

NEIL ABERCROMBIE
GOVERNOR



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DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
Honolulu, Hawaii 96817

IN REPLY REFER TO:
14:CPO/235

August 7, 2014

TO: Interested Parties

FROM: Rick T. Sogawa 
Procurement Officer

SUBJECT: Invitation-for-Bids No. OED-2014-09, Addendum No. 1
Provision of Professional Legal Services

This Addendum No. 1 is to provide clarifications/revisions to the Invitation for Bids (IFB) and provide written response to written questions received at the Pre-Bid Conference conducted by the Hawaii Public Housing Authority (HPHA) on August 1, 2014, up until August 5, 2014.

Part I – Clarifications/Revisions to the IFB:

1. Paragraph C. Wages and Labor Law Compliance (page 4) under Section 1. Administrative Overview, Part VII. Submission of Sealed Bids of the IFB is hereby deleted in its entirety. Wage and Labor Law compliance is not applicable to this IFB.

Attachment 1 – Wage Certificate is hereby deleted from this IFB and is no longer a required certification to submit a bid offer.

2. The third subparagraph of Paragraph F. Bid Price (page 22) under Section 2. Specifications, Part II. General Requirements of the IFB is hereby amended to read as follows:

“The HPHA have assigned **bidder shall assign** a weighted allocation to each type of personnel to determine the Total Weighted Hourly Rate calculation, which is used for evaluation and contract award purposes. The Total Weighted Hourly Rate shall be the sum of the Weighted Hourly Rates for all personnel listed on the Bid Offer Form. The Weighted Hourly Rate for each personnel is based on the Bid Price Per Hour multiplied by the weight allocation. See Attachment 22a.”

3. Attachment 2a – Bid Offer Form (revised 8/7/2014) attached hereby replaces Attachment 2 – Bid Offer Form to reflect additional types of personnel and weight allocations to be completed by the Bidder. Bidders shall use the attached revised Attachment 2a – Bid Offer Form to be considered responsive. Bid Offers submitted using Attachment 2 shall not be accepted.

4. Paragraph G. Contract Price Adjustment (page 23) under Section 2. Specifications, Part II. General Requirements of the IFB is hereby deleted in its entirety and replaced with the follows:

“G. Contract Price Adjustment

Each bid offered herein shall be firm for the contract period; the Bid Price Per Hour for each type of personnel shall be firm for the duration of the contract period.

The HPHA reserves the right to increase the maximum unit of services required if deem appropriate and to the best interest of the HPHA. The execution of Supplemental Contract(s) to increase the unit of services and contract value is at the sole discretion of the HPHA.”

Part II – Written Questions and Responses:

- Question 1.** We have registered with Hawaii Compliance Express (HCE) and have received the status of “exempt” from the Hawaii Dept. of Commerce & Consumer Affairs (among other certifications). However, the IFB says that we should get and submit to you a Certificate of Good Standing as a non-Hawaii business registered to do business in Hawaii or that we should get one as part of the HCE process. Does the HCE “Certificate of Vendor Compliance” which shows us as “exempt” from this requirement replace the requirement of a Good Standing Certificate?

Response: The HCE Certificate of Vendor Compliance (CVC) includes an overall “Compliant” or “Not Compliant” status on the certificate (below the “Issue Date” line) and includes compliance status detail with the individual Federal and State Departments, which may be exempt, compliant, pending, submitted, and non-compliant. As long as the CVC reflects an overall Compliant status, then it would be acceptable and meets the requirement for Tax Clearance Certificate, Certificate of Compliance with the Department of Labor and Industrial Relations, and the Certificate of Good Standing issued by the Department of Commerce and Consumer Affairs.

- Question 2.** Bid Offer Form and Instructions: The first line refers to the “prescribed from” for the Bid Offer “outlined in the IFB”. Is there a prescribed format or does this just mean to be sure to attach to the bid form all of the things required in the IFB?

Response: Bidders shall use the prescribed Bid Offer Form, Attachment 2a (revised 8/7/2014), as provided in this Addendum to respond to the IFB and include other required documentations as attachments in the bid offer submission.

Question 3. Bid Offer Form:

- a. Page 1: We have received a notice of compliance from the Hawaii Dept. of Taxation through HCE. However, we do not have and were not assigned a Hawaii General Excise Tax License I.D. number. Please confirm that we can, therefore, indicate "N/A" on this line.

Response: Yes, for purposes of the bid offer submittal, "N/A" is acceptable. However, it is the Successful Offeror's responsibility to follow through with Hawaii Dept. of Taxation for tax implications and licensing requirements should a contract be awarded as a result of this IFB.

- b. Page 1: Our state of incorporation is not Hawaii. What does it mean on the form where it says "if 'other', is corporate seal available in Hawaii?"

Response: *Currently obtaining clarification. A response will be provided at a later date.*

- c. Page 2: Regarding history, please confirm that we may also include in an attachment relevant experience earlier than 5 years ago, as long as we provide the required experience within the past 5 years.

Response: No. Please limit your response to only include relevant experience within the past 5 year period.

