

COUNTY OF HAWAI'I



DEPARTMENT OF RESEARCH AND DEVELOPMENT

Notice of Availability of Targeted Economic Development Funding Awards For Fiscal Year 2010-2011

(Project Period: July 1, 2010 to June 30, 2012)

DEADLINE TO APPLY:

Thursday, March 31, 2011 4:30 p.m. Hawai'i Standard Time

Issued by:

County of Hawai'i

Department of Research and Development

Mailing Address: 25 Aupuni Street, Room 1301 Hilo, Hawai'i 96720

Telephone: (808) 961-8366 Fax: (808) 935-1205

E-mail: chresdev@co.hawaii.hi.us

Website: <http://co.hawaii.hi.us/rd/sfa1012.html>

February 20, 2011

The County of Hawai'i is an Equal Opportunity Provider and Employer

NOTICE OF AVAILABILITY OF
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS
FOR FISCAL YEAR 2010-2011

(Project Period: July 1, 2010 to June 30, 2012)

SEALED PROPOSALS must be received on or before 4:30 p.m. HST., Thursday, March 31, 2011, in the office of the Department of Research and Development, County of Hawai'i, 25 Aupuni Street, Room 1301, Hilo, Hawai'i 96720. The deadline noted above is not a post mark date. Proposals received after the deadline will not be considered and will be returned to the applicant unopened.

TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011:

The Department of Research and Development, County of Hawai'i (hereinafter referred to as "Department") is soliciting proposals for targeted economic development projects that support sustainable economic development for Hawai'i County. Proposals must address and support the goals and objectives of the Department's agriculture and new industry program areas. Proposals submitted shall be reviewed and considered for the receipt of funding.

All proposals reviewed and recommended for Targeted Economic Development funding by the Department of Research and Development shall be subject to the County of Hawai'i's executive and legislative budget review process. Notification of the Department's approval and recommendation for funding shall be made on April 29, 2011.

Proposal forms, specification and special provisions can be obtained at the Department's website <http://co.hawaii.hi.us/rd/sfa1012.html> or call (808) 961-8366. Questions regarding clarification of any information contained in the Solicitation for Proposals document, including all attachments, must be received in writing on or before March 8, 2011. The County of Hawai'i reserves the right to reject any proposal.



Randall M. Kurohara
Director, Department of Research and Development

Hawai'i Tribune-Herald
West Hawai'i Today

Publication Date: February 20 and February 22, 2011
Hawai'i County is an Equal Opportunity Provider and Employer

COUNTY OF HAWAI‘I
DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS
FOR FISCAL YEAR 2010-2011

SOLICITATION FOR PROPOSALS

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**DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011**

SOLICITATION FOR PROPOSALS

INTRODUCTION

The Department of Research and Development, County of Hawai'i (hereinafter referred to as "Department") is soliciting proposals for targeted economic development projects from community organizations, research and educational institutions and government agencies that support sustainable economic development for Hawai'i County. Proposals must address and support the goals and objectives of the Department's program areas of agriculture and new industry. Applicants may submit separate proposals for any number of these projects. Funded projects under this solicitation must begin prior to June 30, 2011. The projects are:

AGRICULTURE

1. Development of the Hawai'i Island Agricultural Web Site

The purpose of this project is to revise and expand the existing agriculture website [\\coh01\cohweb\bigislandag\default.htm](http://coh01.cohweb.bigislandag/default.htm), as a comprehensive information clearinghouse and repository of agriculture-related information specific to Hawai'i and capable of linking to existing agriculture-related websites and pertinent websites that affect the Hawai'i agriculture industry. Proposals must include a work plan, rationale and timeline that describe: (a) choice of platform(s); (b) data and information collection plan, including documenting authors' permissions for linking to and/or posting materials; and (c) method for ongoing updates and revisions. Successful proposers should: have sufficient web development and social media skills to accomplish the proposed scope of work; capacity to consult with the County Department of Information Technology if needed; and ability to upload and update all content. Maximum funding for this project is \$35,000.

2. Baseline Study for Food Sustainability in Hawai'i County

The purpose of this project is to establish a baseline for measuring progress toward food sustainability in Hawai'i County through the collection and organization of relevant data on food consumption, local food production and agricultural land use. The study would serve as a framework to measure progress toward food sustainability and aid in the development of regional and County-wide strategies to enhance Hawai'i County's capacity to set reasonable goals for the production of food for local consumption. Proposals must include plans to: a) review existing County and State documents and materials related to food sustainability; b) data collection and analyses of existing agricultural production by districts and type of crops; food consumption patterns of both locally-produced and imported fresh

sustainability; b) data collection and analyses of existing agricultural production by districts and type of crops; food consumption patterns of both locally-produced and imported fresh and frozen food items by residents and visitors; current inventory and future need of resources such as land, water, labor, energy and production inputs and infrastructure that are necessary to increase local food production; and c) identify, analyze and map using GIS overlay, the areas in Hawai'i County that are currently in production as well as areas that have high potential for future production of crops and livestock. Maximum funding for this project is \$65,000.00.

