

CONCESSION AGREEMENT NO. DOT-A-24-0005  
G.E.O. NO. 3201

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
AIRPORTS

REQUEST FOR PROPOSALS (RFP)

AND

CONCESSION AGREEMENT RELATING

TO THE

OPERATION OF THE RETAIL CONCESSION

AT

DANIEL K. INOUE INTERNATIONAL AIRPORT

ISLAND OF OAHU

STATE OF HAWAII

REQUEST FOR PROPOSALS (RFP)  
AND CONCESSION AGREEMENT RELATING TO  
OPERATION OF THE RETAIL CONCESSION  
DANIEL K. INOUE INTERNATIONAL AIRPORT  
ISLAND OF OAHU  
STATE OF HAWAII

TABLE OF CONTENTS

	<u>PAGE</u>
<u>NOTICE TO PROPOSERS</u> .....	NP-1 to NP-3
<u>INSTRUCTIONS TO PROPOSERS</u> .....	IP-1 to IP-16
ATTACHMENT 1	
SCHEDULE 1 HISTORY OF AIR PASSENGER TRAFFIC .....	SCH 1-1 to SCH 1-2
ATTACHMENT 2	
SCHEDULE 2 RE HISTORY OF GROSS RECEIPTS.....	SCH 2-1 to SCH 2-3
ATTACHMENT 3	
FINAL QUESTIONS SUBMITTAL FORM.....	IP-3-1
ATTACHMENT 4	
REQUIREMENTS FOR PARTICIPATION BY DISADVANTAGE BUSINESS ENTERPRISE (DBE).....	DBE 4-1 TO DBE 4-7
<u>PROPOSAL INTENT PACKAGE</u>	
APPENDIX A - NOTICE OF INTEREST.....	A-1 to A-2
ATTACHMENT 1	
QUALIFICATION QUESTIONNAIRE.....	A-1-1 to A-1-10
ATTACHMENT 2	
DBE PARTICIPATION QUESTIONNAIRE.....	A-2-1 TO A-2-2
ATTACHMENT 3	
STATEMENT OF AFFIRMATION AND ACKNOWLEDGMENT OF DBE REQUIREMENTS.....	A-3-1

PROPOSAL PACKAGE

APPENDIX B PROPOSAL FORM

(NOTE: PROPOSER TO ATTACH WRITTEN PROPOSAL)

ATTACHMENT 1

AFFIDAVIT OF NON-COLLUSION.....B-1-1 TO B-1-2

ATTACHMENT 2

PROPOSAL BOND.....B-2-1 TO B-2-2

ATTACHMENT 3

DBE PROPOSAL.....B-3-1 TO B-3-2

ATTACHMENT 4

CONFIRMATION BY DBE.....B-4-1

ATTACHMENT 5

TAX CLEARANCE CERTIFICATES.....B-5-1

CONCESSION AGREEMENT

APPENDIX C - CONCESSION AGREEMENT.....C-1 to C-112

EXHIBITS A THROUGH K

ATTACHMENT 1 – TENANT IMPROVEMENT GUIDELINES

ATTACHMENT 2 – ENVIRONMENTAL PRESERVATION GUIDELINES

ATTACHMENT 3 – DEVELOPMENT STANDARD FOR LEASED AIRPORT PROPERTY

ATTACHMENT 4 – DEPARTMENT OF TRANSPORTATION ASSIGNMENT OF LEASE  
EVALUATION POLICY

ATTACHMENT 5 – PERFORMANCE BOND; PAYMENT BOND FORM

ATTACHMENT 6 – CONCESSIONAIRE’S LISTING OF HAZARDOUS SUBSTANCES

ATTACHMENT 7 – CONCESSIONAIRE’S LISTING OF ENVIRONMENTAL PERMITS

CONCESSION PERFORMANCE BOND

APPENDIX D - CONCESSION PERFORMANCE BOND ..... D-1 to D-3

**REQUEST FOR PROPOSALS (RFP)**  
**RETAIL CONCESSION**  
**DANIEL K. INOUE INTERNATIONAL AIRPORT**

**NOTICE TO PROPOSERS**

The State of Hawaii, Department of Transportation (“STATE”) requests proposals (“Proposals”) from all interested individuals and legally-registered business entities in the State of Hawaii (hereinafter such individuals and business entities referred to individually as “Business Entity” or collectively as “Business Entities”) desiring to operate the “Retail Concession” (“Concession”), at Daniel K. Inouye International Airport (“Airport”), Island of Oahu, State of Hawaii, for a period of five (5) years.

A fully completed proposal intent package (“Proposal Intent Package”), consisting of all forms listed in the attached Appendix A, must be submitted by each and every interested Business Entity, and received no later than 4:30 p.m. Hawaii Standard Time (“HST”), on September 13, 2024, by the Director of Transportation, c/o the Property and Business Development Office, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819-1880.

A fully completed proposal package (“Proposal Package”), consisting of all forms listed in the attached Appendix B must be submitted by each and every interested Business Entity, and received no later than 4:30 p.m. HST, on November 15, 2024, by the Director of Transportation, c/o the Property and Business Development Office, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819-1880.

The Concession RFP Documents (defined below) describing the Concession, including without limitation, the Concession Agreement, may be examined and/or obtained from the STATE, at the Airports Administration Offices, Daniel K. Inouye International Airport, Inter-Island Terminal Building, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819-1880. The Concession RFP Documents may be purchased upon the payment of the nonrefundable sum of FORTY AND NO/100 DOLLARS (\$40.00) in United States currency or certified check. The Concession RFP Documents may also be downloaded, without charge, at <https://hidot.hawaii.gov/airports/doing-business/concession-notices/>.

The Concession RFP Documents are subject to revision(s) at any time prior to 4:30 p.m. HST on November 15, 2024. Any revisions, changes, or amendments to the Concession RFP Documents will be posted and available for download from the STATE’s website, Concessions and Other Offerings page, at <https://hidot.hawaii.gov/airports/doing-business/concession-notices/>.

The “Concession RFP Documents” consist of and include the following items: (1) this Notice to Proposers; (2) Instructions to Proposers; (3) Proposal Intent Package (Appendix A); (4) Proposal Package (Appendix B); (5) Concession Agreement (Appendix C); (6) Concession Bond (Appendix D); and (7) all of the attachments and exhibits thereto.

A Pre-Proposal Conference will be conducted by the STATE on Friday, August 30, 2024, commencing at 9:00 a.m. HST, to familiarize proposers with the nature of the Concession RFP Documents, including the Concession Agreement, and to preliminarily respond to questions



proposers may have. Prospective proposers are encouraged to attend the Pre-Proposal Conference which will begin promptly at 9:00 a.m. HST, at the Airports Administration Offices, Conference Room C, located at Daniel K. Inouye International Airport, Inter-Island Terminal, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819-1880. A walk-thru of the airport terminals to tour the premises of the Concession will be conducted as part of the Pre-Proposal Conference.

STATE representatives will be available to preliminarily respond to questions. Any oral responses given by STATE representatives at the Pre-Proposal Conference are preliminary, nonbinding, and subject to revisions and clarification. Questions needing a final, formal response from the STATE should be submitted in writing. The deadline for submitting all written questions is 4:30 p.m. HST on September 6, 2024. The STATE will post the final written responses to all properly submitted written questions by September 27, 2024, at <https://hidot.hawaii.gov/airports/doing-business/concession-notices/>.

Persons needing special accommodations at the Pre-Proposal Conference due to disabilities may notify the STATE by contacting Mr. Gavin Lai of the Property and Business Development office at (808) 838-8609, or by email at [gavin.y.lai@hawaii.gov](mailto:gavin.y.lai@hawaii.gov).

Any individual, corporation, limited liability company, partnership, joint venture, or other entity, [including (1) any entity in which the proposer is an owner, and (2) any stockholders, members, partners, or owners of the proposer] shall be deemed not qualified if it is in arrears in any payment, or in default of any obligation, including taxes and special assessments, owing to the U.S. Internal Revenue Service and/or the State of Hawaii or any of its political subdivisions (including default as a surety or failure to perform faithfully and diligently any previous lease, license, permit, or any other type of contract with the STATE or any of its political subdivisions).

Any qualified individual, corporation, limited liability company, partnership, joint venture, or other entity may submit a Proposal Package for the Concession after timely submission of an acceptable Proposal Intent Package. All proposers will submit Proposal Packages using the forms furnished by the STATE as part of the Concession RFP Documents.

The STATE, desires to actively promote the growth and development of Disadvantaged Business Enterprise (“DBE”) participation in concessions awarded at all public airports in the State of Hawaii. In accordance with Title 49, Subtitle A, Parts 23 and 26, Code of Federal Regulations, entitled “Participation by Disadvantaged Business Enterprises in Airport Concessions” and “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Program,” respectively, it is the policy of the STATE, to ensure that DBE firms have an equal opportunity to receive and participate in concessions at all public airports. Accordingly, a DBE goal of fifteen percent (15%) has been established for the Concession, and all qualified DBEs are encouraged to compete for or participate in the Concession. Each business wishing to compete or participate as a DBE must be certified by STATE, prior to the deadline date and time specified for the submission of the Proposal Intent Packages. For information and assistance in applying for DBE certification, please call the STATE Civil Rights Specialist at (808) 831-7914.

Except as may be permitted by law, all Proposal Intent Packages (Appendix A) and Proposal Packages (Appendix B) submitted to the STATE will be considered confidential and will not be made available for inspection nor will copies thereof be made available for purchase or copying by the general public.

The STATE reserves the right to reject any and all Proposals and to waive any defects in the Concession RFP Documents or cancel this RFP when, in the opinion of the Director of Transportation, such rejection, waiver, or cancellation will be in the best interests of the STATE and/or the general public.



EDWIN H. SNIFFEN  
Director of Transportation

Advertised:  
Honolulu Star-Advertiser  
August 1, 2024

INSTRUCTIONS TO PROPOSERS (IP)  
PERTAINING TO THE OPERATION OF  
THE RETAIL CONCESSION  
AT  
DANIEL K. INOUYE INTERNATIONAL AIRPORT

1. PURPOSE

Proposals are invited from all qualified parties for the management and operation of the “Retail Concession” (“Concession”) at Daniel K. Inouye International Airport (“Airport”). The State of Hawaii, Department of Transportation, Airports (“State”), seeks a creative and well-qualified retail organization entity to operate and maintain the Concession at the Airport for a period of five (5) years.

The successful proposer who is awarded the exclusive right and obligation to operate and maintain the Concession (hereinafter referred to as the “Concessionaire”) will be responsible for providing high quality retail offerings and services at the Airport. A high degree of experience, expertise, competence and management capability will be needed to administer, manage, operate and provide such retail offerings and services to the traveling public and general public. Only qualified individuals and business entities authorized to do business in the State of Hawaii and capable of demonstrating such abilities will be considered for the exclusive right and obligation to operate and maintain the Concession.

The Concession will be operated in accordance with the Concession Agreement (Appendix C [Concession Agreement] of the Concession RFP Documents defined below) and from the spaces at the Airport described therein. Award of the Concession will require the successful proposer to execute the Concession Agreement and comply with and satisfy all the terms and conditions therein, including, without limitation, improving, furnishing and operating the Concession spaces.

For the Concession, a Disadvantaged Business Enterprise (“DBE”) participation goal of fifteen percent (15%) has been established, and all qualified DBEs are encouraged to compete for, and participate in, the Concession.

2. OBTAINING CONCESSION PROPOSAL MATERIALS

The “Concession RFP Documents” consist of and include the following items: (1) the Notice to Proposers; (2) these Instructions to Proposers (“IP”); (3) Proposal Intent Package (Appendix A); (4) Proposal Package (Appendix B); (5) Concession Agreement (Appendix C); (6) Concession Bond (Appendix D); and (7) all of the attachments and exhibits thereto.



Copies of the Concession RFP Documents, including the Concession Agreement (Appendix C) describing the covenants, provisions, stipulations, restrictions, reservations, exclusions, terms and conditions of the Concession, may be examined and/or obtained from the Airports Administration Office, Daniel K. Inouye International Airport, Inter-Island Terminal Building, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819-1880. The Concession RFP Documents may be purchased upon the payment of the nonrefundable sum of FORTY AND NO/100 DOLLARS (\$40.00) in United States currency or certified check. The Concession RFP Documents may also be downloaded without charge from the State's website's Concessions and Other Offerings page at <https://hidot.hawaii.gov/airports/doing-business/concession-notices/>.

The Concession RFP Documents are subject to revision at any time prior to the proposal submission date. Any revisions, changes, or amendments to the Concession RFP Documents will be posted and available for download at <https://hidot.hawaii.gov/airports/doing-business/concession-notices/>.