- d. Page 2: Is it ok to attach a separate page with the names and contact information for references (instead of the information having to be typed in the boxes)?

Response: Yes. Please type/write on this section of the form/boxes "see attached" so that we know it is part of the attachments. Please also clearly identify the attachment as the list of references.

- e. Page 2: Please confirm that you only want to know the names, agent and phone number for the company that provides each type of insurance, but do not want the exact coverage or limits listed or attached here.

Response: Yes. The names, agent and phone number of the insurance company providing each type of insurance is sufficient for bid offer submission purposes. Note that the Successful Bidder shall be required to provide Certificate(s) of Insurance for all insurance requirements as listed in Paragraph 6. Insurance Requirements, page 16 of the IFB within 15 days after award of the Contract and prior to the execution of the Contract.

f. Rate sheet: If we don't bill for administrative work, is it okay to put zero in the Bid Price Per Hour on this line?

Response: Yes. If the bidder does not charge administrative costs, or any other personnel categories listed on the Bid Offer Form, please enter \$0.00 as the Bid Price Per Hour and 0% as the weight allocation for the corresponding personnel category. Do not leave it blanks on the form as blank fields left on the Bid Offer Form may be deemed non-responsive.

Question 4. Wage Certificate: This refers to HRS 103-55, which appears to say it does not apply to professional services. If required for this contract, where do we find the data for Hawaii public employee wages to make the required certification regarding comparable wages?

Response: Completion of Attachment 1 - Wage Certificate is no longer required as part of the bid offer submission

Question 5. On page 3 of the IFB, it says bid should be sent to the "HPHA Central Files Office" at 1002 North School Street, Building D, Honolulu, Hawaii 96817, but it is not clear if instead you want it addressed to Ms. Wong at the Contract & Procurement Office at that same address.

Response: The sealed bid shall be addressed and submitted to the Hawaii Public Housing Authority, Central Files Office as indicated on Page 3 of the IFB as Central Files Office will time and date stamp the sealed bid when it's received. The envelope may be addressed to the attention of Ms. Tammie Wong, IFB Coordinator.

Question 6. Is there a page limit for the attachments to be submitted with the bid offer?

Response: No. There is no page limit/restriction for attachments to be submitted with the bid offer for solicited information/documentation.

Question 7. We are a Professional Corporation and do not have Principals, Members or Partners. We would show our rates as Directors/Shareholders, Senior Counsel and Associates. Is it acceptable to use those three designations?

Response: Yes, it would be acceptable to use Directors/Shareholders, Senior Counsel and Associates as designations. The HPHA have revised the Bid Offer Form to reflect these additional personnel categories. See Attachment 2a - Bid Offer Form (revised 8/7/2014).

Question 8. If we do not charge for Administrative costs, do we leave that blank or enter \$0.00?

Response: If the bidder does not charge administrative costs, or any other personnel categories listed on the Bid Offer Form, please enter \$0.00 as the Bid Price Per Hour and 0% as the weight allocation for the corresponding personnel category. Do not leave fields blank on the Bid Offer Form as blank fields left of the Bid Offer Form may be deemed non-responsive.

Question 9. In regards to the Invitation-for-Bids for the Provision of Professional Legal Services – IFB OED-2014-09 – it is our understanding that the response format should follow Section 3 of the IFB, including:

- Attachment 2 – Sealed Bid Offer Form
- Certifications and Documentations A-G

Response: Correct. In addition to the above documents, bidders are also required to complete and submit Attachment 12 - Certification and Representations of Offerors, Form HUD 5369-C. Reference Section 3, Part II, Paragraph B. on page 32 of the IFB.

Question 10. It is our understanding that the response should be limited to answering questions 1, 2, and 3 of Attachment 2 and provide the appropriate information in the Total Weighted Hourly Rate chart. If this is correct, is there any page limit for answering question 1, and can we provide additional pages for answering question 2?

Response: Correct. The response to the IFB shall be limited to answering questions 1, 2, 3 and provide the appropriate information in the Total Weighted Hourly Rate chart on the Bid Offer Form in addition to the required certifications and documentations listed in Section 3, page 31 of the IFB. Note that Attachment 2 is replaced with Attachment 2a - Bid Offer Form (revised 8/7/2014) in this Addendum. Bidders shall use Attachment 2a – Bid Offer Form (revision 8/7/2014) to respond to the IFB. There are no page limitation for answering the questions and additional pages are permissible as part of the bid offer submission.

Question 11. The solicitation appears to require that the successful bidder must have an office within the state where the bidder can be reached by phone during business hours. Is the intention to exclude bidders who do not have offices in the state, but can be available during the State's business hours?

Response: The Business Office requirement on page 18 of the IFB requires that the Successful Bidder shall have a permanent office in the State where he/she conducts business and where he/she will be accessible to telephone calls during normal Hawaii State government business hours.

Bidders are not required to have a permanent office location in the State of Hawaii, as long as there is a permanent office location within the United States and accessible during normal Hawaii State government business hours.

