

THE JUDICIARY
STATE OF HAWAII

REQUEST FOR PROPOSALS
NO. J11030

HEALTH & HUMAN SERVICES
FOR THE PERIOD
JULY 1, 2011 THROUGH JUNE 30, 2015

NOTE: If this solicitation document was downloaded through the internet, each applicant must register through email, providing contact information to the listed contact person in the Judiciary Contracts & Purchasing Office. Registration is essential for you to receive any addendums or other information for this solicitation. The Judiciary shall not be responsible for any missing addenda, clarifications, attachments or other information regarding this solicitation if an offer is submitted from an incomplete solicitation document.

OCTOBER 27, 2010

Proposals will be received at:

The Judiciary, State of Hawaii
Financial Services Division, Contracts & Purchasing Office
Kauikeaouli Hale (District Court Building)
1111 Alakea Street, 6th Floor
Honolulu, HI 96813-2807

Proposals postmarked or hand delivered after the appropriate dates and times shall be considered late and rejected, and will be returned to the applicant unopened. (See Section 1.8.8 - Proposal Submittal, for postmark or hand delivery restrictions.)

The actual funding of the contract will be based on the proposal applications submitted by the applicants and the service required by the Judiciary. The Administrative Director of the Courts reserves the right and power to award the contract in any manner which he deems to be in the best interest of the Judiciary.

The Judiciary will conduct an orientation meeting on the following dates, locations and times indicated:

November 8, 2010	Oahu	First Circuit Court 3 rd Floor Multi-purpose Room Kaahumanu Hale 777 Punchbowl Street, Honolulu, HI Contact: Naty Butay Email: naty.b.butay@courts.state.hi.us	9:00 am - 11:00 am Ph. 808-538-5805
November 9, 2010	Kauai	Fifth Circuit Court Kauai Judiciary Complex, Room A-101 3970 Kaana St., Lihue, Kauai, HI Contact: Edwin Sugawara Email: edwin.s.sugawara@courts.state.hi.us	9:00 am - 11:00 am Ph. 808-482-2347
November 10, 2010	Hawaii- Kona & Waimea	Third Circuit Court South Kohala Courthouse 67-5187 Kamamalu St., Kamuela, HI 96743 Contact: Christine Kefford Email: christine.m.kefford@courts.state.hi.us	9:00 am - 11:00 am Ph. 808-961-7624
November 10, 2010	Hawaii- Hilo	Third Circuit Court Hilo Jury Training Room Hale Kaulike 777 Kilauea Avenue, Hilo, HI 96720 Contact: Christine Kefford Email: christine.m.kefford@courts.state.hi.us	9:00 am - 11:00 am Ph. 808-961-7624

November 16, 2010 Maui Second Circuit Court 1:30 pm - 3:30 pm
Hoapili Hale, 4th Floor, Courtroom 2
2145 Main Street
Wailuku, Maui, HI
Contact: Gail Nakamae Ph. 808-244-2871

Email: gail.k.nakamae@courts.state.hi.us

November 16, 2010 Molokai Second Circuit Court 1:30 pm - 3:30 pm
District/Family Courthouse
55 Makaena Place
Kaunakakai, Molokai, HI
Contact: Gail Nakamae Ph. 808-244-2871
Email: gail.k.nakamae@courts.state.hi.us

All prospective applicants are encouraged to attend this orientation and to bring their RFP packets with them.

Program questions may be directed to the appropriate contact persons listed in the RFP Section Two - Service Specifications. Other questions regarding this RFP may be directed to Naty Butay in the Contracts & Purchasing Office at 808-538-5805, or Email: naty.b.butay@courts.state.hi.us



Janell Kim
Financial Services Administrator

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SECTION ONE

ADMINISTRATIVE

OVERVIEW

SECTION ONE - ADMINISTRATIVE OVERVIEW

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

1.1 Procurement Timetable

1.2 Note that the procurement timetable represents the Judiciary’s estimated schedule.

Activity	Scheduled Date
A. Public Notice Announcing RFP	October 27, 2010
B. Distribution of RFP	October 27, 2010 - January 10, 2011
C. RFP Orientation Session(s)	November 8-16, 2010
D. Deadline for Submission of Applicants’ Written Questions for Written Responses	4:00 p.m. or postmarked November 24, 2010
E. Judiciary’s Response to Applicants’ Written Questions	On or about December 13, 2010
F. Discussions with Applicants Prior to Submittal Deadline (optional).	October 27, 2010 - January 10, 2011
G. PROPOSAL SUBMITTAL DEADLINE	4:00 pm or Postmarked January 11, 2011
H. Discussions with Applicants After Submittal Deadline (optional).	Mid January 2011 - Mid February 2011
I. Final Revised Proposals (optional)	Late January 2011- February 2011
J. Proposal Evaluation Period	Mid January 2011 - March 2011
K. Provider Selection and Award	March - April 2011
L. Notice of Statement of Findings and Decisions	March - April 2011
M. Contract Development	March - Mid May 2011
N. Contract Start Date (tentative)	July 1, 2011

1.2 Website References

The Judiciary Website is <http://www2.hawaii.gov/jud> under “Doing Business with the Judiciary/Solicitations”.

