



# PU‘U MALI FOREST CARBON PROJECT

REQUEST FOR PROPOSALS



# REQUEST FOR PROPOSALS

## FOR A FOREST CARBON PROJECT IN THE PU‘U MALI RESTORATION AREA TAX MAP KEY: (3) 4-3-010:009 PORTION RFP NO. CARBON-17

July 5, 2017

### INTRODUCTION

The State of Hawai‘i (State) is pleased to announce a Request for Proposals (RFP) for a carbon reforestation project for approximately 4,700 acres of former pasture lands located in the Pu‘u Mali Restoration Area (PMRA) on the Island of Hawai‘i. The RFP is open to all qualified bidders based on qualification criteria as detailed in the RFP. The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) will evaluate all submitted proposals and manage any selected project(s).

Proposals will be received up to 4:30 pm (HST) on August 31, 2017 at the  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
ATTN: RFP NO. CARBON-17  
1151 Punchbowl St., Rm. 325  
Honolulu, HI 96813

**A hardcopy and a digital copy of the proposals must be delivered by the above deadline. Timely receipt of offers shall be evidenced by the date and time registered by the Division of Forestry and Wildlife time stamp clock.** Please note postal mail delivers to a mailroom, not to the address above, which may result in routing delays.

**If you intend to respond to this RFP, please register your company, organization, or entity (provide contact person, organization name, and contact information) with the register contact provided below by email, post, or facsimile** (if using facsimile please provide cover letter with RFP proposal title). If you do not register, you may not receive notification of any amendments that may be made to this RFP, thus putting your proposal at risk for rejection. Registration does not signify a commitment to submit a proposal, but rather provides a process in which to notify interested Offerors of any changes to the RFP in a timely manner.

The primary contact for this RFP is:  
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State Resource and Survey Forester  
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Honolulu, HI 96813  
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## DEFINITION OF TERMS

“ <u>Agreement</u> ”	Binding legal arrangement between the Selectee and the State defining the rights and duties set forth for both parties regarding the forest carbon project at PMRA.
“ <u>Board</u> ”	Board of Land and Natural Resources.
“ <u>Carbon Credit</u> ”	Tradable certificate or permit representing the right to emit one tonne of carbon dioxide or the mass of another greenhouse gas with a carbon dioxide equivalent (tCO <sub>2e</sub> ) equal to one tonne of carbon dioxide.
“ <u>DLNR</u> ”	Department of Land and Natural Resources.
“ <u>DOFAW</u> ”	Division of Forestry & Wildlife.
“ <u>EA</u> ”	Environmental Assessment.
“ <u>EO</u> ”	Executive Order
“ <u>FR</u> ”	Forest Reserve.
“ <u>HRS</u> ”	Hawai‘i Revised Statutes.
“ <u>License</u> ” or “ <u>Land License</u> ”	Timber Land License.
“ <u>MKFRP</u> ”	Mauna Kea Forest Restoration Project.
“ <u>Offeror</u> ”	Those interested parties who submit a proposal to the State of Hawai‘i that details their qualifications, economic plan, terms of the offer, and other necessary information as required by the RFP.
“ <u>PCH</u> ”	Palila Critical Habitat.
“ <u>Permittee/Licensee</u> ”	The person or company holding the permit or license defining the land disposition for this project.
“ <u>PMRA</u> ”	Pu‘u Mali Restoration Area.
“ <u>Proposal</u> ”	The formal document detailing the Offeror’s economic plan, terms of the offer, and other necessary information as required by the RFP.
“ <u>RFP</u> ”	Request for Proposals.
“ <u>ROD</u> ”	Rapid Ōhi‘a Death.
“ <u>Selectee</u> ”	The person or company selected.
“ <u>State</u> ”	The State of Hawai‘i or its authorized representative.
“ <u>TMK</u> ”	Tax Map Key

# 1 OBJECTIVE

The State's principal purpose of this Request for Proposal (RFP) is to promote the native reforestation of non-forested areas in the Pu'u Mali Restoration Area (PMRA) to restore palila (*Loxioides bailleui*) habitat and to generate revenues through the sale of carbon offset credits and potentially other low-impact revenue streams.

# 2 BACKGROUND

At its meeting of April 8, 2016 (Item C-1), the Board of Land and Natural Resources (Board) approved the addition of the PMRA to Mauna Kea Forest Reserve. The area was originally encumbered by leases issued by the Department of Land and Natural Resources (DLNR) to multiple private entities for pasture purposes. As part of the Saddle Road Improvement Project with the State Department of Transportation, this area was set aside from the pasture leases as mitigation for impact to palila critical habitat from road improvement activities and for the purpose of restoring habitat for the palila. The area was fenced and feral ungulates were removed. Beginning in 2004, and continuing presently, the DLNR Division of Forestry and Wildlife (DOFAW) in collaboration with the Mauna Kea Forest Restoration Project (MKFRP) has conducted a forest restoration program at PMRA to provide long-term habitat for palila and to enhance the watershed.

The Division is exploring options for new revenue streams from the various ecosystem services provided by the lands under its jurisdiction to supplement funding of natural resource management activities. Carbon sequestration (i.e.: the long-term storage of atmospheric carbon dioxide to mitigate for global climate change) is an ecosystem service for which a market, for both compliance and voluntary carbon offsets, already exists. The Division is proposing to partner on a forest carbon project at the Pu'u Mali Restoration Area (PMRA) within the Mauna Kea Forest Reserve, TMK: (3) 4-3-010:009 portion in the Hamakua District of Hawai'i County. The PMRA is designated by the State of Hawai'i as Agriculture District and as Agriculture by the County of Hawai'i. The project includes the reforestation of the area with native trees that support development of appropriate habitat for the palila in conjunction with adherence to a greenhouse gas emission reduction standard (i.e.: carbon standard) for the production of carbon offset credits.