NEW INDUSTRY

3. Hawai'i Island Consumer Education Campaign Pilot

The purpose of this project is to support and cultivate locally owned business by initiating a public information campaign that communicates to all Hawai'i Island consumers how their purchasing choices affect their families, the local community, and the broader economy. To accomplish this, the Department seeks a marketing strategy that includes multiple delivery channels for the widest possible reach, along with a meaningful evaluation plan. This initiative is not intended to compete with or be confused with existing "Buy Local" campaigns; therefore, proposers should be prepared to develop a distinct, consistent, recognizable and informative "brand" that can be delivered through numerous media venues and public outreach settings.

Proposals must include a comprehensive plan and timeline for the following work products: (1) Design the public information campaign strategy (including branding and a strategic assessment of the most effective media resources including social media); (2) develop an evaluation instrument; and, (3) design, implement and evaluate a pilot campaign.

The successful proposer will be expected to work in close consultation with the Department's Project Manager, and collaboration with existing economic- and business-development organizations is preferred. Maximum funding for this project is \$25,000.00.

USE OF FUNDS

Successful proposals for all programs will clearly show a public or community nexus to the stated outcomes of the proposal. Funds may not be used for salaries, equipment, capital improvements, construction, business or organizational start-up plans, fundraisers, or film production. All proposals shall be subject to the provisions and stipulations of this Solicitation for Proposals, including the Proposal Specifications attached hereto as Exhibit A and the Contract Provisions attached hereto as Exhibit B and made a part hereof.

EXHIBIT A PROPOSAL SPECIFICATIONS

PROPOSAL FORMAT. Targeted Economic Development funding awards may be requested by submitting an original project proposal to the Department's Director using the Department of Research and Development Standardized Proposal Form (Proposal Form), attached hereto as Exhibit A-1 and made a part hereof. The proposal must be typed on plain, white, letter-size paper with one-inch margins on all sides in a font size no smaller than 11-points. Pages one and two of the Proposal Form must be completed, signed and submitted with the proposal narrative, budget form, and pertinent documents, including current organizational documents, to the Department by the deadline set forth below. Costs associated with preparing the proposal shall not be charged to the County of Hawai'i. Failure to provide all information requested in the Proposal Form may result in the rejection of the proposal.

PROPOSAL SUBMISSION. Submit the original and two (2) copies of the project proposal consisting of the completed and signed Proposal Form (pages one and two), project budget, and proposal narrative, along with one (1) set of accompanying pertinent documents including current organizational documents to the Department according to the following instructions:

Proposal packages must be received on or before 4:30 p.m. Hawai'i Standard Time on Thursday, March 31, 2011, in the office of the Department of Research and Development, County of Hawai'i at 25 Aupuni Street, Room 1301, Hilo, Hawai'i, 96720.

PROPOSALS WILL NOT BE ACCEPTED AT THE DEPARTMENT OF RESEARCH AND DEVELOPMENT'S KONA OFFICE NOR WILL E-MAILED OR FAXED COPIES BE ACCEPTED.

All proposals will be time-stamped when received and shall remain sealed until the deadline. The proposer shall be solely responsible for the timely arrival of its proposal. Exhibit D— Application Checklist, located at the end of this solicitation, is provided for proposers' reference.

The deadline noted above is not a post mark date. Proposals received in the office of the Department of Research and Development after the deadline will not be considered and will be returned to the proposers unopened.

Proposals shall not be made available to the public until such time as an award is made or all proposals are rejected by the Department. After award, all proposals shall be public information, except proposal sections containing proprietary information or other information not appropriate for public perusal, which shall be sealed by the proposer in a separate envelope marked "PROPRIETARY INFORMATION."

AMBIGUITY, CONFLICT, DISCREPANCIES, OMISSIONS OR OTHER ERRORS IN THE SOLICITATION FOR PROPOSALS. Any proposer who discovers any ambiguities, conflicts, discrepancies, omissions or other errors in the Solicitation for Proposals shall notify the Department in writing on or before March 8, 2011. Modifications of the Solicitation for Proposals shall be made by issuing an addendum by March 15, 2011, and a written notice of such modifications shall be sent to all persons who have either submitted written questions to the department as described above or submitted a completed Request for Notification of Addenda form attached to this section as Exhibit A-3. Exhibit A-3 will be used by the Department to develop a contact database of all those wishing to be notified of modifications.

If a proposer fails to notify the Department on or before March 8, 2011, of any errors in the Solicitation for Proposals known to the proposer, the proposer shall submit a proposal at its own risk; if the proposer is selected by the Department, the proposer shall not be entitled to additional compensation or time by reason of such errors or their later correction.

The Department may also modify the Solicitation for Proposals prior to the March 31, 2011, deadline by issuing an addendum to all persons who have submitted a request as described above, or by issuing addenda after negotiations have begun with all proposers whose proposals are being considered for funding. All addenda shall be numbered consecutively beginning with number "1".