The State Procurement Office (SPO) website is <http://www4.hawaii.gov/spoh/>.

1.3 Authority

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

1.4 RFP Organization

This RFP is organized into five sections:

SECTION ONE, Administrative Overview--Provides applicants with an overview of the procurement process.

SECTION TWO, Service Specifications--Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

SECTION THREE, Proposal Application--Describes the required format and content for the proposal application.

SECTION FOUR, Proposal Evaluation--Describes how proposals will be evaluated by the Judiciary.

SECTION FIVE, Attachments --Provides applicants with information and forms necessary to complete the application.

1.5 Contracting Office

The Contracting Office is responsible for receiving and for the execution of the contract(s) resulting from this RFP. The Contracting Office is:

The Judiciary, State of Hawaii
Financial Services Division
Contracts and Purchasing Office
1111 Alakea Street, 6th Floor
Honolulu, Hi 96813-2807 Phone: (808)538-5805 Fax: (808) 538-5802
Email: naty.b.butay@courts.state.hi.us

1.6 Orientation

Orientation meetings for applicants will be held on the dates, at the locations and times indicated in the “Notice of Request for Proposals” on pages ii thru iii of this RFP.

Applicants attending the orientation should bring their RFP packets with them. Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted and spontaneous answers provided at the orientation at the Judiciary's discretion. Verbal answers provided at the orientation are only intended as general direction and may not represent the Judiciary's position. Formal official responses will be provided in writing. To ensure a written response from the Judiciary, any questions should be submitted in writing following the close of the orientation, but no later than the date indicated in Section 1.1, Procurement Timetable, in order to generate a written Judiciary response.

1.7 Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in the Service Specifications in SECTION TWO of this RFP. The deadline for submission of written questions and to receive written responses from the Judiciary to those questions are indicated in Section 1.1 - Procurement Timetable.

1.8 Confidentiality of Personal Information

Act 10 relating to personal information was enacted in the 2008 special legislative session. As a result, the Attorney General's General Conditions of Form AG Form 103F, *Confidentiality of Personal Information*, has been amended to include Section 8, regarding protection of the use and disclosure of personal information administered by the agencies and given to third parties.

1.9 Submission of Proposals

1.9.1 Forms/Formats

Forms, with the exception of program specific requirements, may be found on the State Procurement Office website at: www.spo.hawaii.gov, click *Procurement of Health and Human Services* and *For Private Providers*. Please refer to the Proposal Application Checklist (SECTION FIVE, ATTACHMENT A) for the location of program for information on: 1) where to obtain the forms/instructions; 2) additional program specific requirements; and 3) the order in which all components of the application should be assembled and submitted to the Judiciary. Proposals must contain the following components:

- (1) **Proposal Application Identification Form (Form SPO-H-200)** - Provides identification of the proposal. **Although a hard copy Judiciary Proposal Application Identification Form is included in Attachment B of this RFP, applicants may use the form available (and writeable) on the SPO website.**
- (2) **Proposal Application Check List** – Provides applicants with information on where to obtain the required forms; information on program specific requirements; which forms are required and the order in which all components should be assembled and submitted to the Judiciary.
- (3) **Table of Contents** - A sample table of contents for proposals is located in SECTION FIVE, ATTACHMENT B. This is sample and meant as a guide. The table of contents may vary depending on the RFP.
- (4) **Proposal Application (Form SPO-H-200A)** - A sample application showing the format of the application headings is located in SECTION FIVE, ATTACHMENT B. Applicant shall submit comprehensive narratives that addresses all of the issues contained in the

Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP)

