



REQUEST FOR APPLICATIONS

Title: Resilient Food Systems Infrastructure Program

Agency: Hawaii Department of Agriculture (HDOA)

Action: Announcement of Request for Applications (RFA-24-01-ADD) to fund projects designed to expand capacity and infrastructure in the middle-of-the-supply chain of the local food system

Posting: HANDS: <https://hands.hawaii.gov/hands/opportunities>

HDOA: <https://hdoa.hawaii.gov/add/main/rfsi/>

Request for Applications: Posting January 18, 2024

Deadline for Submissions: 12:00 P.M. (Noon), Monday, February 26, 2024

Notice of Awards: April 2024 (Estimate)

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The Hawai'i Department of Agriculture does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and the Department of Agriculture does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 Code of Federal Regulations Parts 5 and 7, or for the purpose of interfering with such rights.

If you have any questions about this notice or any of the Department's non-discrimination programs, policies, or procedures, you may contact:

*Rae Gee, Non-Discrimination Program Coordinator
Hawai'i Department of Agriculture
1428 S. King Street, Honolulu, HI 96814-2512
(808) 973-9560
hdoa.titlevi@hawaii.gov*

If you believe that you have been discriminated against with respect to a Department of Agriculture program or activity, you may contact the Non-Discrimination Coordinator identified above.

To request language or accessibility for this RFA, please contact the Office of the Chairperson, at (808) 973-9560 or email: hdoa.info@hawaii.gov. Please allow sufficient time for HDOA to meet accommodation requests.

I. Introduction

HDOA is currently accepting applications for grant projects under the Resilient Food Systems Infrastructure (RFSI) program. Funds for the program are awarded by the U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) to HDOA. The funds in turn are granted to food and farm businesses and other eligible entities in Hawaii to finance competitive projects designed to expand capacity and infrastructure in the middle-of-the-supply chain of the local food system. The intent is to create more economic opportunities for communities, and allowing them to retain more of the value chain dollar.

The RFSI program is an important component of USDA's framework to transform the food system to benefit consumers, producers, and rural communities by providing more options, increasing access, and creating new, more, and better markets for small and mid-size producers. The coronavirus pandemic and recent supply chain disruptions have revealed the perils of a national food system that depends on capacity concentrated in a few geographic areas and requires many steps for food products to get from farm to table. To be more resilient, the food system of the future needs to be more diversified, distributed, and local.

The goal of the RFSI program is to expand capacity and infrastructure for the aggregation, processing, manufacturing, storing, transporting, wholesaling, or distribution of targeted local and regional agricultural products. This program is intended to support food system crops and products meant for human consumption. Ineligible products include meat and poultry products (eggs and honey exempted), which are funded through other USDA programs; wild-caught seafood; animal feed and forage products; fiber; landscaping products; tobacco; and dietary supplements.

Two grant opportunities are currently available. The *Infrastructure Grant Program* will offer up to \$1,587,480 in funding and the *Simplified Equipment-Only Grant Program* will provide an additional \$1,000,000. Applicants may select either one type of grant offering. Infrastructure grants range in value from a minimum award of \$100,000 to a maximum award of \$500,000 (see section V for matching fund requirement). Simplified Equipment-Only grants range in value from a minimum award of \$10,000 and a maximum award of \$100,000 (no matching fund requirement).

Applications must address all information requested in the RFA to be considered for funding. Incomplete applications will not be reviewed. Projects will be evaluated and scored based on feasibility and the potential impacts the project will have on the community and the regional economy in Hawaii, all in accordance with the criteria set forth in the RFA. The USDA encourages projects that benefit underserved farmers and ranchers, new and beginning farmers and ranchers, veteran producers, and processors and other middle-of-the-supply chain businesses owned by socially disadvantaged individuals, as defined by the Small Business Administration (SBA). See section II for further details.

The closing date and time for receipt of applications under this RFA is 12:00 P.M. (Noon) Hawaii Standard Time (HST) on February 26, 2024. Funds are likely available in June 2024. Bid security is not required for this RFA.