Applicants should monitor the posting web site for any addenda necessitated by a modification of the solicitation for proposals prior to the March 31, 2011, deadline. Only written addenda in response to written inquiries or comments will be considered as alteration to this Solicitation for Proposals.

INTERPRETATION OF PROVISIONS. Notwithstanding any other provisions, if there is any doubt as to the interpretation of any of the provisions herein, the proposer shall submit an inquiry **in writing** on or before March 8, 2011. The Department shall issue an addendum responding to the inquiry by March 15, 2011, as indicated above. Any questions regarding the interpretation of any provision after proposals have been opened and/or a contract awarded shall be subject to a ruling by the Director of the Department, whose decision shall be final. In addition, the Director shall have the sole power to decide and resolve matters which may arise in the future and/or which may not be covered in the proposal.

PROPOSER QUALIFICATION. The proposer shall:

- A. Be an educational institution, State agency, a not-for-profit organization incorporated under the laws of the State of Hawai'i or a non-profit organization

exempt from the federal income tax by the Internal Revenue Service. In the case of a non-profit organization, members of its governing board shall have served without compensation and have no material conflict of interest.

- B. Have at least one (1) year of experience with the project or in the program area being proposed. The Director may grant an exception from this requirement if the proposer has demonstrated the necessary experience in the program area;
- C. Be licensed and accredited, as applicable, in accordance with the requirements of the federal, state and county governments;
- D. Have a staff or authorized representatives adequately trained to administer and provide the service described;
- E. Meet all the requirements of the funding source(s);
- F. Have bylaws and policies that describe the manner in which business is conducting including management, and fiscal policies and procedures, and policies on nepotism and the management of potential conflict of interest situations.

PROPOSAL EVALUATION CRITERIA. Proposals shall be evaluated on the following:

A. Qualification/Experience: 30 points

- Depth and breadth of experience in performing similar work.
- Level of integrity, reliability and credibility of the organization.
- Organization mission is aligned with the proposed project Staff resources of contractors/subcontractors including relevant expertise of individuals responsible for planning, developing and implementing proposed project or activity.

B. Fiscal Accountability: 30 points

As demonstrated through:

- Most current Financial Statement.
- Budget.
- Sustainability: Purchasing choices are made based not only on cost, but also on need (perhaps resources can be shared), environmental impact, and community benefit (locally sourced).

C. Proposal: 40 points

- Project's ability to attain product/outcome or program objectives.
- Project's feasibility and ability to implement recommendations from community plans.
- Project's measures for evaluation and effectiveness.
- Degree of community support or collaboration.

The Department reserves the right to make an award based only upon proposals as submitted or may require submittal of additional information and/or oral presentation.

The Department also reserves the right to negotiate with one (1) or more proposers and request best and final offers provided that no proposer's proposal or information regarding its negotiation with the Department shall be public information or shared with any other proposer until after an award is made.

The Department further reserves the right to use any ideas presented in any proposal or as a result of any negotiation, unless marked "PROPRIETARY," whether from a successful or rejected proposal.

The Director of the Department shall be the final judge in the selection of the proposals, which will best accomplish the needs of the County and in accordance to the availability of funds.

DISCLOSURE OF PROPOSAL CONTENTS. All proposal information, including pricing, shall be held in strict confidence and shall not be revealed or discussed with competitors. Proposals submitted may be reviewed and evaluated by those officials who have a legitimate interest in the matter and by no others. All material submitted from all proposers becomes the property of the County of Hawai'i. If any material is returned, it will be at the option of the Department. Proposal information that is considered by the proposer to be proprietary should be identified by the proposer as such and sealed in a separate envelope. If information is not identified as proprietary, the County reserves the right to use any or all ideas presented in any of the proposals. Selection or rejection of the proposal does not affect this right.

In evaluating proposals, any pages marked "PROPRIETARY," "CONFIDENTIAL" or otherwise clearly intended not to be made public WILL NOT are considered, except those dealing with financial resources and condition or references, existing customers and the like. Thus, if all pages of a proposal are marked as not public information or a cover document indicates the entire proposal is proprietary or otherwise restricted, the proposal may be rejected. The Department shall have the option of (1) requesting that sections improperly marked as proprietary be amended or (2) rejecting the proposal without further action.

At the conclusion of the process, resulting in either a contract award or rejection of all proposals, all material except that marked proprietary shall become public information.

INITIAL SCREENING OF PROPOSALS. An initial screening shall take place immediately after the proposals are opened by a representative of the County. The initial screening process involves reviewing all submitted proposals for completeness, conformity, and clarity, and to see if all significant requirements of the Solicitation for Proposals have been addressed. Proposals not meeting these minimum requirements may be rejected and dropped from further consideration.

