the Offeror is an entity, by an authorized representative. Authorized representatives shall submit proof of their authority to bind the entity.

5.2 Review of RFP

It is the responsibility of all Offerors to examine the entire RFP, to seek clarification of any requirement that may not be clear, and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the Proposal Due Date.

5.3 Proposal Due Date

Proposals must be submitted to HART by no later than the date and time as specified in the Solicitation Timetable (Section 1.4).

Offerors are to submit their proposal electronically.

Electronic proposal submissions must be sent to the email address indicated below and include the RFP number and the words "Proposal Submission" in the subject line.

Late submittals will not be accepted. It is the responsibility of the Offeror to ensure that its proposal is delivered by the Proposal Due Date.

5.4 Submittal Location

Original Proposals shall be delivered to the following address:

RFP-HRT-2100929
Attn: Procurement Division
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Offerors shall submit proposals electronically via the transit mailbox at the email address indicated below. Electronic proposals shall be submitted solely to the following email address: transitmailbox@honolulu.gov. Submittals by facsimiles will not be accepted.

5.5 Format and Quantities

See Exhibit 2 for Proposal format. Proposal should not exceed 50 pages. Proposals are to be written in English, minimum 12-point font, and printed on 8-1/2" x 11" paper; any larger sheets should be folded to that size. Pages are to be consecutively numbered. Exhibits and firm brochures do not count toward the 50-page limit.

Offerors submitting an electronic proposal shall submit (1) an unredacted electronic copy, (2) a redacted electronic copy, and (3) the price proposal in a separate file. Offerors shall mail, via postal, the hardcopy original signed Cover Letter, signed evidence of authority to bind the firm, and signed Exhibits to the address indicated in Section 5.4 no later than five days from the Proposal Due Date

5.6 Organization of Proposal

Offerors are to follow the outline format provided in Exhibit 2 when preparing and organizing their proposals. All exhibits identified in Exhibit 2 shall be submitted with the proposal. Specific content requirements for each section of the proposal and the corresponding evaluation points are described in Section 6 below.

6.0 PROPOSAL REQUIREMENTS, EVALUATION CRITERIA AND EVALUATION POINTS

Proposals will be evaluated in accordance with the evaluation criteria described through Sections 6.1-6.6 of this ITO. Each section of the proposal has a maximum number of points allocated, as stated below, totaling 100 points.

6.1 Cover Letter and Proposal Form (0 points)

The Offeror will provide a one-or two-page letter indicating its desire to be considered for the Contract and stating the official names and roles of all known subcontractors. Offeror must clearly indicate the firm who will be signing the Contract with HART, if selected. The Offeror should discuss its capability to meet the requirements of the Contract. Identify a single point of contact for the Offeror, including the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3, Exhibit 4, and Exhibit 5 to the Proposal Letter.

6.2 Organizational Eligibility (Section 1) (5 Points)

- a) Requirements and information to be provided in Section 1 of the Proposal:
 - i. Submit Offeror's Organization Information as identified on Exhibit 6;
 - ii. If a Partnership or Corporation, submit Exhibit 7;
 - iii. Submit Offeror's certification on Exhibit 8 for the Offeror covering the last five (5) years; and
 - iv. Submit Certification Regarding Lobbying (Exhibit 10), Certification Regarding Conflict of Interest (Exhibit 11) including mitigation plan(s)

for conflicts identified, Certificate Regarding Ineligible Contractors (Exhibit 12), and Certificate Regarding Ineligible Subcontractors (Exhibit 13).

v. Exhibits required in Section 1 are Exhibits 6, 7, 8, 10, 11, 12, and 13.

b) If a Joint Venture, Limited Liability Company, or Partnership:

- i. Identity of the lead entity, if any;
- ii. Indicate the equity share percentage held by each member;
- iii. Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
- iv. Identify full details of the organization structure in Appendix A to the Proposal.

c) Requirements and information to be provided in Appendix A to the Proposal:

- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's representative to sign for that Offeror;
- Notarized Power(s) of Attorney for the Offeror indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
- Alternatively, in lieu of the Powers of Attorney, the Offeror may submit certified, original corporate resolutions for the Offeror (as appropriate) indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

d) While Exhibit 11, Certification Regarding Conflict of Interest is to be submitted in this Section, HART reserves the right to:

- i. Reject any proposal that presents an actual or potential conflict of interest;
- ii. Accept or reject any request for conflict waiver;
- iii. Accept or reject any proposed conflict mitigation plan; and
- Consider any conflicts presented, waivers requested and/or mitigations proposed when scoring Offerors proposals against all evaluation criteria.