### 3. PRE-PROPOSAL CONFERENCE

A Pre-Proposal Conference to explain the objectives and requirements for the Concession and to preliminarily respond to questions will be held on August 30, 2024, at 9:00 a.m., Hawaiian Standard Time ("HST") at the:

Airports Administration Office Conference Room C  
Department of Transportation - Airports  
Daniel K. Inouye International Airport  
Inter-Island Terminal Building  
400 Rodgers Boulevard, Suite 700  
Honolulu, Hawaii 96819-1880

All prospective proposers are encouraged to attend this conference. As part of the Pre-Proposal Conference, the State will conduct a tour of the areas that will be provided as concession premises. If the prospective proposers wish to participate in the premises tour, reservations are required and the reservation deadline will be 4:30 p.m. HST on August 15, 2024. Reservations may require certain information that will be used for security screening of each individual. Please use the information below to make a reservation:

Property and Business Development Staff  
Department of Transportation - Airports  
Daniel K. Inouye International Airport  
400 Rodgers Boulevard, Suite 700  
Honolulu, Hawaii 96819-1880  
Telephone (808) 838-8609  
Facsimile (808) 838-8753

State representatives will be available to preliminarily respond to a limited number of oral questions at the Pre-Proposal Conference.

Once the Pre-Proposal Conference, including the tour, has been completed, the prospective proposers shall have an opportunity to submit their final questions in writing. All written questions should be submitted on the form provided as Attachment 3 (Final Questions Submittal Form) to the Instructions to Proposers. The deadline for submitting final written questions will be 4:30 p.m. HST on September 6, 2024.

A written summary containing all final written questions submitted on the Final Questions Submittal Form by the specified deadline date and time, together with the State's final written responses, will be posted on the State's website by September 27, 2024. All prospective proposers should not rely on oral representations made at any time and should instead rely on the State's written responses to the questions submitted which shall be entitled "The State's Responses to Final Questions Submittal Form." The foregoing summary of written questions, together with the State's written responses, shall comprise the State's final response to all written questions unless the State decides to amend or supplement the State's responses. As a result of the Pre-Proposal Conference or otherwise, changes to the Concession RFP Documents, including the Concession Agreement (Appendix C), which are deemed appropriate by the State may be made, and notice of such changes to the Concession RFP Documents will be given to all qualified proposers before the deadline date and time specified for the submission of Proposal Packages.

4. SUBMISSION OF PROPOSAL INTENT PACKAGE: NOTICE OF INTEREST AND QUALIFICATION QUESTIONNAIRE

Potential proposers (a) legally registered to do business in the State of Hawaii if a business entity; (b) having the minimum qualifications, expertise and/or resources; and (c) who are interested in being considered for the award of the Concession are required to submit to the State a fully and properly completed "Proposal Intent Package" in the form of Appendix A attached hereto, all in accordance with the specific instructions contained therein. A fully and properly completed Notice of Interest (Appendix A), together with a fully and properly completed Qualification Questionnaire (Appendix A, Attachment 1), must be submitted by each and every potential proposer and received by the State no later than 4:30 p.m. HST, on September 13, 2024. The State will use each Proposal Intent Package submitted for the purpose of evaluating the minimum qualification of each and every potential proposer.

A potential proposer's failure to submit a fully and properly completed Proposal Intent Package, consisting of: (a) Notice of Interest (Appendix A); and (b) Qualification Questionnaire (Appendix A, Attachment 1), to the State by the deadline date and time specified in the Notice to Proposers shall disqualify the potential proposer from submitting the subsequent, required Proposal Package (Appendix B).



5. MINIMUM QUALIFICATIONS OF EACH POTENTIAL PROPOSER

A potential proposer, at the time its fully and properly completed Proposal Intent Package (Appendix A and Appendix A, Attachment 1) is submitted to the State, must be capable of performing all of the covenants, terms and conditions of the Concession Agreement (Appendix C). Before any potential proposer shall be entitled to submit the subsequent and required Proposal Package (Appendix B and all attachments) for the Concession, the State shall be satisfied with each potential proposer's financial ability, experience, and competence to satisfactorily perform and complete all of the covenants, terms and conditions of the Concession Agreement (Appendix C). At a minimum, each potential proposer must satisfy all the following minimum qualification criteria:

- A. Have at least five (5) years of verifiable, continuous experience within the last seven (7) years in retail operations, management and administration involving public or private airports.
- B. Have verifiable, annual combined gross receipts derived or generated from retail operations, management and administration involving public or private airports in each qualifying year exceeding TWENTY MILLION DOLLARS (\$20,000,000.00).
- C. Provide ownership and organizational documents that verify, support and provide evidence of the registered business entity's legitimacy in each qualifying year.

If a potential proposer is a joint venture, each joint venture partner must individually satisfy the foregoing qualification criteria.

All potential proposers must provide a detailed narrative of prior qualifying experience(s), duties and responsibilities, and scope of work performed, together with bona fide references to substantiate such qualifying experience(s).

For the purpose of evaluating a potential proposer's qualifications, the potential proposer must submit a fully and properly completed Proposal Intent Package (Appendix A and Appendix A, Attachment 1). The Proposal Intent Package may contain any additional information considered pertinent by a potential proposer with respect to its qualifications.

Whenever it appears to the State that a potential proposer is not fully qualified or able to fully carry out, perform, complete, or satisfy the covenants, terms and conditions of the Concession Agreement (Appendix C), the State shall, after affording the potential proposer an opportunity to respond and/or clarify its Proposal Intent Package, and if still of the opinion that the potential proposer is not fully qualified or able to fully carry out, perform, complete, or satisfy the covenants, terms and conditions of the Concession Agreement (Appendix C), refuse to receive or consider any Proposal Package (Appendix B and all attachments) from such potential proposer.

All information contained in the Qualification Questionnaire (Appendix A, Attachment 1) of the Proposal Intent Package shall remain confidential to the extent described Section 102-3, Hawaii Revised Statutes (hereinafter referred to as the “HRS”) and to the extent permitted by law. Qualification Questionnaires submitted by unqualified potential proposers will be returned to such potential proposers after the Concession has been awarded to the successful Concessionaire.

## 6. EVALUATION OF QUALIFICATION QUESTIONNAIRES

Each fully and properly completed Qualification Questionnaire (Appendix A, Attachment 1) submitted to the State will be reviewed and evaluated, and each potential proposer's qualifications, expertise, experience and resources will be evaluated based on the following minimum qualification criteria:

1. Minimum of at least five (5) years of verifiable, continuous experience within the last seven (7) years in retail operations, management and administration involving public or private airports.
2. Verifiable, annual combined gross receipts derived or generated from retail operations, management and administration involving public or private airports in each qualifying year exceeding TWENTY MILLION DOLLARS (\$20,000,000.00).
3. Ownership and organizational documents that verify, support and provide evidence of the registered business entity's legitimacy in each qualifying year.

## 7. SUBMISSION OF PROPOSAL PACKAGE

Each and every potential proposer whose Qualification Questionnaire is found to be acceptable to the State will then be deemed a “Qualified Proposer” by way of written notification from the State. Upon receipt of written notification, a Qualified Proposer will subsequently be required to submit to the State a fully and properly completed Proposal Package (Appendix B and all attachments), consisting of the following items:

- Appendix B: Original and five (5) copies of the Qualified Proposer's written proposal (“Proposal”) which shall describe in detail, how and what the Qualified Proposer intends to offer and a description of how the Qualified Proposer intends to operate, manage, administer and maintain the Concession and satisfy all of the covenants, terms and conditions of the Concession Agreement (Appendix C);
- Affidavit of Non-Collusion (Appendix B, Attachment 1);
- Proposal Bond (Appendix B, Attachment 2);
- DBE Proposal (Appendix B, Attachment 3);

- Confirmation by DBE (Appendix B, Attachment 4);
- Tax Clearance Certificates (Appendix B, Attachment 5).

All of the aforementioned Proposal Package items must be properly executed and notarized by a notary public if called for, addressed and submitted to the Director of Transportation, c/o Property and Business Development Office, Department of Transportation - Airports, Daniel K. Inouye International Airport, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawai'i 96819-1880, and received no later than 4:30 p.m. HST, on November 15, 2024.

A Qualified Proposer's failure to submit its written Proposal, as part of a fully and properly completed Proposal Package, consisting of: (a) the Proposal (Appendix B); and (b) Attachments 1, 2, 3, 4 and 5 to Appendix B by the deadline of 4:30 p.m. HST, on November 15, 2024 shall disqualify the Qualified Proposer from consideration for the Concession.

Each and every Proposal Package (Appendix B and all attachments) must be submitted to the State in a sealed envelope properly marked on the outside as follows:

“Proposal Package for the Operation of the Retail Concession at Daniel K. Inouye International Airport”

A Qualified Proposer's Proposal Package may be rejected by the State due to any of the following reasons:

- A. If it shows any alterations, erasures, irregularities of any kind or additions not called for in this Concession request for proposals (“RFP”);
- B. If it is conditional or incomplete;
- C. If it fails to comply with any of the requisite conditions;
- D. If a Qualified Proposer is in arrears in any payments, including taxes and special assessments, owing to the U.S. Internal Revenue Service and/or the State of Hawaii or any of its political subdivisions, or is in default of any obligation, including taxes and special assessments, owed to the U.S. Internal Revenue Service and/or the State of Hawaii or any of its political subdivisions, including default as a surety or failure to perform faithfully and diligently any previous contract with the State; or,
- E. If more than one (1) Proposal Package from an individual, partnership, corporation or any other legal entity under the same or different names is received and more than one remains in the State's possession.

The State reserves the right to cancel this Concession RFP for any reason whatsoever. The State also reserves the right to reject any or all Proposal Packages and/or waive any defects

when, in the opinion of the Director of the Department of Transportation (hereinafter referred to as "Director"), such rejection or waiver will be in the best interest of the State and/or the general public. The State also reserves the right to re-advertise for Proposals, or to accept any Proposal Package, if the acceptance of such Proposal Package is deemed by the State to be in the best interest of the State or/and the general public.

8. MINIMUM PROPOSED ANNUAL CONCESSION FEE

For each year of the Concession Agreement term, the total annual concession fee ("Annual Fee") shall be the greater of the following:

a. Minimum Annual Guaranteed Concession Fee. The minimum annual guaranteed concession fee ("MAG") for the first year of the Concession Agreement as set forth in the Concessionaire's Proposal, and for each year thereafter of the Concession Agreement term, 85% of the Annual Fee (being the greater of the MAG or percentage fee) received by the State for the preceding year; or

b. Percentage Fee. Twenty percent (20%) of the Concessionaire's annual gross receipts generated from, related or attributable to, or connected with the sale of merchandise authorized under Article V (Use of Premises) of the Concession Agreement ("Percentage Fee").

Notwithstanding anything to the contrary contained herein, the upset MAG for the first year of the Concession Agreement shall not be less than SEVEN MILLION AND NO/100 DOLLARS (\$7,000,000.00).

During the term of the Concession Agreement, the State may be undertaking its Terminal 2 Improvements Project at the Airport in which a portion of the Concession spaces will be located. As a result of this project and various other capital improvement and terminal renovation and construction projects which may affect certain spaces to be used by the Concessionaire under the Concession Agreement, the State may require, in the State's sole discretion and without any liability or obligation to the Concessionaire including but not limited to any rebate or relief from any Concessionaire payment obligation under the Concession Agreement, the Concessionaire to relocate, close, consolidate, adjust, and/or modify its activities.

9. CONCESSION IMPROVEMENTS - MINIMUM INVESTMENT

The Concession Agreement (Appendix C) contains specific terms and conditions regarding Concession improvement requirements and schedules.

Without limiting the foregoing, the Concessionaire shall invest a minimum of THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00) in constructing and installing the Concession Improvements (as defined in the Concession Agreement) at, on, or within the

Premises (as defined in the Concession Agreement), which minimum investment shall be allocated among the Concession Improvements as described in the Concessionaire's Proposal.

The State may, in its sole discretion, modify or change the designation of the minimum investment requirement set forth, but will not increase the total of the minimum investment. The Concessionaire must ensure that upon completion of Concession Improvements within the time prescribed in the Concession Agreement, the Concessionaire shall have fully satisfied its obligation to invest a minimum of \$3,000,000.00 for the construction and installation of the Concession Improvements.

#### 10. PROPOSAL DEPOSITS

The required minimum value of the proposal deposit shall be determined in the same manner as the required minimum proposal deposit set by Section 102-6, HRS, for bid solicitations. Each proposer shall submit a proposal deposit, which shall be in a sum of not less than five percent (5%) of the MAG for the first year of the Concession Agreement, provided that when the amount proposed exceeds \$50,000.00, the proposal deposit shall be a sum not less than \$2,500.00 plus two percent (2%) of the proposal amount over \$50,000.00. The proposal deposit must be submitted along with the Proposal Package (Appendix B).

The proposal deposit shall be in the form of legal tender, a surety bond conforming to the same requirements of Section 102-6, HRS, or a certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or a certified check accepted by, a bank, savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, in a sum equal to that required, payable at sight or unconditionally assigned to the State's Director of Transportation.

