



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
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HONOLULU, HAWAII 96817**

January 6, 2016

REQUEST FOR QUALIFICATIONS (RFQ) HLID 2015-01

**RELATING TO THE HĀLAWA-LULUKU INTERPRETIVE
DEVELOPMENT PROJECT – LULUKU STEWARDSHIP**

**ADDENDUM-01 – Prequalification Conference and Site visit
Minutes (Luluku)**

Date: Wednesday, January 6, 2016
Place: Office of Hawaiian Affairs (OHA) Maui Ola Conference Room
560 North Nimitz Highway

Attendees: Lance G.M. La Pierre, OHA - HLID Project Coordinator
Kamakana C. Ferreira, OHA – HLID Project Planner
Keith Gutierrez, OHA – HLID Student Intern

Interested Submitters:

Mark Stride, Aloha Aina Agri-Culture Health and Learning Center
Mahealani Cypher
Laulani Teale
Diane Marshall

Re: RFQ HLID 2015-01 Relating to the Hālawā-Luluku Interpretive Development
Project – Luluku Stewardship (RFQ HLID-2015-01 Luluku).
Start: 8:30 a.m.
End: 1:30 p.m.

Lance G.M. La Pierre (“Mahi”) announced the Prequalification meeting was for the RFQ HLID 2015-01 relating to the Hālawā-Luluku Interpretive Development Project – Luluku Stewardship.

He asked everyone at the table to introduce themselves and then offered a prayer (pule), Pule Ho‘ōla (Healing Prayer). Mahi then went over: 1) the attendance requirement at the prequalification meeting for interested submitters; 2) the site-visit/meeting time schedule for the day; and 3) the procedure for responding to questions received during the prequalification conference and site-visit.

Kamakana Ferreira conducted the attached PowerPoint presentation for the RFQ HLID 2015-01, providing: 1) the intent of the prequalification meeting; 2) an overview of the HLID Project and funding sources (HDOT and FHWA); 3) an overview of proposed stewardship work; 4) the Stewardship selection process; 5) an overview of the Statement of Qualifications; and 6) an overview of the Luluku Project area. The following relevant RFQ information was reviewed during the explanation of the Stewardship selection process as well: 1) RFQ Steward Selection Process Timetable; 2) Deadlines for the Step 1, Statement of Qualifications (SOQ) submittal; and 3) where to submit SOQs.

Also included in the PowerPoint was the follow-up and summary for the Step 1 requirements, formatting and submission. The RFQ HLID 2015-01 *ATTACHMENT A OHA RFQ No. HLID-2015-01: SUBMITTER STATEMENT OF QUALIFICATIONS FORM* was looked over and explained.

Kamakana briefly reviewed Step 2 – Discussions.

The floor was then open to questions and answers. The interested submitters were informed the written response will be issued in an Addendum and posted to the OHA website as well as emailed to those on the sign in sheet.

Questions:

1.Q. Is there any technical language on the consortium?

1.A

A sample (possible) consortium model is provided in RFQ Attachment D. The possibility of creating a consortium is discussed briefly in Section 2.2.1, item G. HLID envisions that it would perhaps be beneficial to the sites, the selected steward, and the greater ahupua'a to engage in partnerships with other like entities. For this reason, HLID felt it necessary to mention this consortium possibility in the RFQ. The exact specifics for how these partnerships would work should go into the Stewardship Management Plan (SMP) and the Use & Occupancy (U&O) agreement. As detailed in Section 2.2.1, item C of the RFQ, HLID will work collaboratively with the steward to craft the SMP. Putting the details regarding the consortium into the SMP allows the steward to take part in the process which creates the protocol for establishing these partnerships. Writing these possibilities down in the SMP will better allow HDOT to review and evaluate any proposed consortium structure when the steward is ready to apply for the U&O with HDOT.

2.Q. How does the timeline work with the Mason "Notice to Proceed"?

2.A.

The touching of stones in the project area has been a sensitive issue for the HLID Working Group. For this reason, HLID recommends that any proposed mason work be done in close coordination with the selected steward. This is why the steward timeline is tied to the mason Notice to Proceed (NTP). As detailed in Section 2.3 of the RFQ, the NTP could either be a direct contract with a mason or a subcontract with a mason by a prime.