- 1.9.2 Program Specific Requirements** - Additional program specific requirements are included in SECTION TWO, Service Specifications, and/or SECTION THREE, Proposal Application, as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist located in Section 5.
- 1.9.3 Multiple or alternate proposals** - Multiple or alternate proposals shall **not** be accepted unless specifically provided for in SECTION TWO of this RFP. In the event alternate proposals are **not** accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for an award as though it were the only proposal submitted by the applicant.
- 1.9.4 Tax Clearance** - A certified copy of a current valid tax clearance certificate issued by the State of Hawaii, Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) will be required prior to execution of any contract awarded in response to this RFP. The tax clearance application may be obtained from the Department of Taxation website at www.hawaii.gov/tax/tax.html
- 1.9.5 Wages and Labor Law Compliance** - Before a provider enters into a service contract in excess of \$25,000, the provider shall certify that it complies with section 103-55, HRS, Wages, hours, and working conditions of employees of contractors performing services. Section 103-55 HRS may be obtained from the Hawaii State Legislature website for Bills status and docs at <http://capitol.hawaii.gov/>. Or go directly to: http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0103/
- 1.9.6 Compliance with all Applicable State Business and Employment Laws** - All providers shall comply with all laws governing entities doing business in the State. Prior to contracting, owners of all forms of business doing business in the state except sole proprietorships, charitable organizations, unincorporated associations, and foreign insurance companies be registered and in good standing with the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website.
- 1.9.7 Hawaii Compliance Express (HCE)** - Providers may register with HCE for online proof of DOTAX and IRS tax clearance, Department of Labor and Industrial Relations (DLIR) for labor law compliance, and DCCA for good standing compliance. The "Certificate of Vendor Compliance" issued online through HCE provides the registered provider's current compliance status as of the issuance date, and is accepted for both contracting and final payment purposes. Providers opting to use the HCE services can register online at: <http://vendors.ehawaii.gov/hce/splash/welcome.html> for a nominal fee.
- 1.9.8 Campaign Contributions by State and County Contractors** - Contractors are hereby notified of the applicability of Section 11-205.5, HRS, which states that campaign contributions are prohibited from specified State of county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, Act 203/2005 FAQs are available at the Campaign Spending Commission webpage.
- 1.9.9 Confidential Information** - If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing non-

disclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

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

1.9.10 Proposal Submittal - All mail-ins shall be postmarked by the United States Postal System (USPS) and received by the Judiciary Contracts & Purchasing Office no later than the submittal deadline indicated in Section 1.1 - Procurement Timetable. All hand deliveries shall be received by the Judiciary Contracts & Purchasing Office by the date and time designated in Section 1.1 - Procurement Timetable. Proposals shall be rejected when:

- (1) Postmarked after the designated date; or
- (2) Postmarked by the designated date but not received within 10 days from the submittal deadline; or
- (3) If hand delivered, received after the designated date and time.

Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks.

Proposals on CD - As an option to submitting hard copies (orig. + 2) of your entire proposal, proposals may be submitted on CD (3 copies of CD) in Adobe's pdf format along with hard copies of the Proposal Application Identification Form (See SECTION FIVE, ATTACHMENT B, Form SPO-H-200).

1.10 Discussions with Applicants

1.10.1 Prior to Submittal Deadline - Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.

1.10.2 After Proposal Submittal Deadline - Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for an award, but proposals may be accepted without discussions, in accordance with the administrative rules (Section 3-143-403, HAR.).

1.11 Opening of Proposals

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

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

1.12 Additional Materials and Documentation

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

1.13 RFP Amendments

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

1.14 Final Revised Proposals

The applicant's final revised proposal, *as applicable* to this RFP, must be postmarked or hand delivered by the proposal submittal deadline indicated in Section 1.1 - Procurement Time Table above. Any final revised proposal postmarked or received after the designated date and time shall be rejected. If a final revised proposal is not submitted, the previous submittal shall be construed as the applicant's best and final offer/proposal. *Only the section(s) of the proposal that are amended shall be submitted by the applicant, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

1.15 Cancellation of Request for Proposal

The request for proposal may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the Judiciary.

1.16 Costs for Proposal Preparation

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

1.17 Provider Participation in Planning

Provider participation in the Judiciary's efforts to plan for or to purchase health and human services prior to the Judiciary's release of a request for proposals, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with sections 3-142-202, 3-142-203 and 3-143-618 of the Hawaii Administrative Rules for Chapter 103F, HRS.

1.18 Rejection of Proposals

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

A proposal may be automatically rejected for any one or more of the following reasons: (Relevant sections of the Hawaii Administrative Rules for Chapter 103F, HRS are parenthesized.)

- A. Rejection for failure to cooperate or deal in good faith. (Section 3-141-201)
- B. Rejection for inadequate accounting system. (Section 3-141-202)

- C. Late proposals. (Section 3-143-603)
- D. Inadequate response to request for proposals. (Section 3-143-609)
- E. Proposal not responsive. (Section 3-143-610(a) (1))
- F. Applicant not responsible. (Section 3-143-610(a) (2))

1.19 Notice of Award

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of the Judiciary's Staff Attorney as to form.

No work is to be undertaken by the awardee prior to the contract commencement date. The Judiciary is not liable for any costs incurred prior to the official starting date.