If a surety bond is submitted, it shall: (1) be issued in the same manner as required by Section 102-6, HRS, for bid solicitations; (2) name the State of Hawai'i, by its Director of Transportation, as obligee; (3) be on the Proposal Bond form provided (Appendix B, Attachment 3); (4) be executed by the proposer as principal, and by any bonding company listed in the United States Treasury List, as surety; provided that the bond furnished by any surety listed shall not exceed the bonding capacity rating of that surety on the United States Treasury List; (5) be in a sum equal to that required; and (6) be conditioned upon the proposer entering into the Concession Agreement and furnishing satisfactory security in the form of the Concession Bond (and other applicable requirements) within ten (10) business days after the proposer has received the Concession Agreement for execution or within such further time as the State's Director of Transportation may allow, in writing, if the proposer is awarded the Concession.



11. LATE SUBMISSIONS

It is the responsibility of each and every Qualified Proposer to ensure that the State receives the fully and properly completed Proposal Package by the deadline date and time specified in the Notice to Proposers for submission of Proposal Packages. The State will not assume any responsibility or liability if the submission of the Qualified Proposer's Proposal Package via the U.S. Postal Service or other forms of delivery service is delayed beyond the specified deadline date and time for submission of Proposal Packages. Any and all Proposal Packages received by the State after the specified deadline date and time for submission of Proposal Packages will not be considered and will be returned (without opening) to each and every Qualified Proposer.

12. WITHDRAWAL OR MODIFICATION OF PROPOSAL

A Proposal Package may be withdrawn by written notice, which must be received by the State prior to the stated applicable deadline date and time for submission of same. A substitute Proposal Package will be accepted by the State so long as a written request to withdraw the previous Proposal Package is received simultaneously with or prior to the substitute Proposal Package, and the substitute Proposal Package is received prior to the stated deadline date and time for submission of same.

Errata sheets may be submitted prior to the specified deadline date and time for submission of Proposal Packages so long as the total of all corrections to a Proposal Package does not exceed two (2) typed 8-1/2" x 11" pages. Changes of a greater magnitude require the withdrawal of the Proposal Package and the subsequent submission of a substitute Proposal Package, which must be submitted in a sealed envelope and properly marked on the outside as follows:

“Substitute Proposal Package for the Retail Concession at Daniel K. Inouye International Airport”

Further, a substitute Proposal Package must be clearly labeled on all pages as follows:

“Substitute Proposal Package, Page 1” (or Page 2, Page 3, etc.)

13. SCOPE OF SERVICES

This Concession RFP is being issued in order to secure the services of an operator to provide a retail concession for the traveling public and general public at the Airport. It is the interest of the State that the retail concession provided by the successful proposer be of the highest quality to meet the needs of the traveling public and general public in a manner that is a representation of the highest level of services available to Hawaii's visitors and residents. In

conjunction with such services, the successful proposer will be required to operate, provide, conduct and/or maintain retail offerings and services which:

- A. Operate and provide retail offerings and services of the highest level of quality at reasonable prices;
- B. Conduct regular physical and safety inspections of all retail concession locations;
- C. Maintain Concession areas in a clean and safe condition at all times;
- D. Maintain all fixtures and equipment necessary to operate the retail concession at all times; and
- E. Optimize Concession sales and the Airports revenue at all times.

Each Qualified Proposer shall include a detailed listing of the types of equipment that it proposes to use for its retail operations at the Airport. Said list shall include detailed information of each piece of equipment to be used for the Concession. Qualified Proposers shall be aware that all such equipment must be in compliance with Airports rules and regulations and shall meet all safety regulations for operating within the State of Hawaii prior to being permitted to operate at and from the Airport. After the Concession is awarded, the successful proposer will be required to: (1) keep such list current and shall submit any changes within ten (10) business days to the State; and (2) maintain all equipment in good working and operating condition.

After the Concession is awarded, the successful proposer will be expected to work closely with the State, the Airport, and other Airport service providers in its operation of the Concession to assure that a high degree of quality service is provided at all times to the traveling public and general public.

#### 14. PROCEDURES AND CRITERIA FOR EVALUATING ALL PROPOSAL PACKAGES

After the closing date and time set by the State for the submission of Proposal Packages, each Proposal Package submitted to the State for consideration will be individually evaluated and scored by members of an evaluation committee ("Evaluation Committee") in accordance with the evaluation criteria listed under the section heading of "Evaluation Criteria" on Pages IP-11 through IP-12 of these IP. The Evaluation Committee will be composed of five (5) members approved by the Deputy Director of Airports, Department of Transportation.

Each Proposal Package submitted to the State for consideration will be evaluated and scored by each Evaluation Committee member on the basis of the content and quality of the Qualified Proposer's written submittal (Items A, B C, D, and E of the Evaluation Criteria).

15. EVALUATION CRITERIA:

Each Proposal Package submitted to the State for consideration will be evaluated and scored by each member of the Evaluation Committee based on the following five (5) Evaluation Criteria, each as also further described below:

- A. Quality and content of Qualified Proposer's proposed Concession operation, management, and administration of retail offerings and services offered to the State;
- B. Minimum annual guaranteed concession fee (MAG) for the first year of the Concession;
- C. Qualified Proposer's management and operational plan to transition the Concession from the existing concessionaire and provide services without any or minimal disruption to the Airport;
- D. Qualified Proposer's retail concepts and product mix; and
- E. Qualified Proposer's concept and development plans for the Airport's Mauka Terminal Retail Space.

All written Proposals will be evaluated and scored independently by each member of the Evaluation Committee in accordance with the following weighted criteria:

- A. Quality and Content of Proposed Concession Operation, Management and Administration: 20%  
  
(Scoring will be based on a 5 point scale and weighed at 20% of the total score by the five (5) member Evaluation Committee)  
  
A descriptive narrative of the Qualified Proposer's proposed Concession operation, management and administration of retail offerings and services at the Airport, including (i) including locations to be serviced, and listing and qualifications of key management and operational personnel who will be performing the scope of work required under the Concession Agreement (Appendix C) to be awarded, (ii) DBE Proposal, and (iii) a detailed proposal of how, and the manner and methods by which, the Qualified Proposer intends to implement, conduct, comply with and satisfy the scope of work prescribed and set forth in the Concession Agreement (Appendix C).
- B. Minimum Annual Guaranteed Concession Fee (MAG) For the First Year of the Concession: 20%

(Scoring will be based on a 3 point scale and weighed at 20% of the total score by the five (5) member Evaluation Committee)

The Qualified Proposer's proposed minimum annual guaranteed concession fee (MAG) for the first year of the Concession, which MAG shall not be less than the upset MAG of SEVEN MILLION AND NO/100 DOLLARS (\$7,000,000).

C. Qualified Proposer's Management and Operational Plan to Transition the Retail Concession and Provide Services: 20%

(Scoring will be based on a 5 point scale and weighed at 20% of the total score by the five (5) member Evaluation Committee)

A detailed descriptive narrative on the manner and method by which the Qualified Proposer intends to manage, conduct, provide and operate the Retail Concession while in transition from the existing concessionaire without any or minimal disruptions at the Airport

D. Qualified Proposer's Retail Concepts and Product Mix: 20%

(Scoring will be based on a 5 point scale and weighed at 20% of the total score by the five (5) member Evaluation Committee)

A descriptive list of retail concepts and product mix of each of the Qualified Proposer's Concession spaces.

E. Qualified Proposer's Concept and Development Plans for the Airport's Mauka Terminal Retail Space: 20%

(Scoring will be based on a 5 point scale and weighed at 20% of the total score by the five (5) member Evaluation Committee)

A descriptive narrative of the Qualified Proposer's concept and development plans for the Airport's Mauka Terminal retail space to (i) provide services while in development and construction of the space, and (ii) describe the final store concept upon completion of development to maximize revenue at the location.

16. SCORING FORMAT FOR PROPOSAL PACKAGES AND AWARD OF CONCESSION

The total weighted score of all weighted points awarded by the five (5) members of the Evaluation Committee under Items A, B, C, D, and E of the Evaluation Criteria will be used to determine the final score of each Proposal Package.

The Qualified Proposer who garners the highest score on its Proposal Package based on all five (5) Evaluation Criteria (Items A through E) will be recommended to the Director for the award of the Concession.

17. AWARD AND EXECUTION OF CONCESSION AGREEMENT; AND CONCESSION PERFORMANCE BOND

The award of the Concession will be made within ninety (90) days after the deadline for submission of Proposal Packages, provided that the award may be delayed for a reasonable additional time period to permit investigation by the State into the accuracy and truthfulness of the representations made by the successful Qualified Proposer in its Proposal Package. The State reserves the right to reject all Proposal Packages and to re-advertise the Concession if it is determined by the Director that such rejection is warranted and is in the best interest of the State and/or the general public. The award of the Concession is within the Director's sole discretion and shall be final.

The Concession Agreement (Appendix C) shall be executed by the successful Qualified Proposer, properly notarized by a notary public, and returned, together with a satisfactory Concession Performance Bond, within ten (10) calendar days after the successful Qualified Proposer has received the Concession Agreement for execution, or within such further time as the Director may allow in writing. Failure to execute the Concession Agreement and to file an acceptable Concession Performance Bond, as required, within ten (10) days after the successful Qualified Proposer has received the Concession Agreement for execution and proper notarization by a notary public, or within such further time as the Director may allow in writing, shall be just cause for the annulment of the award. If the successful Qualified Proposer refuses or fails to execute the Concession Agreement, the State may award the Concession to the next highest ranked Qualified Proposer, as determined by the Evaluation Committee, or publish another call for Proposals.

The Concession Performance Bond shall be in the amount equal to six (6) months of the minimum annual guaranteed concession fee (MAG) for the appropriate agreement year and shall be maintained in full force and effect by the successful Qualified Proposer (the Concessionaire) at all times from the commencement date of the Concession Agreement until ninety (90) days after the expiration or sooner termination of the Concession Agreement. Further, the Concession Performance Bond shall be maintained by the Concessionaire, at its own cost and expense, and shall cover the Concessionaire's operations during the entire term of the Concession Agreement; provided that suits thereon by the State, or State of Hawaii or anyone else entitled to do so, may be commenced within the period of limitation for contract claims unless otherwise specifically provided.

If the Concession Performance Bond is for a period less than the full term of the Concession Agreement plus ninety (90) days, the Concessionaire, at least sixty (60) days prior to



the expiration date of the Concession Performance Bond, shall submit another Concession Performance Bond providing coverage beyond the expiration date of the Concession Performance Bond. If the State should receive a notice that the Concession Performance Bond will be canceled, the Concessionaire shall provide the State with a replacement Concession Performance Bond providing coverage from the effective date and time of the bond cancellation so that there is no period of time wherein a Concession Performance Bond does not cover the Concession Agreement, as provided for herein. Such replacement bond must be forwarded to and received by the State at least twenty (20) days prior to the effective date and time of the bond cancellation.

In the event that a replacement bond or another Concession Performance Bond is not received by the State prior to the effective date and time of the bond cancellation or expiration, as stated, the Concession Agreement shall be deemed in default in accordance with the terms of the Concession Agreement, and the full amount of the face of the bond, and an additional \$250.00 per day that there is no bond coverage, shall be payable to the State as liquidated damages.

If the surety or sureties on the bond shall be other than a surety company authorized to do business under the laws of the State of Hawaii, the provisions of Section 102-12, HRS, shall apply.

The Concessionaire shall pay the State administrative costs in the amount of ONE THOUSAND NO/100 DOLLARS (\$1,000.00) upon the Concessionaire's proper execution and notarization of the Concession Agreement.

#### 18. FUTURE/OTHER CONCESSIONS

The State of Hawaii Department of Human Services (DHS) News Vendor through the Settlement Agreement dated July 28, 1993 (the "Settlement Agreement"), has been allowed to sell various sundry items at the Airport which could include some items that may result in overlap of offerings with the Concession. The Concession Agreement shall be subject to the Settlement Agreement as more specifically described in the Concession Agreement.

While the State makes no guarantees regarding possible future actions, proposers should be aware that the State contemplates establishing other concessions at the Airport which may result in incidental overlap of offerings and services with the Concession. The State will not grant another retail concession to anyone else during the term of the Concession Agreement in the Airport's terminal buildings except to the extent provided in Appendix C, Concession Agreement, Article V. (Use of Premises), nor will the State itself manage any other retail concession in the terminal buildings at the Airport during the term of the Concession Agreement except as otherwise provided in the Concession Agreement.

19. TAXES

The Concessionaire shall pay all applicable taxes based on the gross receipts derived from the Concession at the Airport and any and all property taxes which may be applicable for the exclusively demised premises granted under the Concession Agreement.

20. GENERAL INFORMATION

Attachment 1 to these IP provides information regarding past passenger activity at Daniel K. Inouye International Airport for the years 2014 to February 2024.

Attachment 2 to these IP provides the reported Concession gross receipts from April 2018 to March 2024.

These Attachments 1 and 2 (collectively, “Attachments”) are for the general information of interested proposers only and form no part of the Concession Agreement. The Department of Transportation does not guarantee or warrant the accuracy of the information contained in the Attachments. Interested proposers are further advised that the information pertaining to the number of inter-island/overseas passenger arrivals, departures and through, and concession gross receipts in prior years are representations of historical activity and are not necessarily indicative of future trends or activity levels. Such passenger traffic may be subject to changes in airport activity, construction, or other events which may alter conditions.