EVALUATION OF PROPOSALS. The Director of the Department shall select a review committee or a designated program specialist to review the proposals. Proposals shall be evaluated based on the Proposal Evaluation Criteria listed hereinabove. Unless all proposals are rejected, the Department shall enter into negotiations with one (1) or more qualified proposers and may request best and final offers.

Discussions may be conducted with individual proposers whose proposals were determined to be likely to be selected for award, but proposals may be accepted without such discussions. Selected proposer(s) should be prepared to give a presentation to the Department in support of their proposal prior to final selection, if deemed necessary. The Director of the Department shall make the final selection.

REJECTION OF PROPOSALS. The Director of the Department reserves the right to accept or reject any or all proposals and to waive any defects in said Solicitation for Proposals if deemed to be in the best interest of the County.

WITHDRAWAL OF PROPOSALS. A proposer may withdraw its proposal by submitting a written request to the Director of the Department any time prior to the proposal being scheduled for review and evaluation.

INDEMNITY. If selected, the applicant shall indemnify, save and hold harmless the County and all of its officers, agents and employees from any and all claims for deaths, injuries, losses, damages and liabilities to persons or property occasioned wholly or in part by acts or omissions of the proposer, its agents, officers, employee, or any persons under the control of the proposer.

REPORTING REQUIREMENT. If selected, the applicant shall be required to provide a final report of the funded project to the Department. Department funding must be acknowledged in this report and in all other publications based on the project results. Interim reports may also be required per the contractual agreement. All project(s) reports and results are considered public property and cannot be patented, copyrighted or restricted in any manner unless specifically agreed to by both parties.

CONTACT FOR INFORMATION. If the proposer requires additional information, requests for additional information shall be made to the Department of Research and Development, 25 Aupuni Street, Room 1301, Hilo, Hawai'i, 96720. **Telephone number: (808) 961-8366,**
Fax (808) 935-1205. E-Mail: chresdev@co.hawaii.hi.us.

EXHIBIT A-1 STANDARDIZED PROPOSAL FORM – PAGE 1

DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

Proposal Reference Number: _____ (For Department Use)

Name of Organization: _____

Project Title: _____

Mailing Address: _____

Physical Address: _____

Telephone: _____ Fax: _____

Organization E-Mail Address: _____

Federal Tax ID#: _____ General Excise Tax #: _____

Contact Name: _____ Title: _____

Telephone: _____ Fax: _____

If different from above

If different from above

Contact E-Mail Address: _____

Amount Requested: \$ _____

Program Area
(Please select just one): Agriculture New Industry

Please answer the following questions, and refer to Exhibit D on the last page: Yes No

Is your organization registered as a nonprofit?

Does your organization have a Board of Directors?

Does your organization have a corporate seal?

AUTHORIZED SIGNEE(S) FOR AGREEMENT (organizational documents attached):

_____	_____	_____
Legal Name (type or print clearly)	Title	Date Term Ends
Telephone (business) _____	(residence) _____	

Second Signee (if applicable):

_____	_____	_____
Legal Name (type or print clearly)	Title	Date Term Ends
Telephone (business) _____	(residence) _____	

NOTE: PLEASE SUBMIT THIS DOCUMENT COMPLETED AND SIGNED, WITH YOUR PROPOSAL

EXHIBIT A-1 - STANDARDIZED PROPOSAL FORM – PAGE 2

DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS
FOR FISCAL YEAR 2010-2011

ACKNOWLEDGEMENT

I, the undersigned, hereby certify that the information provided in this Department of Research and Development Solicitation for Proposal has been reviewed in its entirety and the affixed signature accepts responsibility on behalf of said organization to inform its members of the content herein. All terms and conditions of this Department of Research and Development Solicitation for Proposals shall be a part of any contract entered into as a result of this proposal.

Name (please type or print clearly)

Signature

Title

Date

NOTE: PLEASE SUBMIT THIS DOCUMENT COMPLETED AND SIGNED, WITH YOUR PROPOSAL.

EXHIBIT A-1 - PROPOSAL NARRATIVE GUIDELINES
REQUIRED OUTLINE AND FORMAT

DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

- A. Project Summary or Abstract (one page only)—discuss the specific project for which your organization is requesting funds:
- Brief description of the proposed project.
 - Overall timetable of the proposed project; project must be initiated prior to June 30, 2011.
 - Narrative budget summary (Please differentiate County and other funds).
- B. Organization Qualifications—discuss your organization’s qualifications including:
- Brief background, mission and goals of the organization.
 - How the organization is similar to and/or different from other organizations in the State.
 - Other organizations your organization works closely with and the nature of the relationships.
 - Targeted population that your organization serves.
 - Measures your organization uses to assess its effectiveness in meeting its organizational goals.
 - Experience or expertise which qualifies your organization to carry out the project.
- C. Statement of Need and Justification—address the following in detail:
- Describe the need that your proposed project will fulfill or correct.
 - The reason(s) this project is important to both your organization and to Hawai‘i Island.
 - The economic benefit this project brings to Hawai‘i Island.
 - Ways this project demonstrates principles of sustainability.
- D. Project Goals and Outcomes—explain what your project proposes to accomplish by describing the following:
- Project goal/goals--the general or broad outcomes (results) of your project.
 - Outcomes—the specific, measurable results of your project that occur during the project time-frame and that contribute to the overall goal/goals. Outcomes should be **SMART**—**S**pecific **M**easurable **A**ttainable **R**ealistic **T**imely.

