

EXHIBIT

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Senate Special Investigatory Committee
Renewable Hydrogen Fund

Hearing, Thursday, March 6, 2008, 3:00 PM
Questions for Witnesses
Submitted by Theodore E. Liu

Questions for Eileen Harada:

1. Are Addendums to the RFP considered to become part of the terms of the RFP?
 - a. Does information in the Addendum put potential bidders on notice of certain terms of the RFP?
2. In Addendum No. 2, dated March 15, Question and Answer #16, did you as DBEDT Contracts Officer state that the "DBEDT Director will have the ultimate authority to make the final selection"?
3. Didn't that answer and position reflect the departmental understanding and practice on selection of final bidders in a competitive sealed proposal RFP?
4. To your knowledge, was it the understanding of members of this RFP's Evaluation Committee that the final selection was up to the Director?
5. To your knowledge, was that it the understanding of the DBEDT Director that the final selection in this RFP was up to him?

Question for Ken Kitamura:

1. Was it your understanding that in RFPs such as this one the DBEDT Director had the final say in selection of the winning bidder?
2. Was it the department's usual practice in RFPs such as this one that the DBEDT Director had the final decision on selection of the winning bidder?
3. Were you aware in this RFP that the Evaluation Committee was having difficulty in selecting a winning bidder?
4. When the Evaluation Committee met with the DBEDT Director on July 31, 2007, to report on its findings, did it or its members make a recommendation to the Director of a winning bidder?
5. Was it the case that at the July 31, 2007 Evaluation Committee meeting, when no formal recommendation was provided to the Director, that you insisted that the Evaluation Committee chair draft and provide a "conclusion" to the Director?
 - a. Was it the result of your insistence on a "conclusion" that the Evaluation Committee chair drafted the July 31, 2007, "Evaluation Committee Findings for RFP-07-11-SID" Memorandum?
 - b. Was that July 31, 2007, "Evaluation Committee Findings for RFP-07-11-SID" Memorandum drafted after the July

31, 2007 meeting and routed by your office to the Director on August 6, 2007?

6. Is it your understanding that the DBEDT Director believed in this RFP he had the authority to make the selection of the winning bidder?

7. Prior to his making the selection of the winning bidder in this RFP, did the Director ask you to re-confirm that he had that authority to make the selection of the winning bidder?

a. Did you do so?

Questions for Dawn Okuhama:

1. How many meetings with businesspeople does the Director typically have in a day? A week?

2. From your perspective, given the Director's meeting schedule and schedule of activities, is it surprising that he may have meet with or otherwise interacted with representatives of the bidders?

a. In your view, could it be that he had those meetings or interactions were on topics other than the renewable hydrogen fund?

Questions for Aaron Fujioka:

1. To-date, in this RFP has the SPO found a "violation" of the State Procurement Code or rules?