Although interested proposers should acquaint themselves with passenger traffic patterns and conditions existing at the Airport, it should be noted that such patterns or conditions are always subject to change, adjustment or alteration, and therefore, cannot be considered permanent. The successful Qualified Proposer selected will not be provided compensation or adjustments to the minimum annual guaranteed concession fee (MAG) owed to the State for the appropriate agreement year should future arriving passenger levels affect the Concession at the Airport.

21. OTHER REQUIREMENTS

Each interested proposer should carefully examine all documents relating to this Concession RFP and judge for itself all the circumstances and conditions affecting its Proposal Package. Failure on the part of any interested proposer to make such examination and to investigate thoroughly shall not be grounds for any claim that the proposer did not understand the conditions of its Proposal Package. Any and all interested proposers shall have the burden to notify the Director, in writing, of any ambiguity, inconsistency or conflict in the Concession RFP Documents. Failure to so notify the Director in writing shall be deemed to be a waiver of that proposer’s right to claim an ambiguity, inconsistency or conflict in the Concession RFP Documents.

22. ATTACHMENTS TO IP

1. Attachment 1 to IP (History of Passenger Traffic)
2. Attachment 2 to IP (History of Gross Receipts)
3. Attachment 3 to IP (Final Questions Submittal Form)
4. Attachment 4 (Requirements for Participation by Disadvantaged Business Enterprises (DBEs))

23. APPENDICES

- A. Proposal Intent Package, consisting of:
  - Appendix A (Notice of Interest)
  - Appendix A, Attachment 1 (Qualification Questionnaire)
  - Appendix A, Attachment 2 (DBE Participation Questionnaire)
  - Appendix A, Attachment 3 (Statement of Affirmation and Acknowledgment of Disadvantaged Business Enterprise (DBE) Requirements)
- B. Proposal Package, consisting of:
  - Appendix B (Proposal)
  - Appendix B, Attachment 1 (Affidavit of Non-Collusion)
  - Appendix B, Attachment 2 (Proposal Bond)
  - Appendix B, Attachment 3 (DBE Proposal)
  - Appendix B, Attachment 4 (Confirmation by DBE)
  - Appendix B, Attachment 5 (Tax Clearance Certificates)
- C. Concession Agreement (Appendix C) and Index
- D. Concession Performance Bond (Appendix D)

ATTACHMENT 1 TO IP  
HISTORY OF PASSENGER TRAFFIC

Airport statistical data on passenger counts are presented in the following tables:

DANIEL K. INOUE INTERNATIONAL AIRPORT  
INTER-ISLAND/OVERSEAS PASSENGERS  
(ARRIVALS, DEPARTURES, THROUGH)

<b>YEAR</b>	<b>INTER-ISLAND</b>	<b>OVERSEAS</b>	<b>TOTAL</b>
2014	6,258,885	13,083,008	19,341,893
2015	6,217,591	13,419,182	19,636,773
2016	6,326,860	13,715,891	20,042,751
2017	6,727,582	14,389,824	21,117,406
2018	6,262,356	14,572,533	20,834,889
2019	6,550,683	15,050,443	21,601,126
2020	2,315,782	4,218,092	6,533,874
2021	3,710,496	8,354,490	12,064,986
2022	6,366,426	18,348,804	18,348,804
2023	6,961,748	13,993,040	20,954,788

Proposers are advised that figures pertaining to the number of inter-island/overseas passenger arrivals and departures in prior years are representations of historical activity and not necessarily indicative of future trends or activity levels. Such passenger traffic may be subject to changes in airport activity, construction or other events which may alter conditions.

THE DEPARTMENT OF TRANSPORTATION DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED IN THIS ATTACHMENT.

DANIEL K. INOUE INTERNATIONAL AIRPORT  
 INTER-ISLAND/OVERSEAS PASSENGERS  
 (ENPLANEMENTS)

<b>YEAR</b>	<b>INTER-ISLAND</b>	<b>OVERSEAS</b>	<b>TOTAL</b>
2014	3,133,439	6,537,558	9,670,997
2015	3,115,387	6,706,378	9,821,765
2016	3,144,904	6,857,806	10,002,710
2017	3,365,872	7,169,473	10,535,345
2018	3,124,192	7,260,942	10,385,134
2019	3,276,696	7,506,901	10,783,597
2020	1,150,353	2,088,782	3,239,135
2021	1,855,091	4,176,130	6,031,221
2022	3,180,821	5,973,967	9,154,788
2023	3,477,955	6,970,341	10,448,296

Proposers are advised that figures pertaining to the number of inter-island/overseas passenger arrivals and departures in prior years are representations of historical activity and not necessarily indicative of future trends or activity levels. Such passenger traffic may be subject to changes in airport activity, construction or other events which may alter conditions.

THE DEPARTMENT OF TRANSPORTATION DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED IN THIS ATTACHMENT.



ATTACHMENT 2 TO IP  
HISTORY OF GROSS RECEIPTS

RETAIL CONCESSION  
DANIEL K. INOUE INTERNATIONAL AIRPORT

Concession Year	Gross Receipts
April-18	\$4,603,254.00
May-18	\$5,102,889.00
Jun-18	\$5,005,836.00
Jul-18	\$4,981,309.00
Aug-18	\$5,456,708.00
Sep-18	\$4,764,992.00
Oct-18	\$4,750,785.00
Nov-18	\$4,790,545.00
Dec-18	\$4,747,788.00
Jan-19	\$4,924,454.00
Feb-19	\$4,933,044.00
Mar-19	\$4,781,370.00
<b>Total</b>	<b>\$58,842,974.00</b>

Concession Year	Gross Receipts
Apr-19	\$4,284,740.00
May-19	\$5,169,483.00
Jun-19	\$5,031,680.00
Jul-19	\$5,319,200.00
Aug-19	\$5,625,181.00
Sep-19	\$4,786,848.00
Oct-19	\$4,753,839.00
Nov-19	\$4,700,714.00
Dec-19	\$4,763,527.00
Jan-20	\$4,953,090.00
Feb-20	\$4,110,273.00
Mar-20	\$2,108,371.00
<b>Total</b>	<b>\$55,606,946.00</b>

<b>Concession Year</b>	<b>Gross Receipts</b>
Apr-20	\$0.00
May-20	\$0.00
Jun-20	\$0.00
Jul-20	\$0.00
Aug-20	\$0.00
Sep-20	\$0.00
Oct-20	\$0.00
Nov-20	\$0.00
Dec-20	\$25,279.00
Jan-21	\$54,247.00
Feb-21	\$32,704.00
Mar-21	\$44,336.00
<b>Total</b>	<b>\$156,566.00</b>

<b>Concession Year</b>	<b>Gross Receipts</b>
Apr-21	\$258,364.00
May-21	\$803,848.00
Jun-21	\$1,520,361.00
Jul-21	\$1,872,549.00
Aug-21	\$2,007,996.00
Sep-21	\$1,416,138.00
Oct-21	\$1,589,720.00
Nov-21	\$1,670,235.00
Dec-21	\$1,918,616.00
Jan-22	\$1,627,877.00
Feb-22	\$1,523,350.00
Mar-22	\$2,138,070.00
<b>Total</b>	<b>\$18,347,124.00</b>

<b>Concession Year</b>	<b>Gross Receipts</b>
Apr-22	\$2,343,811.00
May-22	\$2,559,069.00
Jun-22	\$2,599,884.00
Jul-22	\$2,940,514.00
Aug-22	\$3,350,236.00
Sep-22	\$2,888,827.00
Oct-22	\$2,877,559.00
Nov-22	\$2,846,529.00
Dec-22	\$3,284,544.00
Jan-23	\$3,329,446.00
Feb-23	\$2,870,394.00
Mar-23	\$3,426,493.00
<b>Total</b>	<b>\$35,317,306.00</b>

<b>Concession Year</b>	<b>Gross Receipts</b>
Apr-23	\$3,186,293.00
May-23	\$3,682,150.00
Jun-23	\$3,556,960.00
Jul-23	\$3,746,414.00
Aug-23	\$3,975,126.00
Sep-23	\$3,595,504.00
Oct-23	\$3,569,320.00
Nov-23	\$3,470,224.00
Dec-23	\$3,611,589.00
Jan-24	\$3,477,372.00
Feb-24	\$3,454,524.00
Mar-24	\$3,528,013.00
<b>Total</b>	<b>\$42,853,489.00</b>

Proposers are advised that the foregoing information pertaining to reported gross receipts from the concession in prior years are merely representations of past trends or historical activity levels based on the best information available to the Department of Transportation and are not necessarily indicative of future trends or activity levels.

THE DEPARTMENT OF TRANSPORTATION DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED IN THIS ATTACHMENT.

ATTACHMENT 3 TO IP  
FINAL QUESTIONS SUBMITTAL FORM

CONCESSION: RETAIL  
DANIEL K. INOUE INTERNATIONAL AIRPORT

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

QUESTIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Must be submitted by 4:30 p.m. Hawaiian Standard Time, September 6, 2024)

ATTACHMENT 4 TO IP

REQUIREMENTS FOR PARTICIPATION BY  
DISADVANTAGED BUSINESS ENTERPRISES (DBEs)

- I. GENERAL - The following shall be incorporated as part of the Concession RFP Documents for compliance. If any requirements herein are in conflict with the Notice to Proposers, Instructions to Proposers, Proposal Intent Package, Proposal Package, Concession Agreement and Concession Bond, the attachments herein shall prevail unless specifically superseded or amended by addendum.
- II. DISADVANTAGED BUSINESS ENTERPRISE - The Concession Agreement is subject to Title 49, Code of Federal Regulations, Parts 23 and 26, entitled, "Participation by Disadvantaged Business Enterprises in Airport Concessions" and "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs" (hereinafter collectively referred to as the "DBE Regulation"), which is incorporated and made a part of said agreement by this reference.

- A. POLICY. It is the policy of the U.S. Department of Transportation ("U.S. DOT") and the State of Hawaii, Department of Transportation ("Department"), that Disadvantaged Business Enterprises ("DBEs"), as defined in the DBE Regulation, have an equal opportunity to receive and participate in federally-assisted projects and airport concession leasing. The DBE Regulation applies to the Concession Agreement.
- B. DBE OBLIGATION. The proposer shall take all necessary and reasonable steps in accordance with the DBE Regulation, to ensure that DBEs have an equal opportunity to compete for and perform on the Concession Agreement. The proposer shall not discriminate on the basis of race, color, national origin or sex in the performance of the Concession Agreement.
- C. DBE ASSURANCES. The Concession Agreement is subject to the requirements of the DBE Regulation. The Concessionaire shall not discriminate against any business or the owners thereof, because of the owner's race, color, national origin or sex in connection with the award or performance of any concession agreement covered by the DBE Regulation.

The proposer agrees to include the above statements in any subsequent concession agreements that it enters into with other businesses and cause those businesses to include similar statements in further agreements.

- D. FAILURE TO COMPLY WITH DBE REQUIREMENTS. ALL PROPOSERS ARE HEREBY ADVISED THAT FAILURE TO CARRY OUT ALL DBE REQUIREMENTS SPECIFIED HEREIN



CONSTITUTES A MATERIAL BREACH OF CONTRACT THAT MAY RESULT IN TERMINATION OF THE CONTRACT OR SUCH OTHER REMEDY AS DEEMED APPROPRIATE BY THE DEPARTMENT.

- E. Proposers shall fully inform themselves with respect to the requirements of the DBE Regulation. Particular attention is directed to the following matters:
1. A DBE must be a small business concern, as defined pursuant to the DBE Regulation that is at least fifty-one percent (51%) owned and controlled by one or more socially and economically disadvantaged individuals, who are United States citizens or lawfully admitted permanent residents of the United States.
  2. A DBE may participate as a prime concessionaire, sublessee, joint venture, partnership or other legal arrangement.
  3. A DBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
  4. A DBE must be certified by the Department prior to proposal submittal before credit may be allowed toward the DBE goal. Proposers shall verify that a DBE is currently certified as a DBE prior to proposal submittal.

III. DBE GOAL FOR THIS CONCESSION - In accordance with the DBE Regulation, the Department's Airports has implemented a DBE concession plan under which qualified firms may have the opportunity to operate or participate in an airport business. A DBE goal of fifteen percent (15%) has been established for this concession. Proposers shall take all reasonable and necessary steps to achieve this goal.

Compliance with DBE participation requirements may be fulfilled by utilizing DBEs as sublessee, joint venturers, partners or by other legal arrangements meeting the eligibility standards in the DBE Regulation. In the event that the proposer qualifies as a DBE, the DBE goal shall be deemed to have been met.

Proposers will be required to submit information concerning the DBE firms(s) that will participate in this concession, including the name and address of each firm, the annual estimated gross receipts to be earned by each named firm, a description of the legal arrangement(s) to be utilized by the proposer and the DBEs, and the total overall estimated annual gross receipts to be earned by the concession.