6.3 Experience of the Offeror (Section 2) (45 Points)

a) The objective of this section is:

- i. To identify Offerors with experience on projects similar in nature to providing government liaison services on HART's behalf with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government, with demonstrated experience and

expertise in, capacity for, and record of producing quality work on projects similar in nature to the scope of services provided in Special Provisions, Appendix A.

ii. To identify Offerors with the following:

- A) Superior experience in serving as a liaison consultant with demonstrated experience in coordinating, developing and implementing strategies, securing funds, monitoring program opportunities and representing the agenda and interest of projects similar to HART, preferably with respect to local/federal transportation policy, legislation, regulation, and funding opportunities;
- B) Experience in providing comprehensive reports, researching and preparing testimony and written comments on pending legislation for presentation at hearings, and for planning and implementing long and short-term federal funding strategies; and
- C) Experience with Government initiatives, changes to legislation, guidance, rulemaking, and other actions regarding transportation policy, legislation, transportation policy and funding processes.

iii. To identify Offerors with experience in successfully managing projects of similar size, scope, and nature as set forth in this RFP.

b) Requirements and information to be provided in Section 2 of the Proposal:

- i. **Experience:** Provide the past project information requested in Exhibit 17. Provide no more than ten (10) past project descriptions highlighting experience in the last five (5) years relevant to the Project. Provide a description of those projects comparable or relevant to that anticipated for the HART Board Consultant Contract.
- ii. **Past Performances:** Provide the information requested in Exhibit 18 for the Offeror. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. Copies of awards, citations and commendations may be included in Appendix B and will not count toward the page limit.
- iii. **Subcontractor Information:** If applicable, provide the information requested in Exhibit 19. Identify subcontractors the Offeror plans to use, to the extent they are known, indicating what portion of the Services each subcontractor is anticipated to undertake. Submit maximum one-page summary of experience for each listed subcontractor.
- iv. **Key Personnel:** Provide the information requested in Exhibit 21 for Offeror's Key Personnel who will support the contract. For each person listed in Exhibit 21 provide:
 - 1) a resume; and
 - 2) two references,
- v. Exhibits required in Section 2 are Exhibits 17, 18, 19 and 21.

6.4 Approach and Understanding Relative to Scope of Services (Section 3) (30 Points)

- a) The objective of this section is:
- i. To identify those Offerors with an understanding of government funding strategies in relation to Public Transportation and demonstrated experience in working with Federal, State, City, County and other government entities, particularly; U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), Office of the Secretary of Transportation, White House Office of Management and Budget, City and County of Honolulu, State of Hawaii, and Hawaii's Congressional Delegation.
 - ii. To identify Offerors with demonstrated effective communication skills, Offerors who can convey information that impacts the ability to shape and deliver a response timely and accurately to information on changes, guidance, rulemaking, or other anticipated local government actions that could have an impact on HART.
- b) Requirements and information to be provided in Section 3 of the Proposal:
- i. Briefly describe how the Offeror will use its organization, subject matter expertise, key personnel availability and process expertise to ensure successful performance of the Contract;
 - ii. Briefly describe the Offeror's unique approach to identifying and implementing the RFP requirements while meeting HART, FTA, and State requirements, and;
 - iii. Provide a narrative addressing the Offeror's understanding and approach to performing the items of the Scope of Services, as set forth in Appendix A of the Special Provisions.

6.5 Price Proposal (Section 4) (20 points)

- a) The objective of this section is to provide a Price Proposal using the instructions listed herein. Submit all information as specified herein, using the Exhibit and formats specified.
- b) The Price Proposal of the selected Offeror will be incorporated into the Contract.
- c) The Offeror shall submit Exhibit 22, Price Proposal Form. The Offeror is to provide their price for each respective month for each year listed, both base and option years, and the total price of the Contract. The total price of the Proposal will be considered the cost factor for evaluation purposes. The price for this contract shall be inclusive of all cost related to this contract. There will be no reimbursable expenses in this contract.

- d) The Offeror shall submit Exhibit 24, Non-Collusion Affidavit, certifying to HART that there was no collusion and that the price submitted in response to the RFP was independently arrived at and developed.
- e) Price Proposals will become the property of HART. Copies of each Price Proposal will be retained after the Price Proposal evaluation process for the contract file.
- f) Proposals shall include any and all applicable taxes.
- g) Requirements and information to be provided in Section 6 of the Proposal:
 - i. Insert the required pricing information in Exhibit 22.
 - ii. Certificate of Current Cost and Pricing Data (Exhibit 23).
 - iii. Non-Collusion Affidavit to be submitted (Exhibit 24)
 - iv. Discuss any material change in the Offeror's financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US \$5 million); if none, so state.
 - v. Exhibits required in Section 6 are Exhibits 22, 23, and 24.

7.0 INSURANCE

The Contractor shall obtain and maintain insurance in the amounts and types specified in the General Terms and Conditions of Professional Services, as may be amended by the Special Provisions.

8.0 ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a proposal, an Offeror expressly agrees to all of the terms, conditions, provisions, and requirements set forth in this RFP and the General Terms and Conditions of Professional Services.

9.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL

HART established a DBE program in accordance with the regulations of the U.S. Department of Transportation ("USDOT"), Title 49, Code of Federal Regulations, Part 26 (49 C.F.R. Part 26). HART has received federal financial assistance from USDOT, and as a condition of receiving this assistance, HART signed an Assurance with the USDOT that it will comply with 49 C.F.R. Part 26.