Any and all costs incurred by the applicant in preparing or applying shall be the applicant's sole responsibility whether or not any award results from this solicitation. The State shall not reimburse such costs.

II. Eligibility

Eligible applicants for grants under this RFSI program include the following:

- Agricultural producers or processors, or groups of agricultural producers and processors;
- Nonprofit organizations operating in the middle of the supply chain activities such as processing, aggregation, or distribution of targeted agricultural products;
- For-profit entities operating middle of the supply chain activities such as processing, aggregation, or distribution of targeted agricultural products, whose activities are primarily focused for the benefit of local and regional producers, and that meet the eligibility requirements of the SBA small business size standards. For-profit entities must meet the eligibility requirements of the SBA small business size standards matched to industries described in the North American Industry Classification System (NAICS). For more information on these size standards, please visit SBA's Size Standards website at <https://www.sba.gov/size-standards/index.html>;
- Local government entities and tribal governments operating middle of the supply chain activities such as processing, aggregation, or distribution of targeted agricultural products; and
- Institutions such as schools, universities, or hospitals bringing producers together to establish cooperative or shared infrastructure or invest in equipment that will benefit multiple producers middle of the supply chain activities such as processing, aggregation, or distribution of targeted agricultural product.

All applicant businesses and organizations must be domestically owned, and applicants' facilities must be physically located within the State of Hawaii.

The USDA defines the middle of the food supply chain as activities that take place after the production of the agricultural product but before the product is sold to consumers. These activities include the processing, aggregation, and distribution of agricultural products between leaving the field and entering the marketplace. Therefore, grant funds cannot be used for cultivations, harvest, or retail marketing of eligible food products.

Responsibility of Applicants

Applicants are advised that in order to be awarded a contract under this solicitation, they must be compliant with all laws governing entities doing business in the State including the chapters and pursuant to Section 103D-310(c), HRS as follows:

1. Chapter 237, HRS, General Excise Tax Law;
2. Chapter 383, HRS, Hawaii Employment Security Law;
3. Chapter 386, HRS, Worker's Compensation Law;
4. Chapter 392, HRS, Temporary Disability Insurance;
5. Chapter 393, HRS, Prepaid Health Care Act; and
6. Section 103D-310(c), HRS, Certificate of Good Standing (COGS) for entities doing business in the State.

Applicants may collectively apply for certification of compliance with all the above on the Hawaii Compliance Express (HCE).

HCE is an electronic system that allows businesses to register online through a simple wizard interface at <http://vendors.ehawaii.gov> to acquire a “Certificate of Vendor Compliance.” The HCE provides current compliance status as of the issuance date. The “Certificate of Vendor Compliance” indicating that vendor’s status is compliant with the requirements of §103D-310(c), HRS, shall be accepted for both contracting purposes and final payment. Vendors (applicants) that elect to use the HCE services will be required to pay an annual fee, currently \$12.00, to the Hawaii Information Consortium, LLC (HIC).

Timely Registration on HCE. Applicants are encouraged to register on HCE as soon as possible. If a valid certificate is not submitted on a timely basis for award of a contract, the applicant will not receive the award.

Final Payment Requirements. The contractor (awardee) is required to submit a tax clearance certificate for final payment on the contract. A Certificate of Vendor Compliance, not over two months old, will be acceptable for final payment on the contract.

III. Funding Considerations

Following the outreach conducted by the HDOA in August 2023 to engage with interested parties and identify funding considerations, several noteworthy comments from the public have emerged. Among the items raised were as follows:

- Eligibility of egg producers for the program given their exclusion from other USDA programs focused on meat sector expansion;
- Prioritization of community driven food systems rooted in Native Hawaiian knowledge and food production techniques, with special priority to producers of time-proven environmentally sustainable staples such as taro and breadfruit;
- Attention drawn to the need for supporting macadamia nut processing infrastructure due to recent consolidation in the industry and lack of access to processing for small growers;
- Overcoming the high costs of transportation and Hawaii’s unique geography as an archipelago state;
- Enhancing technical assistance and capacity for the safe canning, dehydration, and freeze-drying of low acid foods;
- Exploring the introduction of blockchain technology in post-harvest food handling, and supporting both existing and new food hubs statewide;
- Interested parties also advocated for the expansion of smoking, drying, pickling, and micro-canning in the local aquaculture sector; increased access to certified kitchen space for the public; and investment in state-owned Agricultural Parks for postharvest capacity improvements; and
- Investment in the emerging mushroom industry; addressing modernization of wastewater systems; and establishing food safety and nutritional testing facilities to support compliance with food labeling and safety laws.