If the proposer is unable to achieve the DBE goal stated herein, it shall provide copies of any and all documentation with its proposal that support or demonstrate that the proposer

took all necessary and reasonable steps and made good faith efforts, as provided herein, to meet the DBE goal for this concession.

A proposal that fails to comply with all of the foregoing requirements will be rejected.

IV. ACCEPTABLE FORMS OF DBE PARTICIPATION - Proposers may achieve the DBE participation goal for this concession by way of any of the following methods:

- A. The proposer itself is certified as a DBE.
- B. The proposer is a joint venture, or partnership, or other legal arrangement that has a certified DBE as a partner or legal participant, and the DBE's interest and participation in the joint venture, or partnership, or other legal arrangement is not less than the DBE goal amount established for the concession. A joint venture, or partnership, or other legal arrangement seeking to meet the DBE goal requirement shall comply with the following criteria:
  - 1. "Joint Venture" shall mean an association of a DBE firm and one or more other firms to carry out a single, for-profit, business enterprise (e.g., a special joining of firms for a specific project). "Partnership" shall mean an association of a DBE firm and one or more other firms to carry on as co-owners of a continuing, for-profit, business enterprise. In order to meet the requirements of the DBE Regulations for a joint venture or partnership, the parties to such an association must combine their property, capital, efforts, skill and knowledge, with the DBE being responsible for a distinct, clearly defined portion of the work of the concession, and with the DBE's share in the capital contribution, control management, risks, and profits of the joint venture or partnership being commensurate with its ownership interest. Other "legal arrangement" shall mean an arrangement with DBE participation, which meets the eligibility standards in Title 49, CFR, Part 23.
  - 2. The DBE's participation will be determined based upon the specific portion of the sales of the concession that the DBE performs with its own forces, as supported by the documentation and other information submitted by the proposer.
- C. The proposer will sublease a portion of the concession premises to certified DBE(s). Such sublease(s) is subject to the prior written consent of the Department, and shall contain, at a minimum, the following:
  - 1. The sublease(s) shall commence simultaneously with the beginning of the agreement term and run concurrent with the agreement until its expiration, sooner termination, or expiration of holdover, if any, thereof.
  - 2. The portion of the premises subleased shall be for the DBE(s) exclusive use, enabling the DBE(s) to generate at least the DBE goal amount based

upon the total annual gross receipts generated by the entire concession operation at the Department's Airport, as supported by the documentation and other information provided by the proposer.

3. The DBE portion of the concession must be distinguishable from the rest of the concession in terms of operations and/or products, provided that the DBE's portion of the concession shall be limited to the overall product assignments granted under the concession.
4. The DBE sublessee(s) shall bear no more of the costs than the actual investment required to improve or develop its exclusively subleased space(s).
5. All financial reports and statements required under the Concession Agreement, which identify concession sales activity or volumes, shall distinguish between sales of the DBE sublessee(s), and that of the rest of the concession.

V. DBE PROPOSAL INFORMATION - With the exception of the DBE certification application, proposers are required to submit certain information with their Proposal Intent Package and Proposal Package. Such information is subject to verification by the Department. The Department may also require additional information or clarification.

A. As part of the Proposal Intent Package, the proposer shall complete and attach the following documents, together with the proposer's Notice of Interest, and Qualification Questionnaire by the deadline:

1. DBE Participation Questionnaire with attached documents, as required. All information in the DBE Participation Questionnaire, along with documents submitted by a proposer in response to said Questionnaire, shall remain confidential. The DBE Participation Questionnaire and documents submitted pursuant to said Questionnaire that were submitted by an unsuccessful proposer shall be returned after the concession has been awarded.
2. Statement of Affirmation and Acknowledgment of Disadvantaged Business Enterprise Requirements.

B. As part of the proposer's Proposal Package, the proposer shall complete and submit the following documents together with the proposer's Proposal, Affidavit of Non-Collusion, Proposal Bond, and Tax Clearance Certificates:

1. DBE Proposal, together with all required attachments as specified therein.
2. Confirmation by DBE for each of the DBEs listed by the proposer on the DBE Proposal. Proposers shall not be given credit toward the DBE goal for any DBEs listed by the proposer for which written confirmation from

the DBE of its participation in the concession is not submitted to the Department with the Proposal Package.

- VI. AWARD OF CONTRACT - The Department reserves the right to reject any or all proposals. The award of contract, if it were awarded, will be to the highest-ranked proposer, who meets or exceeds the contract DBE goal, or who has made good faith efforts to do so, as determined by the Department.
- A. If the highest-ranked proposer meets or exceeds the DBE goal, such proposer will be awarded the concession.
- B. If the highest-ranked proposer does not meet the DBE goal, such proposer shall submit all relevant information with the proposal that the proposer believes demonstrates that the proposer made good faith efforts to meet the contract DBE goal. Failure to submit such information with the proposal will result in the rejection of the proposal. It shall be the sole responsibility of the proposer to submit any and all documents, logs, correspondence, and any other records or information to the Department that the proposer believes will demonstrate that the proposer made good faith efforts to meet the DBE goal. Additionally, the proposer shall submit a list of each DBE contacted by the proposer for this concession, and shall also submit a written explanation for each DBE that was contacted by the proposer for this concession, that details the reasons for the proposer's failure or inability to utilize or to allow the DBE to participate in this concession. In its good faith effort evaluation, the Department may, but shall not be required to perform the following as part of its evaluation: a) Request additional information and documents from the proposer; b) Compare the proposer's proposal and the DBEs utilized by the proposer, with other proposals submitted for this concession, and the DBEs listed in those other proposals; c) Verify contacts by the proposer with DBEs; and d) Compare the DBEs and the categories of DBEs targeted by the proposer for participation in this concession, with the total, available pool of DBEs available for each particular category targeted by the proposer. If, after thoroughly reviewing and investigating the matter, the Department determines that the proposer has successfully demonstrated that it made sufficient good faith efforts to meet the goal, the proposer will be awarded the concession.
- C. If the proposer does not meet the DBE goal, and does not demonstrate to the satisfaction of the Department that it made sufficient good faith efforts to meet the DBE goal, such proposal will be rejected as non-responsive. The Department will consider the next proposer for award in accordance with paragraph A or B above.
- VII. EVIDENCE OF GOOD FAITH EFFORTS - The kinds of effort that will be considered demonstrative of "Good Faith Efforts" include but are not limited to the following:
- A. Whether the proposer solicited through all reasonable and available means (e.g., attendance at pre-proposal meetings, advertising and/or written notices), the interest of all certified DBEs who have the capability to perform part or all of the

concession operation. The Department will also consider whether the proposer solicited the participation of potential DBEs in sufficient time to allow the DBEs to inquire about and properly respond to the solicitation, and will also review whether the proposer took appropriate steps to follow up its initial contact with interested DBEs to facilitate participation by DBEs in this concession;

- B. Whether the proposer identified and broke up portions of the concession that can be performed by DBEs in order to increase the likelihood that a DBE could participate and the DBE goal could be achieved. (e.g., breaking out product lines into economically feasible units to facilitate DBE participation, even when a proposer might otherwise prefer to carry these products with its own staff.);
- C. Whether the proposer provided interested DBEs with adequate information about the terms and conditions of the Concession Agreement in a timely manner, and assisted them in responding to the proposer's solicitation of participation in this concession;
- D. Whether the proposer negotiated in good faith with interested DBEs. It is a proposer's responsibility to make portions of the concession available to prospective DBEs that are consistent with or appropriate to the types and classes of services, products, or activities of available DBEs, so as to facilitate DBE participation. Evidence of such negotiations includes documenting: a) names, addresses and telephone numbers of DBEs that were contacted; b) the information provided to prospective DBEs regarding the portion of the concession to be sublet or allocated; and c) why agreements could not be reached with DBEs to participate in this concession.

The fact that there may be additional or higher costs associated with finding and utilizing DBEs are not, by themselves, sufficient reasons for a proposer's refusal to utilize a DBE, or the failure to meet the DBE goal, provided that such additional costs are not unreasonable. Also, the ability or desire of a proposer to operate a portion of the concession, with its own organization, that could have been undertaken by an available DBE, does not relieve the proposer of the responsibility to make good faith efforts to meet the DBE goal, and to make available and solicit sufficient DBE participation in other areas of the concession operation, to meet the DBE goal;

- E. Whether the proposer rejected DBEs as being unsuitable without sound reasons, based on a thorough investigation of their capabilities. The DBE's standing within the industry, membership in specific groups, organizations or associations and political or social affiliations are not legitimate bases for the rejection of, or non-solicitation of proposals from particular DBEs;
- F. Whether the proposer made efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance;



- G. Whether the proposer made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services; and
  - H. Whether the proposer effectively used the services of available minority/women community organizations, minority/women business groups, local, state and federal minority/women business assistance offices and other organizations in the recruitment of DBE participation in the concession.
- VIII. RECORDS AND REPORTS - The concessionaire shall maintain and keep all records necessary for the Department to determine compliance with the concessionaire's DBE obligations. The records shall be available at reasonable times and places for inspection by the Department and appropriate federal agencies.
- IX. SUBLEASING - No substitution of a DBE sublessee shall be made at any time without the prior written consent of the Department. If a DBE sublease(s) should ever terminate prior to the expiration, or expiration of holdover of the Concession Agreement, the proposer, as Concessionaire, is responsible for operation of the subleased portion of the concession, and the Concessionaire shall make good faith efforts to execute a replacement sublease(s), within ninety (90) days of the termination of the sublease(s), with another certified DBE(s), to again satisfy the DBE goal. Failure to obtain a substitute, certified DBE as a sublessee, or to make good faith efforts to obtain such a substitute DBE sublessee, may constitute a breach of the Concession Agreement for which the Department may terminate the Concession Agreement or pursue such other remedy as is deemed appropriate by the Department.

APPENDIX A

PROPOSAL INTENT PACKAGE

OPERATION OF THE RETAIL CONCESSION  
DANIEL K. INOUE INTERNATIONAL AIRPORT  
ISLAND OF OAHU  
STATE OF HAWAII

Name of Proposer (Print) \_\_\_\_\_

Mailing and Business Address (Print) \_\_\_\_\_

APPENDIX A  
NOTICE OF INTEREST

Date: \_\_\_\_\_

Director of Transportation  
Department of Transportation  
c/o Airports  
ATTN: Property and Business Development Office  
Daniel K. Inouye International Airport  
Inter-Island Terminal Building  
400 Rodgers Boulevard, Suite 700  
Honolulu, Hawaii 96819-1880

Dear Sir:

You are hereby notified that it is the intent of the undersigned to submit a Proposal Package for the Retail Concession at Daniel K. Inouye International Airport, Island of Oahu, State of Hawaii.

Attached hereto is our fully completed Qualification Questionnaire (Appendix A, Attachment 1).

Very truly yours,

\_\_\_\_\_  
(Name of Firm or Individual)

By \_\_\_\_\_  
(Signature)

Title: \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone No.)

APPENDIX A  
NOTICE OF INTEREST

APPENDIX A, ATTACHMENT 1  
QUALIFICATION QUESTIONNAIRE

All information requested in the Qualification Questionnaire (Appendix A, Attachment 1) must be furnished by each Business Entity (also referred to herein as "Registered Business Entity"), and must be submitted with the Proposal Intent Package, which includes Registered Business Entity's Notice of Interest. Statements must be complete and accurate and in the form requested. Omission, inaccuracy, or misstatement may be cause for finding the Registered Business Entity not qualified to submit a Proposal Package (Appendix B) for the Retail Concession at the Daniel K. Inouye International Airport.

(NOTE: The Qualification Questionnaire shall be kept confidential as described in this solicitation and to the extent permitted by law)

1. Provide the name of the Registered Business Entity exactly as it is to appear on the Concession Agreement:

---

---

2. Provide the mailing address and place of business (street address), telephone number, facsimile number and email address of the Registered Business Entity:

---

---

---

3. The Registered Business Entity, if selected, intends to carry on the business as:

Individual ( ), Partnership ( ), Joint Venture ( ), Corporation ( ),  
Limited Liability Company ( ), or Other ( ). If "Other", attach explanation.

4. Provide Federal Identification Number (Federal I.D. No.) and State of Hawaii Department of Taxation Gross Excise Tax (G.E.T.) License Number for taxation purposes:

Federal I.D. No.: \_\_\_\_\_

Hawaii Gross Excise Tax License No.: \_\_\_\_\_

5. If the Registered Business Entity is a partnership or joint venture, attach a copy of the partnership agreement or joint venture agreement and answer the following:

A. Name, address, and percentage interest of each partner of the partnership or each member of the joint venture:

<u>Name</u>	<u>Address</u>	<u>Percentage Interest</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Date of Organization: \_\_\_\_\_

C. General or Limited Partnership (if applicable): \_\_\_\_\_

D. Where Recorded: \_\_\_\_\_  
County
State
Date

E. Registered in Hawaii: Yes / No

If yes, as of what date: \_\_\_\_\_

F. If Registered Business Entity is part of a parent organization or larger partnership or joint venture of any form, provide an organization chart showing Registered Business Entity's position and position of general and limited partners and any other related or controlling entity.