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements will be a material breach of the Contract, which may result in termination of the Contract or such other remedy, as HART deems appropriate.

HART has established an overall DBE Project goal of 13.00% for the duration of this Project. A separate Contract Goal has not been established for this Contract. DBE firms and small businesses shall have an equal opportunity to participate in the Contract.

The Contractor shall report its DBE participation obtained through race-neutral means throughout the period of performance. The Contractor shall submit the "DBE PARTICIPATION REPORT" reflecting payments made by the Contractor to DBE subcontractors in accordance with Appendix C, Section 1.6 of the Federal Requirements. Payments to the Contractor will not be processed if the DBE PARTICIPATION REPORT is not properly completed and attached. The DBE PARTICIPATION REPORT shall be prepared in the format set forth in Attachment 1.6(a).

10.0 NO REIMBURSEMENTS

HART will not provide any reimbursement for the cost of developing or submitting a proposal in response to this RFP.

11.0 ATTACHMENTS

Exhibits:

- Exhibit 1 - Offeror's Clarification Request
- Exhibit 2 - Proposal Format
- Exhibit 3 - Acknowledgment of Receipt
- Exhibit 4 - Proposal Form
- Exhibit 5 - Bidders Registration Form
- Exhibit 6 - Offeror's Organization Information
- Exhibit 7 - Partnerships and Corporations Information
- Exhibit 8 - Offeror Certification
- Exhibit 10 - Certification re Lobbying
- Exhibit 11 - Certification re Conflict of Interest
- Exhibit 12 - Certificate Regarding Ineligible Contractors
- Exhibit 13 - Certificate Regarding Ineligible Subcontractor
- Exhibit 17 - Experience
- Exhibit 18 - Past Performance
- Exhibit 19 - Subcontractor Information
- Exhibit 21 - Key Personnel Information
- Exhibit 22 - Price Proposal
- Exhibit 23 - Certificate of Current Cost or Pricing Data
- Exhibit 24 - Non-Collusion Affidavit

Sample Agreement:

- Sample Agreement
- Special Provisions
 - Appendix A - Scope of Work
 - Appendix B - Schedule of Payments
 - Appendix C - Federal Requirements

Appendix C - Attachment A -Attachm 1.6 (a)
Appendix C - Attachment A -Attachm 1.6 (b)
Appendix C - Attachment A -Attachm 1.6 (c)
HART General Conditions for Professional Services (v.03/2017)

HART BOARD CONSULTANT APPENDIX A - SCOPE OF SERVICES

The selected Offeror shall provide professional services primarily involving capital funding opportunities, including related Government liaison activities. This is expected to involve frequent consultations with the Board of Directors the Senior Leadership of the Honolulu Authority for Rapid transportation (HART) and interactions on behalf of HART with legislative and executive branches of the City and County of Honolulu, the State of Hawaii, and the Federal government. To ensure that all aspects of HART's anticipated needs are covered by these professional services, the scope of the Contract is broad. These duties shall include, but are not limited to, the following:

1. Assist in the development and implementation of the HART Board of Directors membership and quorum strategies.
2. In collaboration with the HART Board and Senior Leadership, assist in the development and implementation of short and long-term funding strategies for the Honolulu Rail Transit Project (the Project);
 - a. Assist in securing the resumption of federal funding for advancing the Project's capital programs;
 - b. Assist in the development and execution of a plan to secure additional State funding, including General Excise Taxes (GET) and/or Transient Accommodation Taxes (TAT);
 - c. Collaborate with City Administration on innovative approaches to securing additional City funding; and,
 - d. Support and assist in monitoring the Federal Transit Authority's New Starts program.
3. Provide timely information about upcoming initiatives, changes to legislation, guidance, rulemaking, or other anticipated city and county, state, and federal actions that could have an impact on HART, particularly those related to potential funding opportunities, and support efforts to shape and deliver the Authority's response.
4. Research and prepare testimony and written comments on pending city and county, state, and federal legislation and regulations to be presented on behalf of HART at city and county, state, and federal administrative and legislative hearings.
5. Support and assist HART in interactions with and outreach to the Honolulu City Council, Hawaii State Legislature, and Congressional committees having jurisdiction over the Project and FTA New Starts program, including providing updates for committee members and staff about HART's activities. Federal outreach and communications will be in support and cooperation with HART's Federal Liaison Consultant.
6. Establish and maintain good working relationships with the Honolulu City Council, Hawaii State Legislature, and Hawaii Congressional delegation and their staffs in order to maximize the Authority's input and influence in matters relating to public transportation.

7. Be available, upon reasonable request, to meet with the HART Board of Directors, staff and others, as specified, in order to perform the responsibilities assigned.

The selected Offeror must comply with all applicable laws and regulations, including but not limited to lobbyist registration requirements. The selected Offeror must comply with the Lobbying Disclosure Act of 1995, as amended.

QUALIFICATIONS

Law degree and minimum 20 years of practice

Minimum of ten years experience at the city and county and/or state level of government in legislation and policy making

Minimum of five years experience at the federal level of government in legislation and policy making