Priority Project Beneficiaries

HDOA will require as a basis for eligibility that applicants attest that their projects address at least **one** of the following criteria (see section X evaluation rubric – one priority point is added to the total score for each additional group served by the project):

- Underserved farmers and ranchers;
- New and beginning farmers or ranchers;
- Veteran producers; and
- Processors and other middle-of-the-supply businesses owned by socially disadvantaged individuals.

Priority Project Attributes

HDOA will also require as a basis for eligibility that applicants attest that their projects address at least **one** of the following criteria (see section X evaluation rubric – one priority point is added to the total score for each additional attribute demonstrated by the project):

- Offer family-supporting job quality and treatment/safety of workers;
- Focus on small and medium-sized enterprises that add options and choices for consumers and producers (emphasis on value-added);
- Demonstrate local support for the project;
- Support underserved communities; and
- Are submitted by cooperatives, farmer- and worker-owned enterprises.

IV. Grant Project Guidelines

RFSI program grants will fund projects that expand capacity and infrastructure for the aggregation, processing, manufacturing, storing, transporting, wholesaling, or distribution of targeted agricultural products. Examples include:

- Modernization of processing, manufacturing, and storage facilities and equipment, including investments in tools, automation, and other technologies that enhance worker safety and skills;
- Construction and/or renovation of existing aggregation, processing, and storage facilities, with a focus on increasing capacity and efficiencies to achieve economies of scale;
- Construction and/or renovation of on-farm infrastructure to support post-harvest washing, packaging and storage capacity, with a focus on reaching underserved farmers;
- Development of new food hubs, agricultural cooperatives, and not-for-profit intermediaries in remote and underserved areas across the state that currently do not have access to these resources;
- Investment in technology and training to improve and reduce the cost of compliance with federal, state, and local food safety requirements;
- Expanding processing capacities, including adding product types, increasing production volumes, and supporting new wholesale/retail product lines;
- Purchase and installation of specialized equipment, such as processing components, sorting equipment, packing, and labeling equipment, or delivery vehicles;
- Modernizing manufacturing, tracking, storage, and information technology systems;

- Increasing packaging and labeling capacities that meet compliance requirements under applicable laws (e.g., sealing, bagging, boxing, labeling, conveying, and product moving equipment);
- Increasing storage space, including cold storage;
- Develop, customize, or install climate-smart equipment that reduces greenhouse gas emissions, increases efficiency in water use, improves air and/or water quality, and/or meets one or more of USDA's climate action goals;
- Modernize equipment or facilities to ensure food safety, including associated Hazard, Analysis, and Critical Control Points (HACCP) consultation, plan development, and employee training; and
- Training on the use of all equipment purchased under the grant and associated new processes.

Examples of Eligible Project Activities

Allowable activities or tasks that could be part of such projects may include:

- Hiring term-limited personnel to assist with project implementation activities;
- Purchasing special purpose equipment, including the purchase of special purpose equipment for institutions or others that will benefit multiple producers through middle of the supply chain activities such as processing, aggregation, distribution of targeted agricultural product;
- Analyzing potential facility upgrades and changes that meet regulatory requirements, obtaining design and/or architecture services, etc. (to the extent these costs are directly related to the project);
- Planning for Hazard Analysis Critical Control Points (HACCP) or other food safety or worker safety measures or equipment recommendations;
- Upgrades or new facilities for processing specific agricultural products, such as on-farm post-harvest processing, preservation, and storage/cold storage;
- Post-harvest cleaning and grading;
- Aggregator warehouse and storage, including cooperatives;
- Purchase of drying equipment, freezing equipment, freezer, or cold storage;
- Processing, canning, preserving, and pasteurization;
- Preparation and packing;
- Drying, hulling, shelling, and milling; and
- Cooking, baking, juicing, distilling, and fermenting.