There is considerable reforestation that must take place at PMRA to ensure the palila will be able to utilize this area as habitat. A public-private partnership, as proposed in this RFP, will assist with the reforestation at PMRA as well as explore opportunities in the carbon compliance or voluntary markets. As this type of public-private partnership is relatively new in the state and this is the first attempt by the Department to participate in a forest carbon project, the Division is thus utilizing a competitive sealed proposal process to solicit interest in this type of partnership, allow for competition, and ensure the State's interests are maintained.

## 2.1 Mauna Kea Forest Restoration Project

The PMRA is part of the Mauna Kea Forest Restoration Project (MKFRP) that was created as a result of the Saddle Road Improvement Project by the State Department of Transportation. The new highway went through palila critical habitat and resulted in a loss of critical habitat. MKFRP was initiated in 2006 with a goal is to facilitate management that benefits palila at PMRA and on other lands in palila critical habitat. MKFRP is cooperatively managed by DOFAW and

the University of Hawai‘i Pacific Cooperative Studies Unit.

Between 2010 and today, MKFRP has planted over 480 acres at PMRA. Māmane (*Sophora chrysophylla*) is the main species planted, but koa (*Acacia koa*), ‘a‘ali‘i (*Dodonaea viscosa*), ‘iliahi (*Santalum spp.*), ‘akoko (*Chamaesyce celasroides*), ‘āweoweo (*Chenopodium oahuense*), na‘ena‘e (*Dubuatia*), and pilo (*Kadua laxiflora*) have also been planted. The percentage one-year survival rate for māmane seedlings planted at PMRA is 68%. For more information, visit [the website of the MKFRP](#).

## 2.2 Site Conditions and Existing Plantations

Site elevation ranges from 5,200 feet in the northeastern corner to 7,800 feet in the southwestern corner of the area. Precipitation varies from about 25 inches in the upper elevation area to about 45 inches in the lower elevation area. Appendix C summarizes the site conditions within PMRA. Geospatial data on the site conditions can be found on [the website of the Hawai‘i Statewide GIS Program](#).

Appendix A shows the areas already planted by MKFRP, which may be included in the carbon accounting of the project.

## 2.3 Facilities and Infrastructure

Appendix B shows the existing facilities and infrastructure within the PMRA. The area includes two (2) cabins that are used by DOFAW and by MKFRP for management purposes. The area is fenced by about 96,600 feet of linear fence line enclosing the entire PMRA and dividing it into three (3) sections. However, the fences dividing the area are damaged and require repair. The area includes approximately 22 miles of unpaved roads of varying quality that require regular maintenance.

## 2.4 Land Disposition

To analyze the possibility and legal implications of forest carbon projects in Hawai‘i, DOFAW consulted with the Office of the Attorney General to assure that the best interests of the Department, of the public, and of the potential awardee in such a project. The Attorney General's office is recommending land license, right of entry or term agreement/easement as a suitable land disposition for a forest carbon project at PMRA. However, depending on the needs specified in the submitted proposal and/or the requirements of proposed carbon standard certification, a different form of land disposition may be chosen. Submitted proposals should clearly describe their requested land disposition as well as the justification for that proposed land disposition.

# 3 GOVERNMENT LAND USE PERMITS AND APPROVALS

The following items comprise a list of permits and approvals relevant to planting of trees and other forest products from the PMRA and this RFP process.

## 3.1 State of Hawai‘i

**Department of Land and Natural Resources** – the Board shall have final approval of a Land License or any other form of land disposition to the selectee, including guidelines for field

operations and terms for financial compensation. Active reforestation operations must begin within time limits detailed in the agreement.

**Department of Health** - National Pollutant Discharge Elimination System (NPDES) - The selectee will be responsible to contact the Hawai'i Department of Health to determine whether a permit is required for storm water flows associated with activities including clearing, grading and excavation.

### 3.2 County of Hawai'i

**Department of Planning** - The selectee will be responsible to contact the Hawai'i County Department of Planning to determine whether a grading permit will be required. A grading permit may be required for excavation or fill exceeding one hundred cubic yards of material or five feet in height or depth. Grubbing which does not alter the general and localized drainage pattern with respect to abutting properties and does not exceed a total area of one acre is exempted from permit requirement.

**Other Permits** - The selectee is responsible for acquiring any other permits and approvals as required, including but not limited to any permits necessary to engage in commercial activities.

## 4 PROPOSAL CONDITIONS AND CONSIDERATIONS

This section outlines conditions and considerations that should be incorporated into proposals made in response to the RFP. Proposals that do not comply with all stated minimum acceptable conditions may be eliminated from further consideration.

### 4.1 Guiding Principals

The project disposition and project operation shall follow the guiding principles in the development of the forest carbon project:

1. **Restoration of Habitat and Native Ecosystems:** If conflicting with other project objectives, habitat restoration for the endangered palila (*Loxioides bailleui*) will be the priority for this project. This includes but is not limited to planting a sufficient portion of key species such as māmane (*Sophora chrysophylla*). The use of non-native plant species shall be limited to site ameliorating functions such as for windbreaks and require approval by the Department.
2. **Soil and Water Protection:** Effective soil erosion control practices, safe use of herbicides, adherence to the [Best Management Practices for Maintaining Water Quality in Hawai'i](#).
3. **Involvement of the Public:** Community support and involvement will be a central component of this project. Applicants developing the project will have a collaborative relationship with the local community and the public. This includes public involvement in project planning and development through public commenting opportunities.
4. **Research and Education:** The PMRA will be available for research and education activities to contribute to public environmental knowledge and awareness.
5. **Public Access:** PMRA will remain open to the public for hunting, recreational and gathering activities including game bird hunting during the regular game bird season.
6. **Ecosystem Conservation:** Tree removal will be limited to forest maintenance and health management (e.g., wildfire prevention, pest management, and silviculture prescriptions)

and road maintenance activities. Special harvesting permits for the cultural gathering of native species may be granted.