6. If the Registered Business Entity is a corporation or a limited liability company, answer the following:

A. When incorporated/formed: \_\_\_\_\_

B. In what state or country: \_\_\_\_\_

C. Authorized to do business in Hawaii: Yes / No



If yes, as of what date: \_\_\_\_\_

D. How is the corporation held:

Publicly ( ) Privately ( ); if publicly held list how and where the corporation's stock is traded: \_\_\_\_\_

\_\_\_\_\_

E. Name, address, experience in the business, and shares of stock or membership interests held by the following officers:

<b>Officer</b>	<b>Name</b>	<b>Address</b>	<b>Shares of Stock or Membership Interests</b>	<b>% of Total</b>	<b>Experience in the Business</b>
<b>President</b>					
<b>Vice President</b>					
<b>Secretary</b>					
<b>Treasurer</b>					
<b>Other</b>					

F. Name, address, and shares of stock or membership interests held by each Member of the Board of Directors or Management Committee:

Name	Address	Shares of Stock or Membership Interests	% of Total

G. Name, address and shares of stock or membership interests held by other “principal” stockholders or members. (A “principal” stockholder or member is defined as a stockholder or member who holds or owns 10% or more of the outstanding stock or membership interests of the corporation or limited liability company, respectively.)

Name	Address	Shares of Stock or Membership Interests	% of Total

Total Capitalization: \$ \_\_\_\_\_

Shares of capital stock or membership interests subscribed: \_\_\_\_\_

Amount paid-in: \$ \_\_\_\_\_

- H. Is the majority [i.e., more than fifty percent (50%)] ownership of the corporation or limited liability company held by a parent company?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide the information required by the preceding Items 6.A. through 6.G. for the parent company and the information required by the preceding Items 6.A. through 6.G. for all other majority-owned subsidiaries of the parent and indicate the percentage of ownership for each subsidiary.

- I. Does the corporation or limited liability company have any majority-owned [i.e., more than fifty percent (50%) owned] subsidiary companies?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide the information required by the preceding Items 6.A. through 6.G. for all subsidiary companies and indicate the percentage of ownership in each subsidiary company.

- J. If the Registered Business Entity uses trade names, doing-business-as-names, or other names in its business to identify Registered Business Entity, list the names and connection with each entity or part of its business.
- K. If the Registered Business Entity is part of a parent company or subsidiary of a larger corporate structure or similar sub-entity of a larger organization, provide an organization chart showing the Registered Business Entity's position in the organization.

7. If the Registered Business Entity is a joint venture, provide all applicable information in response to all questions in the preceding Items 5. and 6. for each joint venture member.

8. Minimum Qualification Criteria:

A Registered Business Entity, at the time its fully and properly completed Qualification Questionnaire (Appendix A, Attachment 1) is submitted to the State, must be capable of performing all of the covenants, terms and conditions of the Concession Agreement (Appendix C). Before any Registered Business Entity shall be entitled to submit the subsequent and required Proposal Package (Appendix B and all attachments) for the Concession, the State shall be satisfied with each Registered Business Entity's financial ability, experience, and competence to satisfactorily perform and complete all of the covenants, terms and conditions of the Concession Agreement (Appendix C). At a minimum, each Registered Business Entity must satisfy all the following minimum qualification criteria:

- A. Have at least five (5) years of verifiable, continuous experience within the last seven (7) years in retail operations, management and administration involving public or private airports.

- B. Have verifiable, annual combined gross receipts derived or generated from retail operations, management and administration involving public or private airports in each qualifying year exceeding TWENTY MILLION DOLLARS (\$20,000,000.00).
- C. Provide ownership and organizational documents that verify, support and provide evidence of the Registered Business Entity's legitimacy in each qualifying year.

If a Registered Business Entity is a joint venture, each joint venture partner must individually satisfy the foregoing qualification criteria.

All Registered Business Entities must provide a detailed narrative of prior qualifying experience(s), duties and responsibilities, and scope of work performed, together with bona fide references to substantiate such qualifying experience(s). A completed Qualification Questionnaire may contain additional information considered pertinent by the Registered Business Entity with respect to its qualifications.

9. Summary of Experience:

To complete this Qualification Questionnaire, each Registered Business Entity must submit a narrative response that describes in detail how the Registered Business Entity meets the minimum qualification requirement of at least five (5) years of verifiable, continuous experience within the last seven (7) years as an owner and operator of a retail business in public or private airports with annual combined gross receipts derived or generated from such business in each qualifying year exceeding \$20,000,000.00. Please follow the same format set forth below for your response. The following information must be included:

- A. Retail business experience as an owner and operator in public or private airports.
  - (1) Names, nature. For the required five (5) years of experience within the last seven (7) years, the names and addresses of business locations or facilities located in public or private airports which were owned and operated by the Registered Business Entity, together with a description of the nature and scope of the Registered Business Entity's retail operations, including, without limitation, the location and type of business (e.g. airport, transportation center, hotel concession, harbor, port, or other complex). If the experience is attributable to an entity other than the Registered Business Entity, state how this experience is germane to the Registered Business Entity's ability to perform.
  - (2) Period of retail business operation. Number of years (including dates of business operation) the Registered Business Entity has owned and operated said retail business and the nature of the Registered Business Entity's relationship to such business (how owned and operated).
- B. Gross receipts. Gross receipts derived or generated from the Registered Business Entity's retail operations at each location or facility for each of the qualifying five (5) years.

If the Registered Business Entity has owned another business within the past five (5) years and is using that experience to meet the minimum qualification criteria, please provide the gross receipts for that business. Each Registered Business Entity must attach evidence of such gross receipts by way of the Audited Statement of Revenues of the Registered Business Entity named in this Qualification Questionnaire prepared by a licensed independent certified public accountant (except unaudited Statement of Revenues may be submitted for the Registered Business Entity's current operating year) for each of the qualifying years for said retail business and/or other businesses.

- C. Ownership and organizational documents. Each Registered Business Entity must provide ownership and organizational documents that cover each of the qualifying years, which evidence must be reasonably satisfactory to the State. Without limiting the generality of the foregoing, each Registered Business Entity must submit the following items:
- (1) Organizational documents. Organizational documents, such as joint venture/partnership agreement, corporate articles/bylaws, share certificates.
  - (2) Audited financial statements. A complete set of the entire Audited Financial Statements (Independent Auditor's Report, Balance Sheet, Statement of Revenues, Expenses and Changes to Retained Earnings, Statement of Cash Flows, Notes to the Financial Statements and all Supplementary Information) (hereinafter collectively referred to as the "Audited Financial Statements") of the Registered Business Entity named in this Qualification Questionnaire for the most recent three (3) calendar years or fiscal years of operation. The Audited Financial Statements must be prepared and certified by a licensed independent certified public accountant. The Audited Financial Statements may not be prepared or submitted to the State on a condensed or similar summary basis. For example, the submission of a condensed statement of assets, liabilities, and partners' capital (regardless of whether the same was submitted as part of a Federal or State tax return filing) will not be sufficient to satisfy the Registered Business Entity's obligation herein to submit Audited Financial Statements.
    - (a) Individual. If the Registered Business Entity is an individual, submit audited personal financial statements (net worth) in accordance with this Section 9.C.(2).



(b) Registered Business Entity recently formed.

- 1) Registered Business Entity itself. If the Registered Business Entity is a corporation, limited liability company, partnership, or joint venture that was formed within the last three (3) years, the Registered Business Entity must submit Audited Financial Statements, as prescribed and set forth in the preceding Section 9.C.(2), for each year that the corporation, limited liability company, partnership, or joint venture existed; and
- 2) Interest holders. The Audited Financial Statements, as required pursuant to the preceding Section 9.C.(2), for the following prior to the formation of the corporation, limited liability company, partnership, or joint venture, respectively, to assure that a minimum of three (3) consecutive years of audited financial statements are submitted for the Registered Business Entity:
  - a) For each principal stockholder if the Registered Business Entity is a corporation (a principal stockholder is defined as a stockholder who owns or holds 10% or more of the outstanding stock of the corporation);
  - b) For each principal member if the Registered Business Entity is a limited liability company (a principal member is defined as a member who owns or holds 10% or more of the outstanding membership interests in a limited liability company);
  - c) For each general partner, managing partner, and partner owning, having, or holding a 10% or more interest in the partnership, if the Registered Business Entity is a partnership; or,
  - d) For each member if the Registered Business Entity is a joint venture.

D. Prior name. State if the Registered Business Entity has ever operated under another name and/or ownership structure and if so, please identify all such names and describe the ownership structures.

E. Landlords. Provide the names, addresses, and telephone numbers of landlords and property managers for all operations listed above.

10. References.
  - A. Non-affiliated businesses. Attach reference letters from at least three non-affiliated business references.
  - B. Prior landlords. Attach reference letters from at least three previous landlords.
  - C. Registered Business Entity's management experience. Contents of the reference letters in the preceding Sections 10.A and 10.B herein shall include information directly related to the Registered Business Entity's management or ownership experience in a retail business.
11. Other information. List and provide any other information the Registered Business Entity may consider pertinent.
12. Affirmative Statement of Accuracy. The undersigned Registered Business Entity represents and warrants to the State as follows: (a) the undersigned person(s) are duly authorized representatives of the Registered Business Entity; and (b) all information submitted by the Registered Business Entity in this Qualification Questionnaire and Proposal Intent Package is complete, accurate, and truthful.

NAME OF REGISTERED BUSINESS ENTITY: \_\_\_\_\_

By \_\_\_\_\_  
Date \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
Print Name

By \_\_\_\_\_  
Date \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
Print Name

By \_\_\_\_\_  
Date \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
Print Name

By \_\_\_\_\_  
Date \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
Print Name

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

Notary Public, \_\_\_\_\_  
State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

APPENDIX A, ATTACHMENT 2

DBE PARTICIPATION QUESTIONNAIRE

\_\_\_\_\_, as a prospective proposer for the Retail Concession at Daniel K. Inouye International Airport, Honolulu, Hawaii, State of Hawaii, proposes to meet the DBE goal for the concession as follows:

- \_\_\_\_\_ A) Proposer, itself, is certified as a DBE.
- \_\_\_\_\_ B) Proposer is a joint venture, partnership, or other legal arrangement that has a certified DBE as a partner or participant and complies with the DBE Regulation.

Proposer shall attach a DBE Plan to this DBE Participation Questionnaire, which plan shall explain in detail, the arrangement by which the proposer intends to meet the DBE goal. The DBE plan shall include the name(s) of the proposed DBE partner(s), if available, the percentage(s) of the DBE partner's participation, and the role that each will play in the day-to-day business functions, operations, decision-making, controls and responsibilities of the concession.

- \_\_\_\_\_ C) Proposer will sublease a portion of the concession premises, in accordance with the requirements herein, to a certified DBE.

Proposer shall attach a DBE Plan with this DBE Participation Questionnaire, which plan shall explain in detail, the arrangement by which the proposer intends to meet the DBE goal. The DBE plan shall include the names of the proposed DBE(s) participating in the sublease, if available, a description of the spaces identified to be subleased, and a detailed explanation of the role that each DBE will play in the day-to-day business functions, operations, decision-making, controls and responsibilities of the concession.

- \_\_\_\_\_ D) Proposer has not yet determined how it intends to meet the DBE goal for the concession.

Proposer shall attach a detailed, written explanation of the steps it has taken to date, and the actions it will take prior to proposal submittal, to meet the DBE goal.

If the proposer, at the time of proposal submittal, makes any changes to the manner in which it proposes to meet the DBE goal for the concession, the proposer shall submit a detailed, written explanation of the specific changes made to the proposer's plan to meet the DBE goal, the specific reasons underlying any changes in the means or manner of meeting the DBE goal, and the date of such change(s). This detailed explanation shall be submitted with the revised DBE Plan, at the time of the proposal. Failure to submit this information with the proposal may warrant rejection of the proposal.

The proposer is cautioned that in the event that the proposer is unable to meet the DBE goal, for the concession, at the time of proposal submittal, the proposer shall be required to submit detailed documentation with the proposal, which demonstrates the proposer's "good faith efforts", as defined in the Requirements for Participation by Disadvantaged Business Enterprises, to achieve the goal. Failure to submit complete documentation and any other information required to be submitted which demonstrates the proposer's "good faith efforts" to meet the DBE goal, as detailed in the Requirements for Participation by Disadvantaged Business Enterprises (DBEs), Attachment 4 to IP, may warrant rejection of a proposal.

---

(Signature)

---

(Title)

---

(Name of Proposer's Firm)

---

(Address)

---

(Date)

APPENDIX A, ATTACHMENT 3

**STATEMENT OF AFFIRMATION AND ACKNOWLEDGMENT OF  
DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS**

The undersigned hereby affirms and acknowledges that he/she/it read and fully understands the Disadvantaged Business Enterprise (“DBE”) requirements of this concession, and fully understands that full compliance with the DBE program requirements of Title 49, Code of Federal Regulations, Parts 23 and 26, is a requirement and condition for award of this concession.