E. Methodology—Explain what your organization will do to accomplish the project goals and objectives, and how you will measure project success:

- The means used to execute the project; include project location, schedule, personnel, facilities (if applicable) and a general description of methodology.
- How the project results will be assessed or measured; this relates to the SMART objectives discussed in section D above.
- Role of the County of Hawai'i in this project besides the requested funding.

F. Budget Narrative—discuss the budget form (Exhibit A-2) submitted with your proposal:

- Provide a detailed breakdown of the total cost of the project, specifying the source of funds for each component using the budget form in Exhibit A-2.
- Specify the consequences of a denial of your request or a reduction of the amount of funds awarded.

G. ATTACHMENTS: Organization Documents—the following must be included or updated for Department files as applicable:

- Current Charter or Articles of Incorporation, By-laws or policies, Resolutions (identifying the authorized representative to execute agreements on behalf of your organization).
- Current list of names, titles, addresses, occupations and term of office of officers and members of the Board of Directors.
- List of persons who will execute the project and manage the activities to be funded, with descriptions of their education, work experience and qualifications.
- Most recent signed Financial Statement for the proposing Organization.
- Copy of IRS letter verifying tax-exempt status.

EXHIBIT A-2 – PROJECT BUDGET

DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

Project Title: _____

See page 13 for budget guidance

EXPENSES	County Funding Requested	Other Cash Sources	In-Kind Contribution Value	TOTAL
<i>Operating Costs</i>				
<i>Marketing Costs</i>				
<i>Administrative Costs</i>				
TOTAL EXPENSES				
INCOME SOURCES	County Funding Requested	Other Cash Sources	In-Kind Contribution Value	TOTAL
R&D Award				
Applicant Organization				
<i>Other sources</i>				
TOTAL INCOME				

EXHIBIT A-2 - BUDGET INSTRUCTIONS AND CLARIFICATIONS

DEPARTMENT OF RESEARCH AND DEVELOPMENT TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

EXPENSES—The Targeted Economic Development Funding Award may be used toward the following operating, marketing, and administrative expenses:

Operating expenses include program operating costs such as:

- Equipment rental
- Entertainment
- Facility rental
- Postage
- Printing
- Products
- Security
- Shipping
- Some consultant services
- Supplies and materials
- Travel

Marketing expenses include:

- Advertising
- Brochures
- Collateral materials
- Electronic media
- Posters
- Promotional items (e.g., flyers)
- Public relations
- Website development or enhancement

Administrative expenses may include sub-contractual or consultant services.

Ineligible uses of Targeted Economic Development Funding include the following expenses:

- Capital improvement (construction)
- Construction materials
- Equipment purchase
- Film production
- Fundraising expenses
- Organizational start up plans
- Proposal expenses
- Salaries, wages and benefits

INCOME—List all income sources and assign their contributions to the appropriate column (cash or in-kind).

CALCULATIONS—each column should be totaled at the bottom in both the expense and income sections. Both total amounts in the right bottom corners of the expenses and income sections should be the same.

EXHIBIT A-3 - REQUEST FOR NOTIFICATION OF ADDENDA

TO THE ORIGINAL SOLICITATION FOR PROPOSALS

DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

As described in **Exhibit A**, the Department will create a database of contact information for those who wish to receive notification of any modifications to the original Notice of Availability of Targeted Economic Development Funding Awards for Fiscal Year 2010-2011. This form is required of all those wishing to be included in the contact database.

Submit a completed Request for Notification form to the Department by one of the following four methods:

- 1 Mail to: Department of R&D, 25 Aupuni Street, Room 1301, Hilo, Hawai'i, 96720
- 2 Deliver in person to: 25 Aupuni Street, Room 1301, Hilo, Hawai'i
- 3 Fax to: (808) 935-1205
- 4 Attach to an Email message to: chresdev@co.hawaii.hi.us

Contact
Name: _____
First Name *Last Name* *Title, if applicable*

Organization: _____
If applicable

Mailing
Address: _____
Street address or Post Office Box

Town *Zip Code*

Telephone Number: _____ Fax Number: _____
Optional

Email Address: _____
Optional

Please type or print clearly

EXHIBIT B CONTRACT PROVISIONS

DEPARTMENT OF RESEARCH AND DEVELOPMENT TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