#### 4.2 Regulations and General Conditions

The selectee will be responsible for adhering to all County, State, and Federal laws, rules and regulations. As the PMRA is part of the Mauna Kea Forest Reserve, the activities in the area will be subject to the Hawai'i Administrative Rules (HAR), particularly [Chapter 104 – Rules Regulating Activities Within Forest Reserves](#). The [General Conditions](#) will apply to the agreement between the State and the project operator (see Appendix D).

#### 4.3 Restrictions

All activities under the forest carbon project must focus on reforestation activities, palila habitat restoration, and carbon sequestration, which may include but are not limited to, the following activities:

- **Planting:** site preparation (e.g., soil cultivation, weed removal); storage of seedlings, equipment, and supplies; fertilization; out-planting.
- **Plantation maintenance:** post-planting fertilization, pruning, thinning, weed control.
- **Monitoring:** establishing and measuring permanent sample plots, tree tagging.
- **Volunteering:** volunteers may support the planting activities.
- **Guided tours:** the guests on the property may be limited.

#### 4.4 Access

The access road of about 200 yards connecting Mana Road / Keanakolu Road with the project area is part of an area currently leased to a private leaseholder. The Selectee(s) is responsible to ensure access to the project area through an agreement with the leaseholder.

Selectee(s) is responsible for road and access route maintenance only for areas included in awarded easement, permits or licenses, and only during active reforestation operations. These include current roads or overgrown former road grades required for active reforestation operations in the permit or license area. Upon completion of field operations within a given area, the permittee or licensee must leave all access roads used during active operations in a condition that is equal to or improved in relation to road conditions prior to active field operations.

The location and design of new access roads must be approved by the Department prior to operations, with any applicable permits obtained by the permittee/licensee. Appropriate safeguards, including appropriate signage and notices, liability and other mitigative agreements, will be established in cooperation with the selectee.

#### 4.5 Facilities and Infrastructure

Any maintenance and improvements of facilities and infrastructure mentioned in section 2.3 and used by the permittee/licensee will be the responsibility of the permittee/licensee. MKFRP and DOFAW will continue activities such as wildlife restoration, forest health, and fire pre-suppression activities in the PMRA during the forest carbon project which might include temporary use of the facilities and infrastructure of the area. Any use of above facilities by the permittee/licensee will

be coordinated through MKFRP.

#### 4.6 Forest Protection

Once prior to entering and once prior to leaving the PMRA, all heavy equipment operating within the PMRA (excluding pre-existing road grades) shall be power washed with water to prevent the spread of exotic seeds and plants.

Knowledge about the spread and prevention of Rapid Ōhi‘a Death (ROD) (*Ceratosystis*) is still limited. Offerors should be prepared to adjust plans and operations in response to new information and procedures necessary to slow or prevent the spread of ROD as well as other new disease or insect infestations. Please visit the web site [rapidohiadeath.org](http://rapidohiadeath.org) or call the DOFAW Hilo office at (808) 974-4221 for most recent information about ROD and its management implications.

PMRA is a high fire threat area and must be protected. Before start of the project, the selected Offeror shall prepare a fire response plan addressing water availability, first responders, and contact information for those involved in fire suppression.

#### 4.7 Sale of Land

The State will not consider proposals to purchase the land base or subordinate its fee interest.

#### 4.8 Costs

The Selectee will be responsible for payment of all costs and expenses in connection with the project, including, but not limited to, costs associated with securing necessary entitlement and environmental documentation; site preparation; maintenance, utilities, insurance, and taxes; and all permits, fees and other levies associated with the proposed project and carbon certification.

#### 4.9 Performance Bond or Letter of Credit

Selectees may be required, at their own cost and expense, and within thirty (30) calendar days after the License Effective Date, to procure and deposit with the State and thereafter keep in full force and effect during the term either a surety bond or letter of credit in an amount to be negotiated with the selectee depending on the scale and nature of the proposed operations.

The surety bond or letter of credit, shall provide:

1. That in case of a breach or default by the selectee of any of the Agreement terms, covenants, and conditions, the full amount thereof shall be paid to the State as liquidated and ascertained damages and not as a penalty.
2. That such instruments shall be canceled, released and returned to the selectee upon the expiration of the term or sooner termination of the Agreement without any default then being in existence.
3. That the selectee shall otherwise comply with the terms and conditions contained in this section.

DOFAW will conduct a final site inspection within one week of the date that the permittee/licensee provides written notice to DOFAW that the project is completed. If DOFAW finds that the terms of the permit have been satisfactorily met, the permittee/licensee shall be refunded the balance of

their deposit less any payments due to the Department. If DOFAW determines that final site conditions are not satisfactory, the permittee/licensee will be notified in writing within one week of the site inspection, and asked to mitigate the stated concerns. Should the permittee/licensee decline to conduct the requested mitigation work, DOFAW will use whatever portion of the deposit needed to contract out the mitigation work, after which any remaining portion of the deposit shall be returned to the permittee/licensee.

#### 4.10 Liability

The permittee/licensee shall be liable for any damage to existing roads, pipelines, power lines, telephone lines, and other items of value to private landowners, utility companies, and government agencies. Permittee/licensee shall coordinate with appropriate parties to mitigate concerns regarding proposed operations.

#### 4.11 Insurance

The selectee shall be required to provide, upon project start, Commercial General Liability, Commercial Auto Liability, and an umbrella or excess liability for the Commercial General Liability and Commercial Auto Liability. Coverage and potentially additional insurances required will be determined depending on the activities defined in the Agreement.

#### 4.12 Hawai'i Compliance Express

The selectee must be registered and compliant at the [online Hawai'i Compliance Express \(HCE\) system](#) in order to be awarded.

#### 4.13 Disposition Guidelines

Upon final selection of the proposal(s) by the Evaluation Committee, the terms and conditions of an agreement will be submitted to the Board for approval.

Upon approval of a given agreement, the awarded Offeror(s) will have no more than four (4) months to:

1. Secure necessary entitlement and approvals including environmental documentation; and
2. Initiate full-scale reforestation preparations. The Department, at its sole and unlimited discretion, may grant time extensions for initiating reforestation operations if the Selectee(s) is acting in good faith and performing in a diligent manner.