The undersigned agrees to be bound by all of the requirements of the DBE program in connection with the proposal to be submitted for the Retail Concession at Daniel K. Inouye International Airport, Honolulu, Hawaii.

The undersigned also acknowledges that he/she/it has reviewed and is familiar with the DBE goal for this concession, as well as all of the DBE certification requirements and awarding procedures, and agrees to follow and comply with all of the DBE requirements for this concession, including providing all documentation necessary to substantiate “good faith effort,” if applicable.

\_\_\_\_\_  
(Name of Proposer’s Firm)

By \_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Street Address or Mailing Address)

\_\_\_\_\_  
(City, State, Zip Code)

Dated: \_\_\_\_\_



APPENDIX B

PROPOSAL PACKAGE

OPERATION OF THE RETAIL CONCESSION  
DANIEL K. INOUE INTERNATIONAL AIRPORT  
ISLAND OF OAHU  
STATE OF HAWAII

Name of Proposer (Print): \_\_\_\_\_

Mailing and Business Address (Print): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE REPLACE THIS PAGE WITH THE PROPOSAL

APPENDIX B, ATTACHMENT 1

AFFIDAVIT OF NON-COLLUSION

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

\_\_\_\_\_ being first duly  
sworn deposes and says:

That the Proposal filed herewith is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization, corporation or entity; that such Proposal is genuine and not collusive or a sham; that said Qualified Proposer has not directly or indirectly induced or solicited any other Qualified Proposer to put in a false or sham Proposal, and has not, directly or indirectly colluded, conspired, connived, or agreed with any Qualified Proposer or anyone else to put in a sham Proposal, or refrain from submitting a Proposal; that said Qualified Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of said Qualified Proposer or of any other Qualified Proposer, or to fix any overhead, profit, or cost element of such Proposal price or that of any other Qualified Proposer, or to secure any advantage against the Department of Transportation of the State of Hawaii or anyone interested in the proposed Concession Agreement; that all statements contained in such Proposal are true; that said Qualified Proposer has not, directly or indirectly, submitted Qualified Proposer's Proposal price or any breakdown thereof or the contents thereof, or divulged information or data relative thereto, or paid or agreed to pay, directly or indirectly, any money, or other valuable consideration for assistance or aid rendered or to be rendered in procuring or attempting to procure the Concession Agreement, to any corporation, partnership, company, association, organization, or entity, or to any member or agent thereof, or to any other individual; and further that said Qualified Proposer will not pay or agree to pay, directly or indirectly, any money or other valuable consideration to any corporation, partnership, company, association, organization, or entity, or to any member or agent thereof, or to any other individual, for aid or assistance in securing the Concession Agreement in the event the same is awarded to:

---

(Name of Individual, Partnership, Joint Venture or Corporation)

---

Further Affiant sayeth not.

DATED at: \_\_\_\_\_

\_\_\_\_\_, 2024.

By (sign) \_\_\_\_\_

(Print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_,  
2024.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ Judicial Circuit  
State of \_\_\_\_\_

Doc. Description: \_\_\_\_\_

\_\_\_\_\_  
No. of Pages: \_\_\_\_\_

\_\_\_\_\_  
Notary signature

My Commission Expires: \_\_\_\_\_

APPENDIX B, ATTACHMENT 2

PROPOSAL BOND

Bond No. \_\_\_\_\_

(This Proposal Bond, fully executed, may be filed as a proposal deposit in lieu of the deposit of legal tender, or certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or a certified check accepted by, a bank, savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration as described in Section 102-6, Hawaii Revised Statutes.)

KNOW ALL BY THESE PRESENTS: That we, \_\_\_\_\_,  
\_\_\_\_\_,  
hereinafter called the "Principal," and \_\_\_\_\_,  
\_\_\_\_\_, a corporation duly licensed for the  
purpose of making, guaranteeing, or becoming sole surety upon bonds or undertakings required  
or authorized by the laws of the State of Hawaii, as "Surety", are held and firmly bound unto the  
State of Hawaii, and its successors and assigns, hereinafter called the "Obligee," in the sum of  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_),  
in lawful money of the United States of America, for the payment of which sum well and truly to  
be made, we bind ourselves, our heirs, legal representatives, successors and assigns, as the case  
may be, jointly and severally, and firmly by these presents.

WHEREAS, the Principal has submitted the accompanying Proposal, dated  
\_\_\_\_\_ 20\_\_, for a Concession Agreement with said Obligee for the Retail Concession  
at Daniel K. Inouye International Airport, Honolulu, Hawaii (hereafter the "Concession").

NOW, THEREFORE, if the aforesaid Principal shall not withdraw its Proposal  
for a period of ninety (90) calendar days after the opening of proposals, and if awarded the  
Concession Agreement upon said proposal, shall enter into the Concession Agreement with said  
Obligee within ten (10) business days after the Principal has received the Concession Agreement  
for execution and shall contemporaneously therewith or prior to the execution of such  
Concession Agreement, give to said Obligee the performance security (Concession Bond) in the  
form and amount as prescribed and set forth in the "Instructions to Proposers" with respect to  
and forming a part of said Concession Agreement, and in all respects in conformity with such  
instructions, then this obligation shall be null and void; otherwise the Principal and Surety shall  
pay unto the Obligee the sum of \_\_\_\_\_  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_),  
as and for damages sustained by the Obligee as a result of a failure on the part of the Principal to  
meet all of the obligations of the Principal contained herein.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Principal)

By \_\_\_\_\_  
Its

\_\_\_\_\_  
(Surety)

By \_\_\_\_\_  
Its Attorney-in-Fact

(ACKNOWLEDGMENTS)



APPENDIX B, ATTACHMENT 3

DBE PROPOSAL

Proposal \_\_\_\_\_  
Concession Name: Retail Concession at Daniel K. Inouye International Airport, Honolulu,  
Hawaii  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Total Proposal Amount \_\_\_\_\_ DBE Goal \_\_\_\_\_

Proposed DBE Participation level \_\_\_\_\_ %  
(Total estimated DBE Gross Receipts divided by the estimated total of Concession's Gross Receipts.)

**DBE FIRMS PARTICIPATING IN THIS CONCESSION AGREEMENT**  
(If necessary, use additional sheet)

Name of Firm \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Estimated \$ Amount of Gross Receipts \_\_\_\_\_  
Description of work DBE shall perform \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Firm \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Estimated \$ Amount of Gross Receipts \_\_\_\_\_  
Description of work DBE shall perform \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the Proposer, is certified as a DBE, the DBE goal shall be deemed to have been met. If the DBE listed above is participating in this Concession Agreement as a joint venture, a partnership, or other legal entity, as provided in Title 49, CFR, Part 23, the Proposer shall attach: [1] the complete joint venture, a partnership, or other legal agreement; [2] documentation specifically describing the role of the DBE(s) in the daily management and operation of the joint venture, partnership, or other legal entity; [3] the percentage of the DBE partner's participation and ownership in the joint venture, partnership, or other legal entity including profit and loss sharing, capital contributions, and their interests in the business, etc.; and [4] the annual estimated gross receipts to be earned by each partner, together with the total overall estimated annual gross receipts to be earned by the entire concession, and an explanation of the methodology used by the Proposer to calculate the estimated gross receipts.

If the DBE listed above will sublease a portion of the concession premises from the Proposer, the Proposer shall attach: [1] a detailed description of the role of the DBE(s) in the concession; [2] description of the role of the Proposer, as a sub-lessor, in the operation of the concession, and the Proposer's anticipated working relationship with the DBE(s); [3] for each DBE, the complete, but unexecuted, written sublease agreement that the Proposer and DBE(s) intend to enter into immediately following the award of the concession to the Proposer; and [4] the annual estimated gross receipts to be earned by each sublessee, together with the total overall estimated annual gross receipts to be earned by the entire concession. The above sublease information is necessary in order to facilitate concession contract processing.

If the Proposer is not able to accomplish the specified DBE goal, the Proposer shall attach detailed documentation which demonstrates that the Proposer made "good faith efforts", as defined in the Requirements for Participation by Disadvantaged Business Enterprises (DBEs), Attachment 4 to IP, to achieve the goal, or that it is not economically feasible at this time to enter into any of the above arrangements.

The Proposer understands that failure to fulfill the above proposal for DBE participation, or failure to produce required documents, shall warrant rejection of the proposal.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

APPENDIX B, ATTACHMENT 4

**CONFIRMATION BY DBE**

(Must be submitted with proposal to confirm DBE participation)

The undersigned confirms that it is a DBE firm certified by the State of Hawaii, Department of Transportation and that he/she/it is participating in the Retail Concession at Daniel K. Inouye International Airport, Honolulu, Hawaii

with \_\_\_\_\_, as a  
(Proposer)

\_\_\_\_\_  
(Please specifically identify the manner in which the DBE intends to participate in this Concession Agreement with the Proposer, i.e., partner, joint venture, etc.)

I declare under penalty of perjury that the foregoing is true and correct, and that I am authorized to bind this entity contractually.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name of DBE Firm)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Date)

APPENDIX B, ATTACHMENT 5

TAX CLEARANCE CERTIFICATES

The State of Hawaii, Department of Taxation Tax Clearance Application (Form A-6, Rev. 2022) is available at the Department of Taxation website at the following address: [https://files.hawaii.gov/tax/forms/2022/a6\\_i.pdf](https://files.hawaii.gov/tax/forms/2022/a6_i.pdf)

The form is to be completed by each Qualified Proposer and submitted to the Hawaii Department of Taxation for verification that all applicable State taxes and Federal income taxes of the Qualified Proposer and all “affiliated entities” have been paid to the State of Hawaii and the U.S. Government, respectively.

"Affiliated entities" is defined as any entity having more than fifty percent (50%) interest in the Qualified Proposer; any company more than fifty percent (50%) owned by a company having more than fifty percent (50%) interest in the Qualified Proposer; and any entity in which the Qualified Proposer has more than fifty percent (50%) interest. Each Qualified Proposer shall be responsible for obtaining Tax Clearance Certificates from the Hawaii Department of Taxation for itself and all affiliated entities.

Further, each Qualified Proposer shall also apply for, obtain and submit a tax clearance certificate issued by each of the county governments within the State of Hawaii, which certificate shall verify that all real property taxes, special assessments or other obligations of the Qualified Proposer have been paid to the respective county.

All tax clearance certificates must be submitted with the Qualified Proposer's completed Proposal Package.





APPLICANT'S NAME FROM PAGE 1 \_\_\_\_\_

6. CITY, COUNTY, OR STATE GOVERNMENT CONTRACT:  Bid/Entering Into  Ongoing Contract  Completion/Final Payment  
For completion/final payment of contract, provide the name, agency, and telephone number of the contact person at the State or County Agency.

Name: \_\_\_\_\_ Agency: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

7. LIQUOR LICENSING:  Initial  Renewal  Transfer-Seller  Transfer-Buyer  Special Event

8. CONTRACTOR LICENSING:  Initial  Renewal

9. STATE RESIDENCY: DATE APPLICANT ARRIVED OR RETURNED TO HAWAII \_\_\_\_\_

10. ACCOUNTING PERIOD:  Calendar year  Fiscal year ending (MM/DD) \_\_\_\_\_

11. TAX EXEMPT ORGANIZATION:

- A) Provide the Internal Revenue Code section that applies to your exemption (e.g., 501(c)(3)): \_\_\_\_\_
- B) Does your organization file federal Form 990-T, Exempt Organization Business Income Tax Return?  YES  NO
- C) Is your organization required to file federal Form 990, Return of Organization Exempt From Income Tax, or federal Form 990-EZ, Short Form Return of Organization Exempt From Income Tax?  YES  NO  
If "YES," your organization is required to obtain a general excise tax license. Go to line 13.  
If "NO," go to line 11D.
- D) Does your organization have fundraising income?  YES  NO  
If "YES," your organization is required to obtain a general excise tax license.

12. INDIVIDUAL: Spouse's Name \_\_\_\_\_ SSN \_\_\_\_\_

13. IF YOU DO NOT HAVE A GENERAL EXCISE TAX LICENSE AND REQUIRE A TAX CLEARANCE:

- A) Description of your firm's business \_\_\_\_\_
- B) Has your firm had any business income in Hawaii?  YES  NO
- C) Has your firm had an office, inventory, property, employees, or other representatives in the State of Hawaii?  YES  NO
- D) Has your firm provided any services within the State of Hawaii (e.g., servicing computers, training sessions, etc.)?  YES  NO
- E) In the current or preceding calendar year has your firm had gross income of \$100,000 or more, or entered into 200 or more separate transactions attributable to Hawaii in any of the following, or combination of the following, activities? a) Tangible property delivered in Hawaii; b) Services used or consumed in Hawaii; or c) Intangible property used in Hawaii.  YES  NO

Note: If you answer "Yes" to any of the above questions, you are required to apply for a general excise tax license.