Examples of Ineligible Project Activities

The following activities are not eligible for funding:

- Acquiring real property (including land purchases), or any interest therein;
- Projects focused on meat and poultry processing or other ineligible agricultural products;
- Activities that have received a federal award from another federal grant program;
- Claiming expenses that have been or will be reimbursed under any federal, state, or local government funding; and
- While projects which have already received funding from another federal grant or

subaward programs may not receive funding for the same activities through a RFSI grant, RFSI grants may build on the successes of prior funding.

V. Infrastructure Grants

Infrastructure Grants will range in value from a minimum award of \$100,000 and a maximum award of \$500,000. The total amount available is \$1,587,480. Funds will be disbursed no earlier than June 1, 2024, and projects must be completed by May 24, 2027. Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both.

Direct Costs

Direct costs are costs that can be identified specifically with a project that can be directly assigned to such an activity relatively easily with a high degree of accuracy. Typically, direct costs include, but are not limited to, compensation of employees who work directly on the award to include salaries and fringe benefits, travel, equipment, and supplies directly benefiting the grant supported project.

Indirect Costs

Indirect costs are any costs that are incurred for common or joint objectives that cannot be readily identified with an individual project, program, or organizational activity. They generally include facilities operation and maintenance costs, depreciation, and administrative expenses. If an Infrastructure Grant recipient has a Negotiated Indirect Cost Rate Agreement (NICRA), HDOA is required to honor that negotiated rate, and a copy of the NICRA must be submitted with the Infrastructure Grant application. Otherwise, applicants may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC).

MTDC are defined as all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each Infrastructure Grant. MTDCs exclude equipment, rental costs, and the portion of each Infrastructure Grant in excess of \$25,000. No documentation is required to justify the 10% de minimis indirect cost rate.

Matching Fund Requirement

Infrastructure Grant recipients are required to contribute **50%** of the total proposed project cost as a match to federal funding. This applies to all applicants except those who qualify for the reduced match. For historically underserved farmers and ranchers, or for other businesses that qualify under SBA categories of small, disadvantaged business, women-owned small business, or veteran-owned small business, the required match funding contribution or cost share is reduced to **25%** of the project cost. HDOA will require that applicants self-certify in their Infrastructure Grant applications to be eligible for this reduced match.

In-kind contributions are defined, when used as a cost share or match for a grant, as the value of goods or services provided for the benefit of the grant program, where no funds transferred hands. For example, a partner, such as a native Hawaiian community member, may volunteer their professional expertise as a match contribution to the project. These contributions cannot satisfy a cost sharing or matching requirement for this grant program if they are used toward

satisfying a match requirement under any other federal grant agreement to which the applicant is a party.

Indirect costs may count toward the Infrastructure Grant applicant's match. Program income or any other federal funds are ineligible sources of match or cost share.

All matching contributions must be committed or secured at the time an applicant is recommended for an award.

Each application must include the total amount of match and how it will specifically align with their requested funding. Additionally, applicants must submit one match verification letter for each cash or in-kind resource signed by the matching organization using the Match Verification Template Letter on the HDOA's RFSI webpage. The Template Letter on Evidence for Critical Resources and Infrastructure is also available on the HDOA's RFSI webpage.

Adherence to Federal Environmental Laws and Regulations

Infrastructure Grant recipients must comply with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and all other federal environmental laws and regulations. HDOA is required to review projects for NEPA compliance prior to the award of Infrastructure Grant subaward funds. HDOA may assist Infrastructure Grant recipients with obtaining any authorities, permits, easements or other approvals necessary for the implementation of the activities in accordance with applicable laws and regulations.

VI. Simplified Equipment-Only Grants

Simplified Equipment-Only Grants will range in value from a minimum award of \$10,000 and a maximum award of \$100,000 and do not require cost sharing or matching. The total amount available is \$1,000,000. The Simplified Equipment-Only Grant is a fixed price grant, meaning it will fund only equipment purchases (not associated facility upgrades, staffing, or other costs), and the amount awarded will be equal to the cost of the equipment up to \$100,000. Funds will be awarded no earlier than June 1, 2024, and project transactions completed by May 24, 2025.