Upon execution of the agreement, a schedule will be established for each major phase of the project by the awarded Offeror(s) and the State.

Payments to DOFAW will be submitted by the Selectee(s) per the schedule established in the agreement.

#### 4.14 Environmental Impact

Pursuant to [Chapter 343, Hawai'i Revised Statutes](#) an Environmental Assessment (EA) may be necessary depending on the activities of the project. If proposals include activities likely to trigger an EA, offerors should consider the additional time and resources required in their proposals.

## 5 PROPOSAL FORMAT

### 5.1 Point of Contact

Proposals shall designate a point of contact for DOFAW and provide the corresponding name, physical and email addresses, and phone numbers.

### 5.2 Economic Development Plan

All proposals shall include an Economic Development Plan that must contain the following elements:

1. **Corporate Structure and Finances.** Describe the Offeror's corporate structure, affiliated companies, key roles, persons expected to fill key roles, and background and experience of the company relevant to the proposed activities and location. Describe the approximate amount of money that needs to be raised to fully implement the proposed activities and if financing sources have been identified. Please note that the RFP will require additional details about financing, sources and letters of confirmation from those sources. DOFAW recognizes that certain financing will not occur until permits or licenses are obtained. Please suggest the type(s) of insurance(s) and/or performance/liability bonds your company is able to provide for this license or permit.
2. **Carbon credit sales and other revenues.** Provide the price(s) or share to be paid to the State for each carbon credit or unit of other products sold. DOFAW may subsequently enter into further discussions to refine potential pricing structures with prospective selectees. Final prices will be specified in the final agreement.
3. **Marketing.** Provide narrative descriptions of the marketing strategies and target markets for carbon credits and other products of this project.
4. **Employment generation.** Describe the type and quantity of the potential jobs generated from the proposed project and anticipated timing for the availability of these jobs.
5. **Project costs and financing.** A description of the proposed financing plan for the entire project, including, to the extent possible, the Offeror's equity requirements, and means of financing should also be included.

### 5.3 Reforestation Plan

All proposals shall include a Reforestation Plan that identifies and detail methods of site preparation,; species composition; and. The Reforestation Plan must contain the following elements:

1. **Project area sections or strata.** Describe how the project area will be sectioned e.g., based on differing site conditions and what species composition and spacing is planned per section or stratum.
2. **Infrastructure.** Transportation infrastructure demands including road construction and/or maintenance for accessing and transporting reforestation materials as well as waste disposal, etc.
3. **Planting.** Describe techniques and equipment of site preparation (e.g., soil cultivation, treatment of stumps, debris and slash management, weed control and fertilization); storage of seedlings, equipment, and supplies; fertilization; out-planting; number and types of trees

- to be planted; seed collection sources; and source nursery.
4. **Plantation maintenance:** describe techniques and equipment of post-planting fertilization, pruning, and thinning.
  5. **Monitoring:** describe techniques of establishing and measuring permanent sample plots and/or tree tagging if any. RFP selection criteria will favor proposals that address innovative approaches to monitor site conditions, survival rate, and genetic suitability of seedling proveniences; and that enhance future reforestation efforts.
  6. **Staffing:** describe planned staffing required for each project component.

#### 5.4 Project Schedule

The project phasing should highlight any events that are critical to the success of the project, and suggest the length, extension options, and performance benchmarks for the license, easement, contract, and/or permit for the activities and operations proposed. The schedule shall include but is not limited to:

- Start of: project, site preparation, planting, certification process with the forest carbon standard, issuance of carbon credits, and of compensation to State
- Estimated amount of plants and acres planted per year and per section or stratum
- Estimated amount of carbon sequestered per year
- Term requirement for the carbon project
- Estimated price per carbon credit

#### 5.5 Condition at End of Permit or License Period

Proposals shall detail the condition of the project area upon completion of the license or permit, including species, area, tree densities, estimated carbon sequestered, road maintenance, and other considerations.

#### 5.6 Compensation to State

Proposals shall detail terms for compensation to the Department for the sale of carbon credits and other revenues such as amount, percentage of revenue shared, payment schedule, and fees. Either the Department or a mutually acceptable third party will be responsible for measuring and monitoring extracted resources.

#### 5.7 Potential Competition with the State

The Department may decide to engage in the certification of forest carbon projects in other areas that are developed and implemented by the State. In this case, the selected Offeror might compete with the State when marketing carbon credits, which may result in conflicts and market distortion. Proposals shall suggest detailed option(s) to avoid such conflicts.

#### 5.8 Wood Utilization

Proposals shall detail utilization of deadwood and extracted wood, if any (e.g., through thinning). Proposals marketing such resources on local wood markets will be scored higher.

## 5.9 Public Access

The PMRA is a popular hunting area and frequently opened for game bird hunting, etc. The proposal shall define how public access for recreational purposes would be ensured during the project period.

For more information on hunting announcements and public access regarding PMRA, visit the Department's [most recent Game Bird Hunting Season Announcement](#) and refer to [the Public Hunting Area map for PMRA](#).

## 5.10 Forest Protection

A high priority for management activities on the Island of Hawai'i is to prevent the spread of invasive species, pests, and pathogens such as Rapid Ōhi'a Death (*Ceratosystis*), *Clidemia hirta*, and little fire ants (*Wasmannia auropunctata*). The proposal shall describe the anticipated risk of spreading diseases and pests because of the Offeror's proposed operations and what sanitation protocols will be used. Also, describe prevention practices for fire and response to hazardous material spills.

Proposals shall detail what erosion control and compaction mitigation practices will be used to avoid or minimize adverse impacts of vehicular and heavy equipment use in the project area by referencing the [Best Management Practices for Maintaining Water Quality in Hawai'i](#).