- 1. PAYMENT:** Payment shall be made available to the Contractor upon execution of the contract, and upon receipt of proper invoicing, proof of Contractor's matching funds, appropriate tax clearances, written reports and other information required from the Contractor under the contract. All such information shall be mailed or delivered to the Department of Research and Development, 25 Aupuni Street, Room 1301, Hilo, Hawai'i, 96720. Final payment shall be made available to the Contractor upon the County's receipt and approval of the Contractor's final written report in accordance with the requirements described in Notice of Availability of Targeted Economic Development Funding Awards for fiscal year 2010-2011 and the County's issuance of a notice of final approval and acceptance advising the Contractor of the satisfactory fulfillment of the terms of the contract and receipt of a certificate of tax clearance.
- 2. PROGRESS PAYMENTS:** The Contractor's compensation shall be paid in periodic progress payments only if specifically called for by a schedule in the contract.
- 3. TAX CLEARANCE:** If the amount of funding provided by the County for the Contractor's program is \$25,000 or greater, the Contractor, including out-of-state contractor, shall apply to the Hawai'i State Tax Office and the Internal Revenue Service in accordance with Section 103-53, Hawai'i Revised Statutes, for a tax clearance prior to the execution of the contract and again before final payment can be made by the County to the Contractor. In the event the Contractor is unable to furnish the appropriate certificates within ten (10) calendar days of being requested to do so, the County may proceed to re-open negotiations with other acceptable submittals.
- 4. TERM:** The term of the contract shall commence as of the effective date of the contract and continue to and including the date specified in the contract, unless the contract is terminated sooner as provided in the contract. Notwithstanding the foregoing, the term of the contract may be extended by written, mutual agreement of the parties.
- 5. REPORTS:** The Contractor shall prepare and submit to the Department of Research and Development (the "Department") written reports as specified in the contract using the standardized Progress and Final Report Forms as provided in the Notice of Availability of Targeted Economic Development Funding Awards for Fiscal Year 2010-2011.
- 6. PROGRAM APPROVAL:** All programs funded by the County under the contract shall be subject to and receive approval of the County prior to any payment to the Contractor. Any changes or deviations to any program must be submitted in writing for the review and approval of the Department. The Department's approval shall be in writing.
- 7. EDUCATIONAL MATERIAL:** The Contractor shall acknowledge the County of Hawai'i Department of Research and Development as a contributor of funds in all printed, broadcast, and other advertisement and educational material and documents relating to the Contractor's program.
- 8. MODIFICATIONS OF CONTRACT:** The County may at any time make such modifications in the contract, which shall be made by a written Economic Development agreement. Modifications

involving no reduction or increase in compensation may be made by written order of the Director of the Department of Research and Development (the "Director".) All modifications requested by the Contractor shall be in writing.

- 9. DELAY IN PERFORMANCE OF CONTRACT:** If any delay in the performance under the contract occurs as a result of unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not limited to, acts of God, acts of the public enemy, acts of the County with respect to the contract, acts of another contractor in the performance of a contract with the County, fire, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers, then the Contractor may be granted an extension of the time for performance corresponding to the delay. No extension of time, however, shall be granted unless a written application therefore stating in detail the cause or causes of delay is filed by the Contractor with the Director within ten (10) calendar days after the commencement of the delay. No extension of time shall be deemed a waiver of the right of the County to require the completion of the services under the contract within the time required herein as so extended by the specific terms of such extension, nor a waiver of right to terminate the contract for any other or additional delay not covered by the specific terms of such extension.
- 10. ABANDONMENT OF THE PROGRAM, DEATH OR DISABILITY OF CONTRACTOR:** In the event the County terminates the contract because it wishes to abandon, defer, restudy or revise the program, or in the event the Contractor, in the case of an individual, dies or becomes physically or mentally disabled, the Contractor or the Contractor's estate shall be compensated in the same proportion of the compensation under the contract as the services performed bear to the services to be performed under the contract.
- 11. RIGHT OF THE COUNTY TO TERMINATE:** The County shall have the right to suspend performance under the contract or terminate the contract in whole or in part at any time by written notice to the Contractor. If the termination is for reasons other than default of the Contractor, the Contractor shall be compensated in the same proportion of the compensation under the contract as the services performed bear to the services to be performed under the contract.
- 12. TERMINATION DUE TO CONTRACTOR'S DEFAULT:** The County shall have the right to terminate the contract, if the Contractor:

 - a. Fails to begin work under the contract at the required times; or
 - b. Unnecessarily delays the performance of the contract or any part thereof; or
 - c. Fails to perform the contract in accordance with specified times; or
 - d. Fails to perform the contract in accordance with directions from the Director; or
 - e. Discontinues performance of the contract; or
 - f. Becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency; or
 - g. Fails to pay for all labor, tools, material and/or equipment; or
 - h. Violates or fails to comply with any of the terms, covenants and conditions of the contract.
- 13. AUTHORITY TO WITHHOLD MONEY DUE OR PAYABLE:** The County may withhold such amounts from the money due or to become payable under the contract to the Contractor as may be necessary to protect the County against liability or to satisfy the obligations of the Contractor to the County.