Equipment Cost Documentation

Simplified Equipment-Only Grant applicants must submit documentation to substantiate the cost of each piece of equipment listed on their application. Documentation can include contracts, catalog pricing, or binding quotes provided by licensed commercial entities. The cost of delivery and installation can be covered by the grant if they are listed in the official bid. When soliciting bids, please make sure they will be honored at the time of the grant award which will be no earlier than June 1, 2024.

HDOA is in favor of legal disposition when the equipment funded is no longer required or utilized by the recipient/awardee. However, this ultimate decision rests with USDA-AMS.

VII. Grant Project Expectations

Grant recipients will be expected to carry out their project, maintain clear and consistent

communication with HDOA, keep detailed records, and report progress in a timely manner. The following reports are contractual requirements as part of the grant program.

Semiannual Reports (Infrastructure Grants Only)

Semiannual reports track and evaluate the project’s activities, progress made in meeting the project’s desired outcomes, and document expenditures. Semiannual reports are submitted every six months of the project’s period of performance and are due 15 days after the end of each semiannual period.

Annual Reports (Infrastructure Grants Only)

Annual reports summarize the project’s activities and progress every twelve months of the project’s period of performance and are due 30 days after the end of each grant year.

Final Report

A final report is required after the completion of the grant project. Final reports summarize the project’s activities and evaluate the project’s ability to meet the desired objectives and outcomes. A final financial report is also required for the grant project. For Simplified Equipment-Only Grant projects, the final report is due July 24, 2025. For Infrastructure Grant projects, the final report is due July 24, 2027.

VIII. Application Process

The application window will be open from January 18, 2024, to February 26, 2024, to give applicants a sufficient amount of time to develop their projects. During the application window, HDOA will conduct statewide outreach to promote the grant opportunity. HDOA staff are available to help answer questions about the application requirements but cannot assist in the writing of project applications.

IX. Competitive Review Process

Initial Screening

RFSI program grants will be awarded through a competitive review process. Once the application window closes, HDOA will screen all applications for administrative requirements, including timely submission by the posted deadline, confirmation the application is responsive to the program requirements and priorities, applicant eligibility, and submission of a complete application using the required application template.

Technical Merit Review and Scoring

Applications which pass the initial screening process will be forwarded to all panel members in the Evaluation Committee (EC) that is appointed by the Chairperson, Board of Agriculture. For each application, panel members will assign a point value in an independent review process. Once all panel members have individually evaluated and scored each of the applications, the scores for each proposal will be averaged to determine an application’s final raw score. Priority points will then be added to the final raw score to obtain the applications’ Final Score for ranking purposes.

Final Scores will be listed in rank order from highest to lowest. Based on the total subaward budget, the EC will recommend a funding level for a project, which may be the same or less than the requested amount of funds. The EC will review the list, discuss, and confirm the recommendation of the top scoring projects to the Chairperson for approval and feedback. Upon completion of the state competition, HDOA staff will submit its award recommendations to the USDA-AMS for its review and final approval. Staff will also coordinate with awardees to make necessary adjustments to their applications to obtain final approval.

X. Evaluation Rubric

HDOA will use an evaluation rubric similar to the evaluation process used to score Specialty Crop Block Grant Program (SCBGP) applications, with some key alterations that include RFSI program requirements and priorities. This numerical rubric conforms to state law and has received the approval of USDA-AMS as part of the Hawaii’s RFSI Program Plan. The rubric below illustrates how HDOA will ensure priority project beneficiaries and project attributes will be given due consideration in the evaluation process.