# 6 SUBMISSION REQUIREMENTS

## 6.1 General Procedures and Submission Deadline

An electronic and a hard copy of the proposal shall be submitted to DOFAW by August 31, 2017 at 4:30pm (HST), or as amended, as evidenced by a DOFAW time stamp clock, and shall include a transmittal cover letter signed in ink by the officer of the Offeror who has the authority to officially submit the proposal. The cover letter should specify a point of contact, title of the proposal, project period, and company/entity.

Proposals shall be submitted in a sealed package stating somewhere on the outside the following: **"Pu'u Mali Restoration Area Forest Carbon RFP, Proposal Enclosed."** All correspondence and submittals relating to this RFP shall be made to the address provided below. Please be aware that proposals and correspondence sent by the U.S. Postal Service are not delivered directly to Room 325. This may cause a short delay in receipt by DOFAW with the proposal or correspondence reaching the office after the deadline, causing automatic late rejection. Only written responses to requests regarding this RFP shall be considered official. It is the responsibility of the Offeror to ensure that all required submittals are received on time.

Submittal postal address: DLNR Division of Forestry and Wildlife  
Pu'u Mali Restoration Area Forest Carbon RFP  
1151 Punchbowl Street, Room 325  
Honolulu, Hawai'i 96813  
ATTN: Philipp LaHaela Walter

Submittal email address: [Philipp.LaHaelaWalter@hawaii.gov](mailto:Philipp.LaHaelaWalter@hawaii.gov)

## 6.2 Questions Regarding the RFP

Offerors may request clarification or interpretation of any aspect of the RFP in writing up to fifteen (15) calendar days prior to the proposal due date. Such written request shall be made to the State at the physical or email address designated in Section 6.1. The Offeror making the request shall be responsible for its proper delivery to the State.

## 6.3 Pre-proposal Field Trip

A field trip to the PMRA will be held on August 1, 2017, or as amended, for prospective Offerors. For details on the pre-proposal field trip visit [the website of the PMRA Forest Carbon Project](#).

## 6.4 Modification or Withdrawal of Proposals

A modification of a proposal already received will be accepted by the State only if the modification is received prior to the proposal due date, or is made via addendum issued by the State. All modifications shall be made in writing and submitted in the same form and manner as the original proposal.

An Offeror may withdraw a proposal already received prior to the proposal due date by submitting to the State a written request for withdrawal executed by the Offeror's authorized representative. This provision for modifications and withdrawals of proposals may not be utilized by an Offeror to submit a late proposal and, as such, will not alter the State's right to reject a proposal.

# 7 **SELECTION PROCESS AND CRITERIA**

This section describes the selection process and outlines the criteria to be used in the selection process.

## 7.1 Evaluation Committee

A DOFAW Evaluation Committee will make all decisions regarding the evaluation, the acceptability of proposals for other comparative evaluation, and the selection of a proposal(s), if any. The Evaluation Committee may be assisted by other staff that could include officers, employees, and agents of the State.

## 7.2 Opening of Proposals and Confidentiality of the Evaluation Process

Proposals will not be publicly opened. Only the members of the Evaluation Committee or State Personnel having legitimate interest in the RFP will be provided access to the proposals and evaluation results during the evaluation period. All proposals, evaluation worksheet and subsequent Best and Final Offer, if any, and including documentation, correspondence and meetings, will be kept confidential until after the contract is awarded. All proposals will be made public only after the review and selection process is completed.

## 7.3 Compliance with Minimum Criteria

Proposals will be reviewed for conformance with the instructions and requirements of the RFP. The proposals shall be classified initially as acceptable, potentially acceptable, or unacceptable.

All responsible Offerors who submit acceptable or potentially acceptable proposals are eligible for a priority list. Discussions will be limited to only “priority-listed” offerors. The objective of these discussions is to clarify issues regarding the Offeror’s proposal. Following the final determination of the acceptability of the proposals in relation to the minimum criteria, all priority list Offerors shall be notified in writing as to the Evaluation Committee’s determination on whether their proposal has been accepted for evaluation.

#### 7.4 Acceptance/Rejection of Proposals

The State reserves the right to reject any or all proposals, to undertake discussions with one or more Offerors, and to accept that proposal or a modified proposal which, in its judgment, will be most advantageous to the State and the selection criteria considered. The State also reserves the right to waive any defects in any proposal.

#### 7.5 Method of Award

The Evaluation Committee will review all proposals that meet the minimum criteria listed in Sections 5 and 6.1 and rank them according to the comparative criteria evaluation listed in Section 8. The Evaluation Committee will then enter into discussions with the Offeror that submitted the highest ranked proposal(s) to verify and clarify said proposal(s) and to discuss the final terms and conditions of the Agreement to be presented to the Board for approval. The Evaluation Committee reserves the right to meet with the Offeror(s) to discuss the terms and conditions of their proposals during this evaluation period. The Evaluation Committee will award, if any, one or more proposals at the end of the evaluation period.

#### 7.6 Notification

All Offerors will be notified of award determinations via email. A Notice of Award will also be posted on the State Procurement Office website (<http://www.spo.hawaii.gov>). If receiving an award letter, please note that this letter does NOT constitute a Notice to Proceed. If proprietary data or information is included in the proposals, please include the appropriate sections in a part separate from the main document and identify it with a label stating “Proprietary Information”. Unless identified as “Proprietary Information,” please note that your proposal and contract become public documents and are available for public inspection once awards are posted. Additionally, all photos developed/used/submitted for the RFP become property of DOFAW. Once an Agreement is executed, DOFAW will issue a Notice to Proceed.

#### 7.7 Debriefing

For those non-selected proposals, a debriefing to inform Offerors of the basis for the Offeror’s score and non-selection can be provided upon request. A written request for a debriefing to primary contact must be made within three (3) working days after the posting of the Notice of Award.

#### 7.8 Protest

A protest shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts giving rise thereto. Further, a protest of award or proposed award shall be submitted within five (5) working days after a debriefing has taken place.