14. INDEMNITY: The Contractor shall perform the contract as an independent contractor and shall indemnify and save the County and its officers and employees harmless from any and all deaths, injuries, losses and damages to persons or property, and any and all claims, demands, suits, action and liability therefore, caused by error, omissions or negligence in the performance of the contract by the Contractor or the Contractor's subcontractors, agents and/or employees, until such time as action against the Contractor for death, injuries, losses and damages is barred by the provisions of Chapter 657, Hawai'i Revised Statutes, as amended, relating to limitations of actions.

15. AUTHORITY OF THE DIRECTOR: The Director shall decide any question or dispute concerning any provision of the contract, which may arise during its performance. The Director's decision shall be final and binding upon all parties unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence, provided that nothing herein shall be construed as making final and binding any decision of the Director on a question of law. Pending final decision of any dispute or question, the Contractor shall proceed diligently with the performance under the contract in accordance with the decision of the Director.

16. LAWS AND REGULATIONS: The Contractor shall be responsible for being fully informed of all state and federal laws, ordinances, codes, rules and regulations, which in any manner may affect the contract and the performance thereof, including but not limited to:

- a. All sections of the Hawai'i County Charter and Hawai'i County Code;
- b. Chapter 103, Hawai'i Revised Statutes, as amended, relating to expenditure of public money;
- c. Chapter 378, Hawai'i Revised Statutes, as amended, relating to fair employment practices;
- d. Chapter 489, Hawai'i Revised Statutes, as amended, relating to discrimination in public accommodations;
- e. Chapter 396, Hawai'i Revised Statutes, as amended, relating to occupational safety and health; and
- f. Chapter 386, Hawai'i Revised Statutes, as amended, relating to workers' compensation law.

The Contractor shall comply with all such present state and federal laws, ordinances, codes, rules and regulations, and all amendments thereto. If any discrepancy or inconsistency is discovered between the contract and any such law, ordinance, code, rule or regulation, the Contractor shall forthwith report the same in writing to the Director.

17. NONDISCRIMINATION CLAUSE: During the performance of this contract, the Contractor agrees as follows:

- a. The Contractor shall comply with all requirements set forth in federal and state laws and regulations relative to Title VI of the Civil Rights Act of 1964, as amended, which provide for nondiscrimination in federally assisted programs.
- b. The Contractor shall not discriminate against any employee or applicant for employment because of race, ancestry/national origin, religion, pregnancy, color, disability, age, marital status, military status, veteran's status, sexual orientation, lactation, arrest and court record, citizenship, or any other classification protected by state or federal law. The Contractor shall assure that applicants are employed and the employees are treated during employment without regard to race, ancestry/national origin, religion, pregnancy, color, disability, age, marital status, military status, veteran's status, sexual orientation, lactation, arrest and court record, citizenship, or any other classification protected by state or federal law. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer;

recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training. The Contractor agrees to post in conspicuous places notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

- c. The Contractor shall in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants shall receive consideration for employment without regard to race, ancestry/national origin, religion, pregnancy, color, disability, age, marital status, military status, veteran's status, sexual orientation, lactation, arrest and court record, citizenship, or any other classification protected by state or federal law.
- d. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled or suspended in whole or in part and the Contractor may be declared ineligible for further County contracts until such time that the Contractor by satisfactory evidence, in good faith, ceases such discriminatory practices or procedures.
- e. The Contractor who subcontracts any portion of the contract shall assure the County that such subcontractor shall abide by the nondiscrimination provisions stated herein and agrees that any subcontractor who is found in violation of such provisions shall subject the principal contractor's contract with the County to be terminated or suspended pursuant to Section 17-d above.
- f. The County may direct any bidder, prospective contractor, or subcontractor to submit a statement in writing signed by an authorized officer, agent, or employee of the contracting party that the signer's practices and policies do not discriminate on the grounds of race, ancestry/national origin, religion, pregnancy, color, disability, age, marital status, military status, veteran's status, sexual orientation, lactation, arrest and court record, citizenship, or any other classification protected by state or federal law, and that the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions stated herein.

18. REMEDIES NOT EXCLUSIVE: The express provision in the contract of certain measures which may be exercised by the County for its protection shall not be construed to preclude the County from exercising any other or further legal or equitable right to protect its interests.

19. FORUM SELECTION: No action or proceeding involving the contract shall be commenced by either party except in the Circuit or District Courts of the Third Circuit, County of Hawai'i, State of Hawai'i; nor shall any action commenced in such court be removed or transferred to any other state or federal court.

20. CONTRACTOR'S FAILURE TO COMPLY WITH ALL REQUIREMENTS OF SOLICITATION AND CONTRACTUAL CONDITIONS: The Contractor's failure to comply with any and all of the conditions of the contract and the Solicitation for Proposals, referenced in the contract and made a part thereof, may result in the denial or rejection of future funding to the Contractor from the County.