At this time, no contract has been awarded. HLID's current plan is to contract a "Design" only mason to provide possible construction methods and estimates (i.e., man-power, project schedule, tree trimming, initial kalo planting methods, proposed stream diversions for kalo patch irrigation) that can be included in the overall Preservation Plan for the area. In order to legally enable any type of rehab or restoration work, a Preservation Plan must be completed and approved by the State Historic Preservation Division (SHPD). Approval of the plan by SHPD would allow HLID to: 1) procure for a mason "build" contract in the future; or, 2) enable the steward to execute proposed rehab and restoration plans should the steward have the expertise to do so. The Preservation Plan would legally allow this type of work to occur on State lands. As the HLID project is funded by the State and the Federal government, it is imperative that we follow all procedures required by law.

At the time a steward is selected and the Memorandum of Agreement (MOA) is being negotiated, it could be possible to change the suggested HLID steward timeframe if circumstances require adjustment. An exact scope of work and timeline will be finalized in the MOA. Specifics regarding the MOA can be found in Section 1.25 of the RFQ.

3.Q. Can the steward apply to be the mason? Could the steward be a sub-contractor?

3.A

We cannot stop the steward from applying for any type of procurement hosted by the State. As long as the steward meets the requirements in the procurement solicitation, the steward would not be restricted from applying for any mason contract.

At this time, our A&E could possibly sub-contract a “design” only mason. In this instance, the steward’s contact information could be supplied to the A&E team so discussions can take place. As long as the steward can meet the requirements of the A&E team and the licensing for the proposed work, the steward would not be barred from this type of sub-contract.

It should also be noted that State procurement law restricts a contractor that has worked on a “Design” for a project from bidding on the “Build” part of the project. With that said, any steward or mason interested in being a contracted (paid) “Design” mason should consider the possibility that they may not be allowed to bid on the “Build” contract should the “Build” option be explored. However, a steward participating in the “Design” portion of the project under a sub-contract would not be barred from performing actual rehab or restoration work approved by SHPD if there is no monetary contract for “Build” services.

4.Q. Are there Federal guidelines for National Register sites in the HLID Project?

4.A.

Although the sites in the Luluku project area are eligible for the National Register of Historic Places as a district, the actual nomination for these sites has not been carried out. Specific requirements for sites on the National Register are thus not applicable.

Proper care of the sites will be detailed in a Preservation Plan that must be approved by the State Historic Preservation Division (SHPD). Components of this plan should be integrated in the Stewardship Management Plan (SMP).

5.Q How are the definitions of maintenance, rehabilitation, and re-use being determined? Does it really matter what the plan is called?

5.A

There has been much discussion with SHPD regarding the naming of the Preservation Plan which is to include any proposed rehabilitation and restoration work. HAR 13-277 -3 lists rehabilitation, stabilization, rehabilitation, restoration, reconstruction, avoidance, and protection (conservation) as forms of preservation treatment. Any type of treatment to be carried out is to be detailed in a "Preservation Plan". SHPD is satisfied with this name (Preservation Plan) being used as the overall plan title. However, they require that terms like "Stabilization", "Rehabilitation", and "Preservation" be well defined in the plan if those treatments are selected. The definitions of these terms are to be guided by the standards and definitions provided by the Department of the Interior (<http://www.nps.gov/tps/standards.htm>). These are legal definitions to enable any proposed rehabilitation and restoration work.

HLID also understands that the way the community or steward defines terms like "rehabilitation" and "restoration" may be quite different from the legal definitions provided by the Department of the Interior. A separate section in the Preservation Plan or Stewardship Management Plan (SMP) could be dedicated to addressing these differences and reconciling them in some way.

6.Q. Is it possible for more remains to be found during the rehab work on the features?

6.A.

Yes, it is possible for inadvertent human remains to be found during any type of ground disturbing work like rehabilitation. The current archaeological contractor, Keala Pono, has a multi-year contract. Besides the Preservation Plan, they are to create an Archaeological Monitoring Plan and carry out archaeological monitoring for any ground disturbing work. Protocols for the inadvertent discovery of human remains will be carried out in consultation with SHPD and in accordance with HAR 13-300.

7.Q. What will happen to the artifacts that are found during rehab work?

7.A.

As mentioned in the answer to question 6, the archaeological contractor, Keala Pono, will craft an Archaeological Monitoring Plan (AMP) for all ground disturbing work. The AMP (to be approved by SHPD) will have protocols for handling inadvertent discoveries at any time.