Evaluation Rubric for Infrastructure Grant

Criteria	Points
Project Objectives Alignment and Intent	25
Project Achievability and Work Plan	25
Project Partners	10
Project Impact on Market and Community	10
Fiscal Plan and Resources	20
Total Raw Score	90
<i>Discretionary Priority Points added to Raw Score</i>	10
Project impacts more than one targeted priority group (see section III priority project beneficiaries)	up to 3 pts
Project demonstrates more than one priority attribute (see section III priority project attributes)	up to 4 pts
Project targets an institutional market (includes schools, hospitals, food banks, prisons, and care centers)	1
Project demonstrates significant statewide benefit	1
Project fulfills matching requirement with cash (excludes simplified equipment-only grants)	1
Highest Possible Score	100

XI. Other Relevant Information

Contact Information

Any inquiries on this RFSI Grant Program should be referred to the State Coordinator at (808) 973-9576 or emailed to hdoa.rfsi@hawaii.gov.

Submission Procedure

A completed e-copy of the relevant application (*Infrastructure or Simplified Equipment-Only*) must be emailed to hdoa.rfsi@hawaii.gov and received by the Department of Agriculture, Resilient Food Systems Infrastructure (RFSI) Program, no later than 12:00 P.M. (Noon) Hawaii Standard Time (HST) on Monday, February 26, 2024. Applications received after the 12:00 Noon deadline shall not be processed by staff or reviewed by the EC.

Acknowledgement of Proposals

Receipt of applications is acknowledged by e-mail, whenever practical. Therefore, applicants should provide an e-mail address in their application.

Insurance Endorsements

The Contractor (successful applicant) shall procure at its sole expense and maintain in full force and effect throughout the term of the Contract, including any extensions, insurance coverage acceptable to the State. Prior to the effective date of the Contract, the Contractor shall provide to the State proof of the following minimum insurance coverage(s) and limit(s). Upon request by the State, the Contractor shall furnish a copy of the policy or policies.

Commercial general liability insurance coverage against claims for bodily injury and property damage arising out of all operations, activities or contractual liability by the Contractor, its employees, and subcontractors during the term of the Contract. For any subcontractor not insured by the Contractor, the Contractor shall provide proof of the subcontractor's insurance fulfilling the requirements herein. This insurance shall include the following coverage and limits specified or required by any applicable law: bodily injury and property damage coverage with a minimum of \$1,000,000 per occurrence; with an aggregated limit of \$2,000,000. The commercial general liability policy shall be written on an occurrence basis and the policy shall provide legal defense costs and expenses in addition to the limits of liability stated above. The Contractor shall be responsible for payment of any deductible applicable to this policy.

Automobile liability insurance covering owned, non-owned, leased, and hired vehicles with a minimum of \$1,000,000 for bodily injury for each person, \$1,000,000 for bodily injury for each accident, and \$1,000,000 for property damage for each accident.

Appropriate levels of per occurrence insurance coverage for workers' compensation and any other insurance coverage required by Federal or State law.

The State shall retain the right at any time to review the coverage, form, and amount of the insurance required hereby. If, in the opinion of the State, the insurance provisions in the Contract do not provide adequate protection, the State may request that Contractor obtain

additional insurance sufficient in coverage, form, and amount to provide the protection required. The request shall be reasonable but shall be designed to assure protection from and against the kind and extent of the risks involved. If the Contractor is unable to provide the additional coverage as requested, the State reserves the right to terminate the Contract with prior written notice.

The Contractor shall immediately provide written notice to the contracting agency should any of the insurance policies evidenced on its certificate of insurance or endorsement be cancelled, limited in scope, or not renewed upon expiration.

The insurance policy required by the Contract shall contain the following clauses:

1. "This insurance shall not be canceled, limited in scope of coverage or non-renewed until after 30 days written notice has been given to the State of Hawaii, Department of Agriculture, 1428 South King Street, Honolulu, HI 96814-2512."
2. "The State of Hawaii, its departments, attached agencies, officers, employees, and agents are added as additional insured with respect to operations performed for the State of Hawaii."
3. "It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy."

The Contractor agrees to a Waiver of Subrogation for each required policy described herein. When required by the insurer, or should a policy condition not permit the Contractor to enter into a pre-loss agreement to waive subrogation without an endorsement, the Contractor shall notify the insurer and request that the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy which includes a condition specifically prohibiting such an endorsement, or voids coverage should the Contractor enter into such an agreement on a pre-loss basis.