Any protests shall be submitted in writing to the Chairperson of the Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawai‘i 96813.

## **8 COMPARATIVE CRITERIA EVALUATION**

This section presents the criteria to be used in the comparative proposal evaluation process as outlined in Section 8.5 and the relative weight/significance assigned to each criterion. Each proposal will be evaluated in relation to its conformance with the weighted criteria (totaling 100%). The goal of the comparative proposal evaluation process is to select the “best” proposal(s) based on a set of defined criteria. The criteria to be used in the comparative proposal evaluation process are divided into three groups:

### **8.1 Reforestation and Management Experience / Qualifications (30%)**

- Qualifications, experience (in reforestation projects of similar scope, size and complexity), and capability to achieve stated reforestation and management objectives in the proposal (weight: 10%).
- Technical quality and innovation of the Reforestation Plan and of the Economic Development Plan (weight: 10%).
- Evidence of ability to ensure financing and bonding (weight: 10%).

### **8.2 Forest Carbon and Accounting Experience / Qualifications (20%)**

- Qualifications, experience (in forest carbon projects of similar scope, size and complexity), and capability to achieve stated carbon credit accounting, marketing, and sales objectives in the proposal (weight: 10%).
- Technical quality of the carbon component of the proposal (weight: 10%).

### **8.3 Palila Habitat Restoration and Water Protection (30%)**

- Extent to which the proposed project would contribute to the restoration of palila habitat.

### **8.4 Economic Benefits to the State of Hawai‘i (20%)**

- Net present value of predicted total compensation to the State with all costs and assumptions based on present-day dollars. Value determinations shall exclude any credits due to an Offeror for services provided to the State (weight: 10%).
- The number and types of jobs and other benefits for the local forest industry created by the project (weight: 10%).

## **9 RIGHTS OF THE STATE**

The State, in addition to being the owner of the site, is a governmental entity exercising police power, taxation power and other government powers and duties. This solicitation will not in any way affect the exercise of those powers and duties. The State does not discriminate on the basis of race, creed, color, national origin, sex, or physical handicap.

### 9.1 Representation or Warranty

All facts and opinions stated in the RFP and in other studies and materials referenced by the RFP, including but not limited to surveys, technical reports, statistical and economic data, and projections, are based on available information, and no representation or warranty is made with respect thereto.

### 9.2 Vested Rights

The award to an Offeror made pursuant to the RFP source selection method, does not confer any vested rights on that Offeror. These rights will be delineated in the agreement, which the State and the successful Offeror will determine after the proposal has been awarded.

### 9.3 Awarded Offeror's Indemnity of Lessor

The awarded Offeror shall indemnify, defend, and hold harmless the State from and against any claim or demand for loss, liability, or damage, including claims for bodily injury, wrongful death, or property damage, arising out of or resulting from:

1. Any act or omission on the part of the Offeror relating to the Offeror's use, occupancy, maintenance, or enjoyment of the PMRA,
2. Any failure on the part of the Offeror to maintain the PMRA, facilities, roadways, trails, and parking areas adjacent thereto in the Offeror's control, including any accident, fire or nuisance, growing out of or caused by such failure,
3. All actions, suits, damages, and claims by whomsoever brought or made by reason of the awarded Offeror's non-observance or non-performance of any of the terms, covenants, and conditions of the agreement or the rules, regulations, ordinances, and laws of the federal, state, municipal or county governments applicable to the awarded Offeror's use of the PMRA; provided, however, that the foregoing obligations of the awarded Offeror shall not apply to any claim or demand for loss, liability, or damage where such loss, liability or damage is caused by the negligence or intentional acts of the State or the State's agents or employees.

### 9.4 Campaign Contribution by State and County Contractors

Offeror, if awarded a contract in response to this solicitation, agrees to comply with Section 11-205.5, HRS, which states that campaign contributions are prohibited from a State and county Government contractor during the term of the contract if the contractor is paid with funds appropriated by a legislative body.

## **10 SCHEDULE**

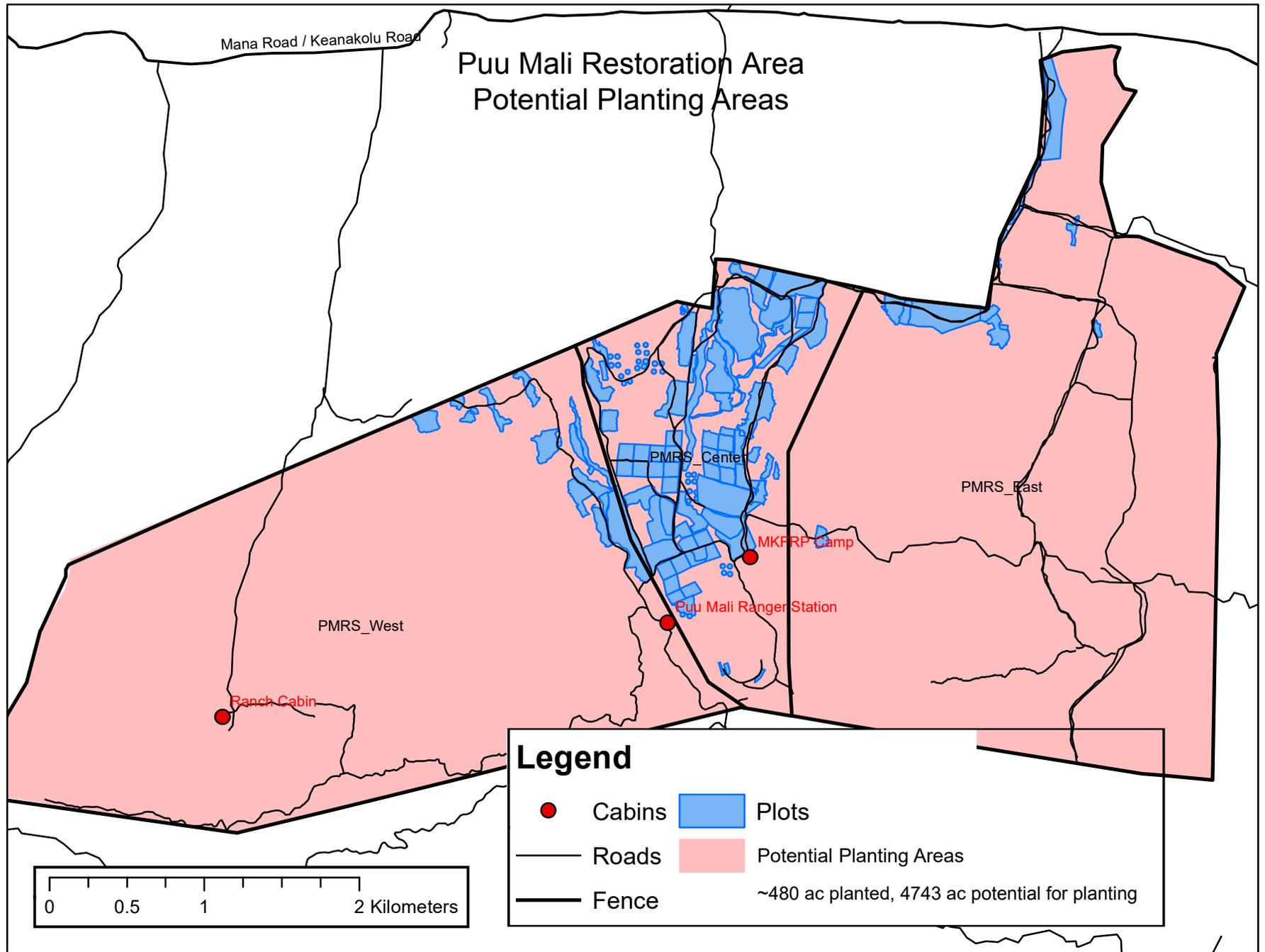
This schedule may be adjusted or amended due to unforeseen circumstances.