FILING THE APPLICATION FOR TAX CLEARANCE

The completed application may be mailed, faxed, or submitted in person to the Department of Taxation, Taxpayer Services Branch. Form A-6 may be used to get both a state tax clearance and a federal tax clearance. If you need to get a tax clearance from both agencies, you should submit a separate Form A-6 to each agency.

State Department of Taxation  
Taxpayer Services Branch  
P.O. Box 259  
Honolulu, HI 96809-0259

Telephone No.: 808-587-4242  
Toll Free: 1-800-222-3229  
Fax No.: 808-587-1488  
or  
830 Punchbowl Street  
Honolulu, HI 96813-5094

Internal Revenue Service  
W&I Field Assistance  
300 Ala Moana Blvd., #1-128  
Honolulu, HI 96850

(By appointment only. To make an appointment, please call 844-545-5640.)

Automated phone messaging: 808-466-6011  
Fax No.: 855-877-0789

Applications are available at Department of Taxation and IRS offices in Hawaii, and may also be requested by calling the Department of Taxation on Oahu at 808-587-4242 or toll-free at 1-800-222-3229. The Tax Clearance Application, Form A-6, can be downloaded from the Department of Taxation's website at [tax.hawaii.gov](http://tax.hawaii.gov).



STATE OF HAWAII — DEPARTMENT OF TAXATION  
**INSTRUCTIONS FOR FORM A-6  
TAX CLEARANCE APPLICATION**

(NOTE: References to “married” and “spouse” are also references to “in a civil union” and “civil union partner,” respectively.)

## GENERAL INSTRUCTIONS

- This form is used to obtain a **State Tax Clearance**.
- This form may be used to obtain a **State or Federal Tax Clearance** for the purpose of entering into contracts/submitting bids with and/or seeking final payment of contracts from state or county agencies in Hawaii. Contractors winning the bids are not required to have their subcontractors obtain a tax clearance. If a Federal Tax Clearance is required, Internal Revenue Service (IRS) Form 8821, or IRS Form 2848 is also required.
- The current version of Form A-6 must be used. Type or print clearly with a pen. After approval, the front page of the application will be your tax clearance certificate with a QR code presented in the State Approval Stamp Box. The QR code can be scanned to authenticate the tax clearance.
- Applications (Form A-6) are available at Department of Taxation and Internal Revenue Service (IRS) offices in Hawaii, and may also be requested by calling the Department of Taxation on Oahu at 808-587-4242 or toll free at 1-800-222-3229. This form can be downloaded from the Department of Taxation’s website at [tax.hawaii.gov](http://tax.hawaii.gov).
- Vendors selling goods and services to state, city, or county agencies may register with Hawaii Compliance Express and have their tax clearance status available online for all state, city, or county contracts. Go to <https://vendors.ehawaii.gov> for more information.

## LINE-BY-LINE INSTRUCTIONS

### Line 1 — Applicant Information

**Applicant’s Name.** — Enter your legal name. The name appearing on your application must match the name on file with the State Department of Taxation, IRS, and, if applicable, the State Department of Commerce and Consumer Affairs.

**Address.** — Enter the address to which correspondence regarding this application for tax clearance should be mailed. In most cases, the address should be that which is on file with the Department of Taxation and/or IRS.

**DBA (Doing Business As)/Trade Name.** — If you have a trade or business name which is different from your legal/registered name, enter that name here.

### Line 2 — Tax Identification Numbers

**Hawaii Tax I.D. #.** — Enter your tax identification number. Enter “NONE” if you do not have one.

**Federal Employer I.D. #.** — Enter your 9-digit federal employer identification number (FEIN). Enter “NONE” if you do not have one.

**Social Security #.** — If you are an individual/sole proprietor, enter your social security number (SSN).

### Line 3 — Applicant is a/an

Check the box which best describes your entity type.

If you are a Single Member LLC disregarded as separate from the owner, enter the owner’s FEIN/SSN in the space provided.

If you are a Subsidiary Corporation, enter the parent corporation’s name and FEIN in the space provided.

### Line 4 — The Tax Clearance is Required For

Check the box(es) which correspond to your reason(s) for obtaining the tax clearance. The asterisk (“\*”) indicates the reason for which a state and federal clearance is required.

Check the “Other” box if you are required to obtain a tax clearance for the credit for school repair and maintenance or for the purchase of cigarette tax stamps at the reduced rate.

### Line 5 — Signature

**Signature.** — The application must be signed by an individual/sole proprietor/owner, trustee, executor, corporate officer (president, vice-president, secretary, treasurer, etc.) or general partner or member. An employee of your company or authorized agent may sign the application if he/she possesses a valid power of attorney. Power of attorney forms are available at the Department of Taxation (Form N-848) and IRS (Form 8821 or Form 2848) as indicated on page 1 of the application. Unsigned or unauthorized signatures on applications will be returned.

**Print Name.** — Enter the name of the person signing the application.

**Print Date/Telephone/Fax/Title.** — Enter the date the application is signed, and the telephone/fax number which the Department of Taxation or IRS can call during business hours should any questions arise while processing the application for tax clearance. Also enter the title of the person signing the application.

### Line 6 — City, County, or State Government Contract

Indicate whether you are submitting a bid for a contract, entering into a contract, have an ongoing contract, completing a contract, and/or waiting for final payment on a contract.

If you are requesting a tax clearance for a completion/final payment of contract, please provide the name, agency, and telephone number of the contact person at the State or County Agency in the spaces provided.

### Line 7 — Liquor Licensing

For liquor licensing purposes, indicate whether you are applying for an initial liquor license, renewing your current liquor license, transferring a liquor license, or applying for a one time special event license.

### Line 8 — Contractor Licensing

Indicate whether you are applying for your initial contractor’s license or renewing your current license.

### Line 9 — State Residency

Enter the date you arrived in the State of Hawaii or returned to the State of Hawaii if your reason for applying is residency status.

### Line 10 — Accounting Period

If you file your tax returns on a calendar year basis (1/1 — 12/31), check the first box. If you file your tax returns on a fiscal year basis other than a calendar year, check the second box, and enter the month and day your fiscal year ends. For example, a corporation whose tax year is July 1<sup>st</sup> through June 30<sup>th</sup> would write “06/30” on the line provided.

### Line 11 — Tax Exempt Organization

If you are a tax exempt organization, you must enter the Internal Revenue Code section that applies to your exempt status. For example: IRC §501(c)(3). Also, you must answer the questions in this section.

### Line 12 — Individual

If you are an individual/sole proprietor who is married, enter your spouse’s name and social security number on the lines provided.

### Line 13 — If You Do Not Have a General Excise Tax License and Require a Tax Clearance

If you do not have a general excise tax license and require a tax clearance, you must complete this section. Contact the State Department of Taxation if you have additional questions. Refer to page 2 of Form A-6 for the telephone number or mailing address.

### Filing the Application for Tax Clearance

Applications may be submitted either in person, fax, by mail, or electronically. Mailing addresses and other contact information for the State Department of Taxation and the IRS are provided on page 2 of the application.

A “mailed-in” tax clearance application generally takes **10 - 15 business days** to process.

If all required returns have been filed and all required taxes, penalties, and interest have been paid, a “walked-in” tax clearance to any district tax office will generally be processed the same business day.

Form A-6 also can be filed electronically through our website at [hitax.hawaii.gov](http://hitax.hawaii.gov). An electronically filed tax clearance application generally takes **10 - 15 business days** to process. For more information, go to [tax.hawaii.gov/eservices/](http://tax.hawaii.gov/eservices/).





CITY AND COUNTY OF HONOLULU  
 DEPARTMENT OF BUDGET AND FISCAL SERVICES  
 DIVISION OF TREASURY  
 530 SOUTH KING STREET, ROOM 115  
 HONOLULU, HAWAII 96813  
**TAX CLEARANCE APPLICATION**

**APPLICATION FOR CLEARANCE OF REAL PROPERTY TAXES AND OAHU TRANSIENT ACCOMMODATIONS TAXES  
 (PRINT OR TYPE CLEARLY)**

**1. APPLICANT INFORMATION**

Applicant \_\_\_\_\_  
 Last, First, MI or Name of Business  
 Address \_\_\_\_\_  
 Street City/State Zip Code

**2. REAL PROPERTY IDENTIFICATION (I.D.) NUMBER** Tax Map Key (TMK) # \_\_\_\_\_  
**TRANSIENT ACCOMMODATIONS TAX I.D. NO.** TA - \_\_\_\_\_

**3. APPLICANT IS**  Individual  Corporation  Partnership  
 Limited Liability Company  Other (Explain)

**4. TAX CLEARANCE IS FOR:**  Leasing/Renting State Property  
 Property Address: \_\_\_\_\_  
 Short-Term Rentals  Other (Explain) \_\_\_\_\_  Taxi Driver Contract  
 \*Per Ordinance 22-7

\*This tax clearance applies solely for the purpose of registration of a short-term rental pursuant to Ordinance 22-7 for the property identified in section 2 with respect to the payment of Real Property Tax and Transient Accommodations Tax during the previous tax year.

**5. SIGNATURE**

I certify that the applicant has no outstanding delinquent tax(es) due to the City & County of Honolulu.

\_\_\_\_\_  
 PRINT NAME PRINT SPECIFIC TITLE  
 \_\_\_\_\_  
 SIGNATURE DATE TELEPHONE EMAIL ADDRESS

**Note: Upon receipt it may take up to 10 business days to process.**

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
 For Director of Budget & Fiscal Services DATE Certificate No.  
 City & County of Honolulu

Taxes	Agency	Location	Comments	Approved	Date
Real Property Taxes	BFS Treasury	530 South King St Room 115			
Transient Accommodations Tax TA- _____	BFS Treasury	530 South King St Room 400			

CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF BUDGET AND FISCAL SERVICES  
DIVISION OF TREASURY  
530 SOUTH KING STREET, ROOM 115  
HONOLULU, HAWAII 96813  
TAX CLEARANCE APPLICATION INSTRUCTIONS

**GENERAL INSTRUCTIONS**

The City requires **ORIGINAL SIGNATURES** on all **CITY TAX CLEARANCE FORMS**. The form must be printed on **8.5" X 11" letter size paper**.

Do not fax back the completed form because original signatures are required. Please mail the tax clearance form to the address below and upon receipt it may take up to **Ten (10) business days** to process. Please include a self-addressed envelope with first class postage if you would like the processed application mailed.

City and County of Honolulu  
Department of Budget & Fiscal Services  
Division of Treasury  
530 South King Street, Room #115  
Honolulu, HI 96813

Attn: Joan Alexander

You may also hand deliver the tax clearance form to the Division of Treasury located at Honolulu Hale, 530 South King Street, Room 115, Honolulu HI 96813, during our normal business hours Monday through Friday 7:50AM to 4:15PM.

Processed application may also be picked up at Division of Treasury located at Honolulu Hale, 530 South King Street, Room 115, Honolulu HI 96813, during our normal business hours Monday through Friday 7:50AM to 4:15PM.

The Treasury Division will issue the Certificate Number on the tax clearance form.

If you have any questions, you may contact Joan Alexander of the Treasury Division at:

Phone: (808) 768-3999  
E-mail: joan.alexander@honolulu.gov

CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF BUDGET AND FISCAL SERVICES  
DIVISION OF TREASURY  
530 SOUTH KING STREET, ROOM 115  
HONOLULU, HAWAII 96813  
TAX CLEARANCE APPLICATION INSTRUCTIONS  
(PLEASE TYPE OR PRINT CLEARLY)

**LINE-BY-LINE-INSTRUCTIONS**

**Line 1 –Applicant Information**

**Applicant's Name.** – Enter your legal name or Business Name.

**Address.** – Enter a physical address. Do not enter a P.O. Box address.

**Line 2 – Real Property Identification Numbers**

**Tax Map Key # (TMK).** – If you own a real property, enter your 12-digit real property tax map key number. Enter "NONE" if you do not have one.

**Transient Accommodations Tax I.D. Number** that starts with TA, the 10-digit account number and the 2-digit extension number. Enter "NONE" if you do not have one.

**Line 3 – Applicant Is**

Check the box which best describes your entity type. If you check the "Other" box, list the type of entity on space provided.

**Line 4 – Tax Clearance Is For**

Check the box which corresponds to your reason for obtaining the tax clearance. If you check the "Leasing/Renting State Property" box, write the address of the leased/rented state property on space provided. If you check the "Other" box, list the reason on space provided.

**Line 5 – Signature**

**Print Name/Title.** – Enter the name of the person signing the application. Also, enter the title of the person signing the application.

**Print Date/Telephone/E-mail.** - Enter the date the application is signed, and the telephone number and e-mail address which the Division of Treasury can contact you during business hours should any questions arise while processing the application for tax clearance.

**Signature.** – The application must be signed by an individual/sole proprietor, corporate officer (president, vice-president, secretary, treasurer, etc.), general partner or member. An employee of your company or authorized agent may sign the application if he/she possesses a valid power of attorney. Unsigned or unauthorized signatures on applications will be returned.