Failure of the Contractor to provide and keep in force such insurance policies shall be regarded as material default under the Contract, entitling the State to exercise any or all of the remedies provided in the Contract for a default of the Contractor.

The procuring of such required policy or policies of insurance shall not be construed to limit the Contractor's liability hereunder or to fulfill the indemnification provisions and requirements of the Contract. Notwithstanding said policy or policies of insurance, the Contractor shall be obliged for the full and total amount of any damage, injury, or loss caused by negligence or neglect connected with the Contract.

Contract Reports

The successful offeror shall be required to credit the HDOA and USDA-AMS in any presentations, materials, collaterals, webpages, multi-media sources or property rights resulting from this funding. Additionally, the successful offeror must submit progress and financial reports periodically upon request and submit a final project and a financial report no later than

30 days from completion of the project. The HDOA will withhold 20 percent of the awarded funds until a final report is submitted, reviewed, and approved.

Confidentiality

The names of applicants, the names of individuals identified in the applications, the content of applications, and the committee evaluations of applications will be kept confidential during the evaluation process, except to those involved in the evaluation and award process. Upon posting of award, all applications, both successful and unsuccessful, the contract, and the contract file shall be available for public inspection. Offerors shall designate in writing any portion of their proposal that contains trade secrets or any other proprietary data that are to remain confidential. In accordance with HAR §3-122-58, such information shall be marked and readily separable from the rest of the proposal, in order to facilitate public access to the non-confidential portion of the application.

Contract Term

The term of a contract awarded under this solicitation, if any, shall be from the effective date of the contract to the end of the project period, but shall terminate no later than May 24, 2025. Since all work on this RFA is subject to USDA-AMS oversight, no extension to the term of the contract shall be permitted.

- Contractual Terms and Conditions:
Applicants awarded funds will contract with the Hawaii Department of Agriculture (HDOA) as an independent contractor and shall agree to comply with the terms and conditions set forth in AG-008, 103D General Conditions, issued by the State Department of the Attorney General. A copy of the General Conditions: <https://spo.hawaii.gov/wp-content/uploads/2017/12/AG-008-103D-1.pdf>
- The RFA and the successful applicant's document shall become part of the contract. All proposals shall become the property of the State.

No specified work is to be undertaken by an applicant awarded a contract prior to the official commencement date in the contract. The State shall not be liable for any work, contract, costs, expenses, loss of profits, or any damages whatsoever incurred by the applicant prior to the official commencement date.

Right to a Debriefing

Pursuant to HAR §3-122-60, non-selected applicants may request a debriefing to inform them of the basis for the contract award.

A written request for debriefing shall be made within three (3) working days after the posting of the award of the contract. The procurement officer or designee shall hold the debriefing within seven (7) working days to the extent practicable from the receipt date of the written request.

A protest by the requestor submitted pursuant to HRS §103D-303(h) following a debriefing, shall be filed within five (5) working days.

Protest

Pursuant to HRS §103D-701 and HAR §3-126-3, any actual or prospective contractor who is aggrieved in connection with this solicitation or award of a contract may protest to the chief procurement officer as specified herein.

A protest shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts giving rise thereto; provided that a protest based upon the content of the solicitation shall be submitted in writing prior to the date set for receipt of offers; and further provided that a protest of an award or proposed award shall be submitted within five (5) working days after the posting of award of the contract.

The notice of award, if any, resulting from this solicitation shall be posted on the Procurement Reporting System, which is available on the SPO website:

<https://hands.ehawaii.gov/hands/awards>

Any protest pursuant to HRS §103D-701 and HAR §3-126-3, shall be submitted in writing to:

Chairperson, Board of Agriculture
1428 South King Street
Honolulu, HI 96814-2512

The HDOA reserves the right to cancel this solicitation and reject any or all applications received in whole or in part; request additional information on project applications; recommend partial funding for applications, and link the release of project funds to completion of necessary, timely progress reports. All awards and contracts are subject to the availability and receipt of RFSI funds.