<b><u>Date</u></b>	<b><u>Milestone</u></b>
<b>July 5, 2017</b>	<b>Begin publishing RFP</b>
August 1, 2017	Pre-Proposal Field Trip
August 15, 2017	Last day for RFP clarifications
August 31, 2017	Deadline for Receipt of Proposals
After proposal opening	Complete Evaluation of Proposals
After Award Notice	Negotiate Terms and Conditions of Agreement
After Negotiation	Consultation with Attorney General's Office
After Agreement is drafted	Seek Board Approval of Agreement

## **11 CONFIDENTIALITY STATEMENTS**

Pursuant to Chapter 3-122 Hawai'i Administrative Rules, if respondents so choose, they may submit two versions of responses to this RFP, one that can be made available to the public, if requested, and one with any proprietary or confidential information. The former copy will be clearly marked "For Public Inspection". The latter shall incorporate information that could not be included in the potential public copy because of clear confidentiality, proprietary or trade secret concerns.

# Appendix A

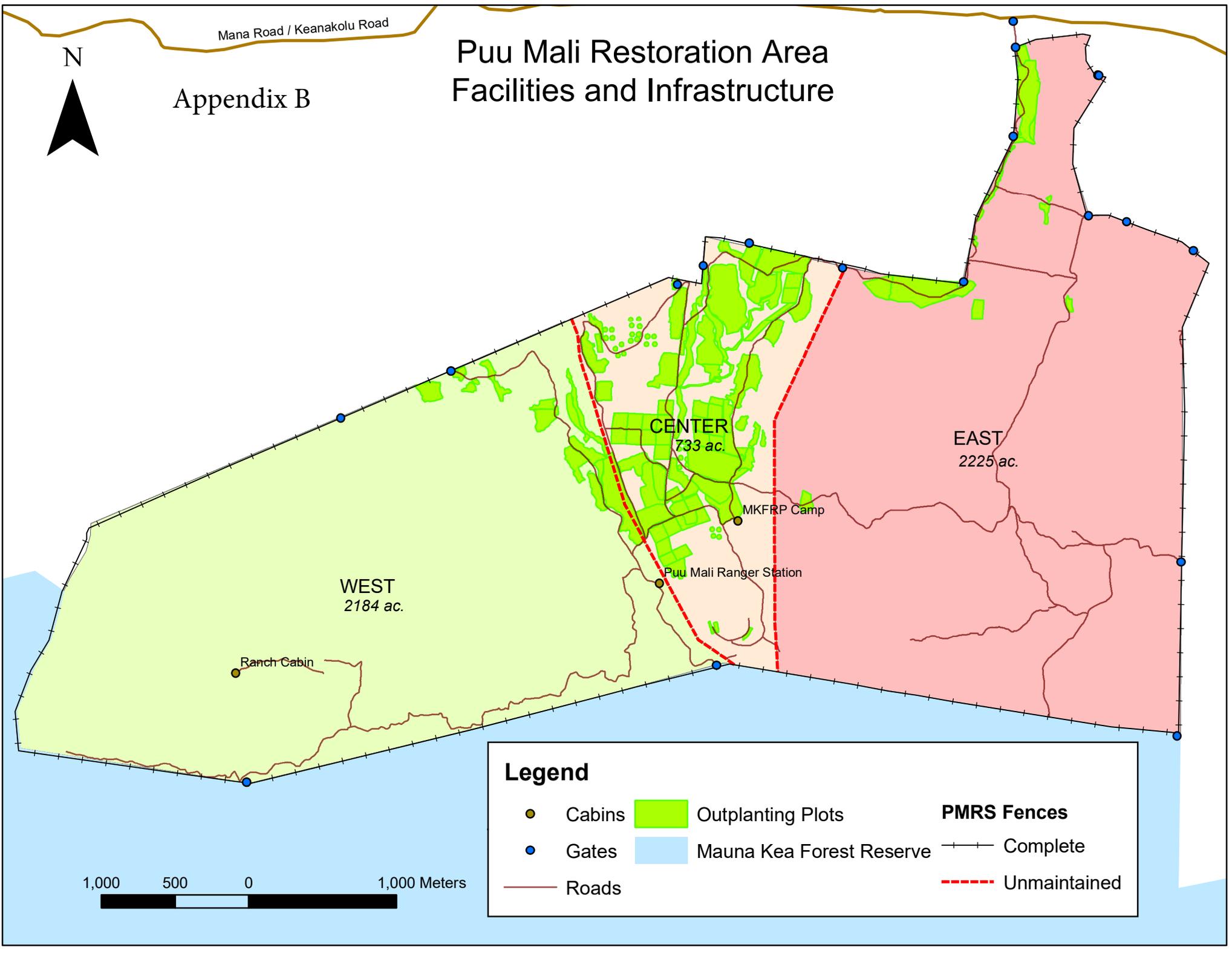


Mana Road / Keanakolu Road

N

# Appendix B

## Puu Mali Restoration Area Facilities and Infrastructure



### Legend

● Cabins

● Gates

— Roads

■ Outplanting Plots

■ Mauna Kea Forest Reserve

PMRS Fences

— Complete

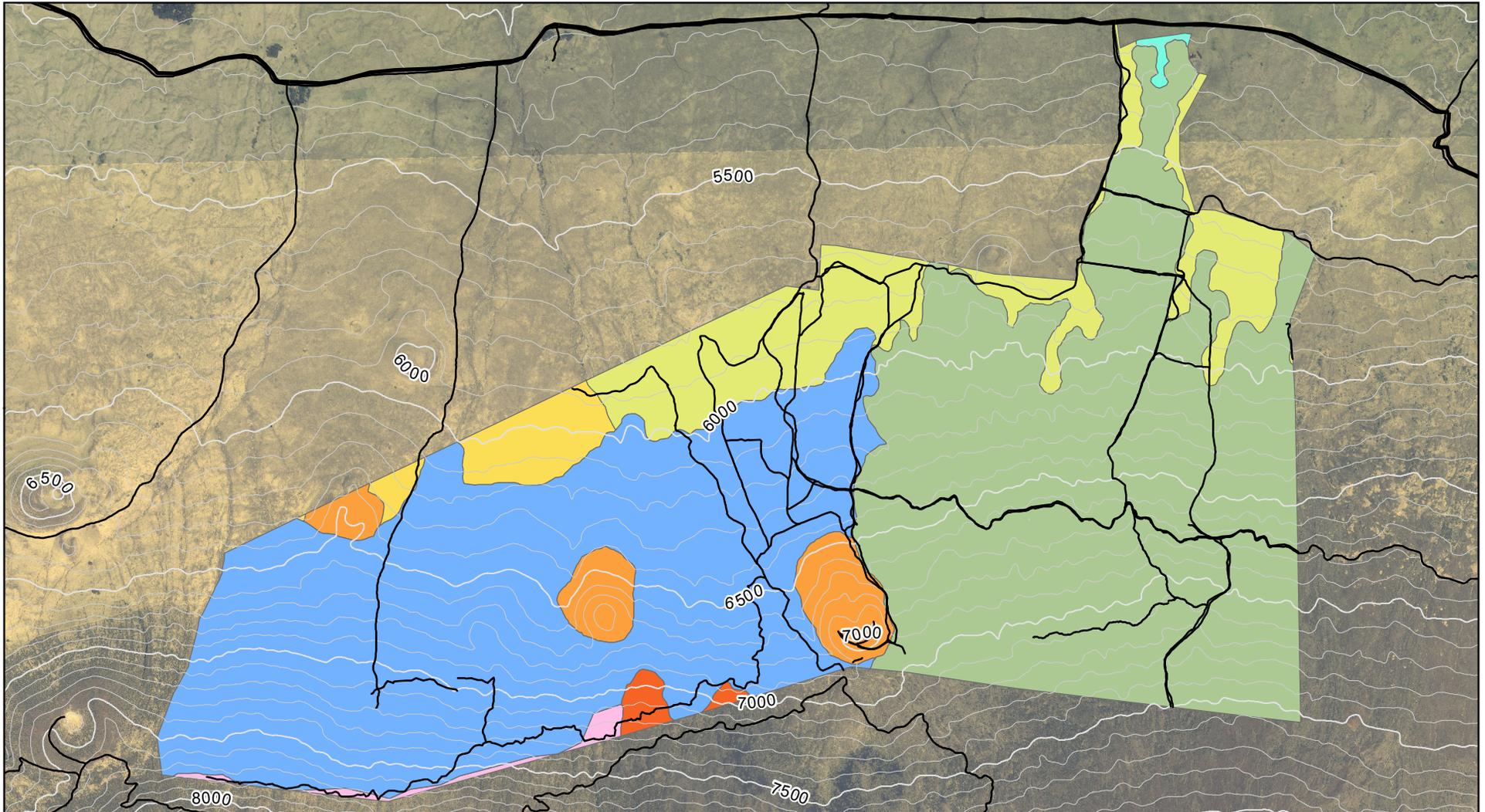
- - - Unmaintained

PMRS Fences

— Complete

- - - Unmaintained

1,000 500 0 1,000 Meters



**Legend**

**Soils (NRCS, Soil Survey Geographic Database 2015)**

-  Hanipoe medial fine sandy loam, 0% to 6% slopes
-  Hanipoe medial fine sandy loam, 6% to 20% slopes
-  Hanipoe-Pohakulehu-Rock outcrop complex, 6% to 35% slopes

-  Huikau ashy sandy loam, 30% to 50% slopes
-  Lanapohaku Huikau-Dune land complex, 30% to 50% slopes
-  Lava flows-Lapa-Pohakulehu complex, 30% to 50% slopes
-  Pohakulehu-Lanapohaku complex, dry, 12% to 20% slopes
-  Pohakulehu-Lava flows complex, 20% to 40% slopes

-  Roads
-  100 ft contours