Question 12. Please confirm that no license to practice law in the State of Hawaii is required for this IFB. (This appears to be the case as the Special Conditions to the contract state that the Attorney General's Office will serve as local counsel to HPHA.)

Response: *Currently obtaining clarification. A response will be provided at a later date.*

Question 13. Retention: Does the HPHA have discretion to release the 5% retention before the end of the contract, such as at the end of the initial contract period or annually, or will it be held for all 3 years of the contract term?

Response: *Currently obtaining clarification. A response will be provided at a later date.*

Question 14. Is there any limitation on the attorneys in the firm who may work on the project? We would expect that attorneys having different areas of expertise within the firm could be called on over the course of the engagement even if they do not have a large role. Are the persons for whom resumes are attached the only persons who can work on the contract?

Response: *Currently obtaining clarification. A response will be provided at a later date.*

Question 15. How will the Hawaii Attorney General's Office relate to the work to be performed under this solicitation? Will the Attorney General's Office handle matters of local law or will the successful bidder handle that as well?

Response: *Currently obtaining clarification. A response will be provided at a later date.*

If you have any questions, please call Ms. Tammie Wong, IFB Coordinator, at (808) 832-6090. Thank you.



IFB-OED-2014-09
SEALED BID OFFER

Hawaii Public Housing Authority
Contract and Procurement Office
1002 North School Street, Bldg. D
Honolulu, Hawaii 96817

Dear Procurement Officer:

The undersigned has carefully read and understands the terms and conditions specified in the Invitation for Bids, Specifications and the General Conditions by reference made a part of this Bid Offer and hereby submits the following offer to perform the work specified.

That the undersigned further understands and agrees that by submitting this Sealed Bid Offer, 1) it is declaring its Bid Offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) it is certifying that the price(s) submitted was (were) independently arrived at without collusion.

Date: _____

Respectfully Submitted,

Telephone No.: _____

Legal Name of Offeror

Fax No.: _____

Payment address, if other than street
address at right:

Authorized Signature (Original)

Title

Hawaii General Excise Tax Lic. I.D. No.:

Street Address

Social Security or Federal I.D. No.:

City, State, Zip Code

Offeror is: Individual Partnership Corporation Joint Venture

State of Incorporation: Hawaii * Other _____

*If "other", is corporate seal available in Hawaii? Yes No

Bidders must complete the following items:

1. Provide the history of the bidder's experience in the provision of professional legal services of similar engagements in the United States. Include the number of years of experience: (Attach separate pages if necessary.)

2. Provide the names and addresses of companies or government agencies in which the bidder has provided or is currently providing professional legal services as mentioned in Question 1 above along with the dates of services:

Firm or Agency	Contact Person	Telephone No.	Dates of Service

3. Insurance coverage to be provided by:

Insurance Type	Provider	Agent Name	Agent Phone No.
Commercial General Liability			
Automobile			
Workers Compensation			
Professional Liability (Errors and Omissions)			

Signature of Offeror _____

IFB OED-2014-09
Bid Offer Form

Offeror: _____

Bidder shall provide a Bid Price Per Hour and assign a Weight Allocation to each type of personnel listed below should the personnel category be performing services under the resulting Contract. If a personnel category is not applicable to the bidder's billing/organizational structure, bidder shall input \$0.00 as the Bid Price Per Hour and 0% as the weight allocation. Total Weight Allocation for all personnel categories should equal to 100%. The Bid Price Per Hour for each type of personnel shall be firm for the duration of the contract period and shall be the actual rates billed to the HPHA for actual units of services rendered.

Type of Personnel	36-Month Contract Period				
	Bid Price Per Hour (1)	x	Weight Allocation (for evaluation purposes) (2)	=	Weighted Hourly Rate (3) = (1) x (2)
Principal		x	%	=	
Director		x	%	=	
Shareholder		x	%	=	
Senior Counsel		x	%	=	
Member		x	%	=	
Partner		x	%	=	
Associate		x	%	=	
Paralegal		x	%	=	
Administrative		x	%	=	
100%					

Total Weighted Hourly Rate (sum of all Weighted Hourly Rates): _____

Bid Price for Minimum 1,000 Hours (1,000 x Total Weighted Hourly Rate): _____

Bid Price for Maximum of 3,000 Hours (3,000 x Total Weighted Hourly Rate): _____

Minimum billable unit of service for all personnel (i.e. 10 minutes or 1/6th of an hour):

_____ minutes or _____ of an hour

Each billable increment unit of service for all personnel (i.e. every 10 minutes or 1/6th of an hour):

_____ minutes or _____ of an hour

Award shall be made to the responsive and responsible bidder with the lowest Total Weighted Hourly Rate. Initial contract amount shall be based on the Bid Price for Minimum of 1,000 Hours; contract amount may be increased by the execution of Supplemental Contract(s), not to exceed the Bid Price for Up to 3,000 Hours and shall be exercised at the sole discretion of the HPHA. The HPHA reserves the right to increase the maximum unit of services required if deemed appropriate and to the best interest of the HPHA.