21. CONSTRUCTION OF CONTRACT: The masculine shall be deemed to embrace and include the feminine and the singular shall be deemed to embrace and include the plural whenever required in the context of the contract.

EXHIBIT C STANDARDIZED PROGRESS REPORT FORM

COUNTY OF HAWAI'I

DEPARTMENT OF RESEARCH AND DEVELOPMENT

TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

CONTRACT/AGREEMENT NO.: _____

For the reporting period of:

_____ *Date* To _____ *Date*

Organization Name: _____

Project/Program Title: _____

Contact Name: _____ Title: _____

Contact Telephone No.: _____ Email: _____

Please submit this completed and signed progress report form with a narrative report that addresses each of the following six (6) points. You may add additional pages as necessary.

1. Provide a summary of the work completed during this reporting period.
2. Describe how the funds allocated for this project were used during this reporting period.
3. Describe any adjustments that were necessary during this reporting period for the development and implementation of your project.
4. Briefly describe your next major steps for this project.
5. Add any additional comments as desired and/or requested by the Department's program specialist.
6. Attach copies of all news articles, advertisements, flyers, brochures, promotional materials on this project that you have collected to date if applicable.

Submitted by:

_____ *Signature* _____ *Title* _____ *Date*

_____ *Telephone Number* _____ *Fax Number*

EXHIBIT C STANDARDIZED FINAL FINANCIAL REPORT FORM

COUNTY OF HAWAI'I DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

FINAL FINANCIAL REPORT OF ACTUAL EXPENSES AND INCOME: **CONTRACT NO.:** _____

EXPENSES	County Award	Other Cash Sources	In-Kind	TOTAL
Operating Costs				
Marketing Costs				
Administrative Costs				
TOTAL EXPENSES				
INCOME SOURCES	County Award	Other Cash Sources	In-Kind	TOTAL
R&D Award				
Applicant Organization				
<i>Other sources and/or sponsors</i>				
TOTAL INCOME				

I hereby certify that this final report to the County of project expenses and income relating the Contract Number listed above is accurate and that County funds have been expended in accordance with the provisions set forth in this Contract, including the budget that was made a part of said Contract.

Signature Title Date Signed

Name of Organization/Contractor Project Title

EXHIBIT D - APPLICATION PACKAGE CHECKLIST
DEPARTMENT OF RESEARCH AND DEVELOPMENT
TARGETED ECONOMIC DEVELOPMENT FUNDING AWARDS FOR FISCAL YEAR 2010-2011

YES	NO	PROPOSAL SPECIFICATIONS	SECTION/PAGE
		FORMAT	
		Standardized Proposal Form is complete.	Exhibit A-1, Page 8
		Acknowledgement form is completed and signed.	Exhibit A-1, Page 9
		Proposal narrative is typed in 11-pt or greater font on no more than five (5) pages of letter sized (8 ½ x 11”) plain white paper with at least one-inch margins on all sides.	Exhibit A, Page 3
		All sections (A-G) listed in the Proposal Narrative Guidelines have been addressed.	Exhibit A, Pages 10-11
		BUDGET	
		All rows and columns are totaled on the budget form where applicable.	Exhibit A-2, Page 12
		Total budgeted expenses equals total budgeted income.	Exhibit A-2, Page 12
		ORGANIZATIONAL DOCUMENTS	
		Organizational documents indicate the position or person authorized to enter into a contract on behalf of the organization.	Exhibit A-1, Page 11
		Current Board of Directors information is attached.	Exhibit A-1, Page 11
		Articles of Incorporation are attached or on file with the Department of R&D.	Exhibit A-1, Page 11
		By-Laws are attached or on file with the Department of R&D	Exhibit A-1, Page 11
		IRS Tax Exempt Letter is attached or on file with the Department of R&D.	Exhibit A-1, Page 11
		The applicant organization’s most recent signed financial statements are attached.	Exhibit A-1, Page 11
		If awarded \$25,000 or more, the organization will be able to supply a current tax clearance (Federal and State) prior to entering into a contract with the County of Hawai’i.	Exhibit B, Page 15, #3
		GRANT PROPOSAL SUBMISSION	
		Submitted by 4:30 p.m. HST on March 31, 2011 to the Department of Research and Development’s Hilo office.	Exhibit A, Page 3
		Original proposal package that includes the following completed and signed (where applicable) proposal sections: <ol style="list-style-type: none"> 1. Standardized Proposal Form 2. Acknowledgement Form 3. Project Budget 4. Proposal Narrative 	Exhibit A, Page 3 <ol style="list-style-type: none"> 1. Exhibit A-2, pg. 12 2. Exhibit A-1, pg. 10 3. Exhibit A-1, pg. 8 4. Exhibit A-1, pg. 9
		Two (2) copies of the original proposal package.	Exhibit A, Page 3
		One set of accompanying documents.	Exhibit A, Page 3
		Optional: Request for Notification of Addenda form.	Exhibit A-3, Page 14

This form is for reference purposes only and is not a required proposal form.