In many cases, control and ownership is usually allotted to the land owner as long as none of the items are subject to NAGPRA. Since HDOT is the land owner, they may have the final say after the artifacts are collected. The final disposition of prior artifacts found by archaeologists doing contract work for the construction of Interstate H-3 is to be decided by the State Historic Preservation Division (SHPD) as stipulated in the 1987 Memorandum of Agreement (MOA), item I. It is unclear if newly discovered artifacts that are part of a separate archaeological contract of this post-construction mitigation effort would still fall under this clause. Future discussions can be had with HDOT and SHPD to develop a means to handle any newly found artifacts appropriately.

During future stewardship work that takes place after monitored ground disturbance, it still may be possible to inadvertently find artifacts. Specific protocols for these types of finds could be detailed in the Preservation Plan and/or Stewardship Management Plan.

8.Q. Is there a way to develop language to enable the Steward to become a cultural monitor?

8.A.

This is very possible. We encourage the steward to advocate for cultural monitoring and take part in this effort. The role of the cultural monitor can be specified in the Archaeological Monitoring Plan (AMP) to be crafted by our archaeological contractor, Keala Pono.

9.Q. During the Interim period, what can be done by the steward?

9.A.

One of things HLID will collaboratively work with stewards on during the first 9 months (Pre-Permitting) is the creation of an Interim Cultural Site Maintenance Plan. Any proposed interim maintenance by the steward needs to be written down so that it can be evaluated by HDOT. Only approved tasks in the Interim Cultural Site Maintenance Plan may be carried out by the steward during the interim period.

10.Q. How long will the Interim period last?

10.A.

The Interim period during the Environmental Assessment and permitting will be about 12 months. These twelve months are to follow the initial “Pre Permitting” part of the project that is estimated to take around 9 months.

11.Q. In the SOQ application, it appears that there is a requirement of formal (college) education in Hawaiian Studies or related discipline?

11.A.

There is no requirement for formal college training. The terminology is placed in the SOQ for applicants to use college training if there is no practical experience in cultural arts or practices or Hawaiian language. As shown in the SOQ Evaluation Criteria Scoring Form (see RFQ Section 4.4), points are awarded for either a confirmed reference **OR** college experience for cultural arts, practices, and Hawaiian language.

12.Q. If only one steward applies, can this go to a sole sourcing method of procurement?

12.A.

At this time, HLID does not have a definitive answer. We assume that even if there is only one qualified applicant (submitter), it may be best to just finish the rest of the selection process. If there is only one qualified applicant for each side, HLID will discuss the next steps with HDOT and FHWA. Once a solution or understanding is reached, the sole applicant will be notified immediately.

13.Q. How does the process to protest an award go?

13.A.

The protest procedure is provided in Section 1.22 of the RFQ. A flowchart is also provided to aid in understanding the process on page 16 of the RFQ.

14.Q. Will we be able to ask specific questions later?

14.A.

If there are question regarding the RFQ process or the site after the prequalification meeting and site visit, then a formal question(s) must be submitted in the form of an RFI (Request for Information). The procedure of RFI submission is detailed in Section 1.9 of the RFQ. For reference, the deadline for Luluku RFI submittal is Wednesday, January 13, 2016.

15.Q. Do we need permits to plant Kalo during the interim period on site features?

15.A.

If it is desired to plant DRYLAND taro during the 12 month interim period, then the procedure and protocol for this must be detailed in the Interim Cultural Site Maintenance Plan. The plan will be reviewed by HDOT. If there is an impact to an archaeological feature, then the plan may also have to be submitted to SHPD for concurrence.

HLID would like to emphasize that this type of interim kalo planting would only likely be allowed under strict parameters. For example, work would likely be restricted if clearing of 1 acre is required for planting. Any clearing of vegetation in an area greater than 1 acre would require an NPDES (National Pollutant Discharge and Elimination System) permit. Right now, our A&E contractor is required to obtain this permit during the Interim period so that this type of work can be enabled in the future.

The planting of wetland taro will also not be allowed during this time. The irrigation required for the taro would likely require some type of diversion from the stream for the water supply. This would require multiple permits from the Army Corp of Engineers and the Department of Health. Right now, our A&E contractor is required to obtain these permits during the Interim period so that this type of work can be enabled in the future. It is HLID's desire to get all necessary permits so that the steward can carry out their work legally on State lands.

Should you have any questions please contact the HLID Project Coordinator, Lance G.M. La Pierre, at mahil@oha.org, or phone 594-1782.

End of Addendum 01