1.20 Proposals and Awards

In accordance with Act 69, Session Laws of Hawaii 2010, HRS Chapter 103F has been amended by adding a new section as follows:

(a) No contract proposals shall be accepted from any applicant who lacks any license necessary to conduct the business being sought by the request for proposals. This section prohibits contract proposals from being accepted from any applicant, who lacks any license necessary to conduct the business being sought by the RFP. If a provider is required to be licensed, accredited, or certified to perform the services being solicited under the RFP, the proposal shall include written verification or proof from the State of Hawaii, Department of Commerce and Consumer Affairs, or from the appropriate licensing, accrediting, or certifying body, of an active license, or of current accreditation or certification. Proposals submitted by an applicant, who lacks the necessary licensure, accreditation, or certification, will be rejected and not evaluated. A provider who enters into a contract with the Judiciary shall maintain the necessary license, accreditation, or certification, in good standing for the duration of the contract period; a failure to maintain the necessary credentials may be grounds for termination of the contract by the Judiciary.

(b) Proposals submitted under this chapter shall include all costs, fees, and taxes, and any award or contract shall be for the amount of the proposal. No award or contract shall include any other payment, rebate, or direct or indirect consideration that is not included in the proposal, such as insurance premium or general excise tax rebates to or waivers for an applicant or bidder. The amount of a contract or award shall be negotiated by the parties based on the cost items presented in the applicant's proposal. The contract amount may not be

greater than the negotiated contract cost, except as subsequently agreed to under an amendment or extension of the contract.

The contract amount may be adjusted during the term of the contract based upon availability of funds and pursuant to applicable statutes, or as provided for in this Request for Proposals:

1. The contract amount may be increased, subject to negotiation, if there is a change in the scope of service such as reinstatement of prior scheduled services, extending the hours of service, increasing the number of referrals, increasing the number of groups and individual sessions per client, expansion of services, etc., provided that the provider shall submit a revised scope of service in support of the adjustment.
2. The contract amount may be decreased, subject to negotiation, if there is a change in the scope of service such as reduction of prior scheduled services, reducing the hours of service, decreasing the number of referrals, decreasing the number of groups and individual sessions per client, reduction of services, etc., provided that the provider shall submit a revised scope of service in support of the adjustment.

In the case of cost reimbursement contracts, the contract costs are subject to adjustment by the Judiciary, based upon availability of funds and pursuant to applicable statutes, or as agreed upon during the term of the contract. Cost adjustments shall be permitted as follows:

1. The contract amount may be increased, subject to negotiation, if there is a change in the scope of service such as reinstatement of prior scheduled services, extending the hours of service, increasing the number of referrals, increasing the number of groups and individual sessions per client, expansion of services, etc., provided that the provider shall submit a revised scope of service in support of the adjustment.
2. The contract amount may be decreased, subject to negotiation, if there is a change in the scope of service such as reduction of prior scheduled services, reducing the hours of service, decreasing the number of referrals, decreasing the number of groups and individual sessions per client, reduction of services, etc., provided that the provider shall submit a revised scope of service in support of the adjustment.

By submitting a proposal in response to this RFP, the applicant agrees to all of the provisions, terms, and conditions contained in the RFP.

1.21 Protests

1.21.1 Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website indicated on the Proposal Application Checklist. Only the following matters may be protested:

- A. The purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;

- B. The purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- C. The purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the Judiciary.

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

- A. Glennard Fong
Chief Court Administrator, First Circuit
Ka'ahumanu Hale
777 Punchbowl Street
Honolulu, HI 96813-5093
- B. Melvin Arakawa
Chief Court Administrator, Second Circuit
Hoapili Hale
2145 Main Street
Wailuku, HI 96793-1679
- C. Lester Oshiro
Chief Court Administrator, Third Circuit
Hale Kaulike
777 Kilauea Avenue
Hilo, HI 96720
- D. Steven Okihara
Chief Court Administrator, Fifth Circuit
Kauai Judiciary Complex
3970 Kaana Street, Suite 301
Lihue, HI 96766-1283
- E. Elizabeth Kent
Director, Center for Alternative Dispute Resolution
417 S. King St. Room 207
Honolulu, HI 96813
- F. Susan Gochros
Department Head, Intergovernmental and Community Relations
417 S. King St. Room 209
Honolulu, HI 96813

Questions regarding protests may be directed to the applicable procurement officer, identified as the programmatic contact person for the service specifications described in SECTION TWO of this RFP.

1.22 Availability of Funds

The award of a contract and any allowed renewal or extension thereof, are subject to allotments to be made by the Administrative Director of the Courts and subject to the availability of State and/or Federal funds.

1.23 Monitoring and Evaluation

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

- A. Performance/Outcome Measures
- B. Output Measures
- C. Quality of Care/Quality of Services
- D. Financial Management
- E. Administrative Requirements

1.24 General and Special Conditions of Contract

The general conditions that will be imposed contractually are attached (See SECTION FIVE, ATTACHMENT C). Special conditions may also be imposed contractually by the Judiciary, as deemed necessary.

1.25 Cost Principles

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under Chapter 103F, HRS, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201, which is available on the State Procurement Office website. Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

END OF SECTION ONE