

192

## Hydrogen Fund

## ASO/Contracts Timeline

Date	Description		
10/23/06	MEMO TO THE GOV: Received signed memo to the Governor from the Director's Office to have the memo go through proper channels; which DBEDT retracted on 1/24/07, because B&F wrote a separate memo to the Governor on 11/24/06.		
10/24/06	Received draft RFP into contracts		
10/24/06	Sent draft RFP to ASO/DO/AG for review		
10/26/06	Received draft RFP review from the Director		
10/27/06	Received draft RFP review from AG		
10/27/06	Sent draft RFP to SID for revisions		
11/1/06	Received revision from SID		
11/2/06	Sent revised draft RFP to KNK/TEL/HSDC for re-review		
11/6/06	Received re-review from KNK/TEL/HSDC		
	STILL AWAITING GOVERNOR'S APPROVAL		
1/25/07	Received copy of Governor's memo dated 11/24/06 approved with revisions		
1/26/07	Received 2 <sup>nd</sup> draft RFP updated per the Governor's memo		
1/30/07	Send 2 <sup>nd</sup> draft RFP to AG's for review		
2/13/07	Email AG's will be working on the 2 <sup>nd</sup> draft RFP		
2/15/07	Received 2 <sup>nd</sup> draft RFP from the AG's		
2/20/07	Made changes to the 2 <sup>nd</sup> draft RFP		
2/20/07	Issued and Posted		
2/20/07	Emailed potential bidders about the RFP and the website to review-Email list for Hydrogen Investment Capital Special Fund Request for Proposals:		
	Steve Hauser	Jonathan Hurwich	Rachel Ogdie
	Yuka Nagashima	Ted Peck	Robert Robinson, PhD
	Bill Spencer	Debra. Guerin	Barry Raleigh, PhD
	Jay Fidell	Jeffrey Au,	Rick Cho
	Ira Ehrenpreis	Eric Martinson	Lisa Gibson
	Irvin Barash	Ira Ehrenpreis	Yuka Nagashima
	Richard Lim	Eric B. Yee	Bill Spencer
	Gregory R. Kim	Irvin Barash	Jay Fidell

	Kenton Eldridge	Darren Kimura	Michael Fitzgerald
	Edgar Berkey, PhD	Rick Rocheleau	Mark McGuffie
	Barry Toyonaga	Nick Sussner	Mattie Yoshioka
	Tom Gephart	Patrick Sullivan	Jeanne Skog
	Barry Weinman	Edward Young	Paula Helfrich
	Richard G. Grey	William K. Richardson	
2/28/07	Emails strategy of the pre-proposal conference-ASO/c will handle the pre-bid conference and outline the scope of the meeting to be covered. The non-mandatory meeting was informal and taped. Note and explanation was given for questions to be in writing. Vendors will receive Addendum on March 19, 2007.		
3/1-2/07	Emails-preparation for the pre-proposal conference and issues for consideration		
3/7/07	Pre-proposal meeting sign in sheet, tape of the meeting, and written individual questions asked at the meeting		
3/10/07	Emails between TEL to MHK on his substantive changes to Addenda 1		
3/12/07	Emails between PT/EH/MHK/TEL/KNK on Addenda 1, such as approving the Addendum to "waiting for official documents, however to modify with standard template; work with PT; reviews of Addendum 1		
3/13/07	Emails between PT/EH/KNK/JT/MHK on getting AG's review or not, per Eileen typical AG's doesn't review, but the revisions in Addendum 1 appears to change the original RFP; AG's would like to have all the dates changed if one of the dates are going to be changed, to be fair; emails continued around whether to take the AG's advice or not. KNK agrees with AG to extend question and answer deadline, as well as proposal deadline.		
3/13/07	Addendum 1 was issued by fax and mail return receipt		
3/14/07	Email from LM to EH to John Chock and back with address/fax for Jupiter Group Holdings		
3/15/07	Questions came in by email from Invencor, Inc., Kirt Westbrook		
3/13/07	HSDC emails draft of pre-proposal meeting minutes to SID (MHK, JT, PT)		
3/14/07	PT deletes minutes and emails draft of Addendum 2 to John Chock, MHJK, JT (cc:KNK)		
3/15/07	MHK email not "Let's get this out ASAP"		
3/15/07	KNK email EH, "Official Notice Coming Soon"		
3/15/07	PT emails MHK to ask who is taking lead in draft of Addendum 2.		
3/15/07	Per MHK email, SID (MHJK, JT takes lead, "you (PT), me, JT, with input from John Chock and ASO as appropriate."		
3/15/07	Addenda 2 was faxed by SID branch and Contracts mailed addenda 2 letters return receipt		
3/16/07	Emails of PT/MHK/John Chock/TEL regarding finalizing Evaluation Committee Member/memo		
3/23/07	Email from PT to EH regarding draft Addenda 3, ready for review/formatting and distribution		
3/27/07	Email from EH to PT and back on the draft Addenda 3, FINAL		
3/27/07	Addenda 3 was faxed and mailed return receipt		

3/28/07	Received letter from Kolohala Holdings with their questions
3/28/07	Received Memo to the Director for approval of the Evaluation Committee (with Evaluation Rating Form and criteria attached)
3/28/07	Email to PT from EH received questions on 3/28/07 and it is up to the committee as to whether they want to respond or not. Please advise ASO/c for Friday's Addenda
3/29/07	Email from PT to EH – Decision to stay with 3/27/07 deadline. No responses to questions received received on 3/28/07
3/29/07	Received the original letter from Christopher Energy Group, Ronald Parkhurst addressed to John Chock
3/29/07	Email from EH to PT informing them of the Christopher Energy Group, Ronald Parkhurst addressed to John Chock and contracts will be sending him a notice of the posting
3/29/07	Mailed Christopher Energy Group, Ronald Parkhurst a letter with attachment of the posting and Addenda 1 (changing the original due date to 4/16/07) the other Addendums and the RFP can be downloaded from the web.
3/30/07	Sent the Evaluation Committee memo to KNK/DO for approval
4/3/07	Received approval of the evaluation committee from DO and sent a copy to branch
4/5/07	Received a letter from Kohohala Holdings of their official Notice of Intent to Offer a bid
4/16/07	LM and PT opened the proposals
4/16/07	Received 5 proposals: 1. Pacific Island Publishing Company dba Christopher Energy Group 2. Enterprise Honolulu, Inc. 3. Kolohala Holdings LLP 4. H2 Energy, LLC 5. Invencor Inc.
4/16/07	LM put the Evaluation Committee members packets together with the following documents and gave to PT to distribute:  1. Buckslip to each of the Evaluators with a due date of 4/30/07 1. Affidavit 2. HAR Rules 3-122-52 3. Proposals 4. Evaluation Sheet for each of the proposals
4/23/07	Email from MHK to EH: Is there any problem if we get together to discuss them as a group before sending score sheet to you. Per EH: "YES, proposals should be reviewed independently. After they are scored, the committee may meet to discuss. The idea is that there should not be any influencing of the committee members."
5/2/07	Email from MHK to EH: "would like to have a meeting of the panel to discuss the scores and how to proceed once you have that compiled." Suggested dates given because he will be traveling.

5/8/07	Email from EH to MHK acknowledging his request to schedule a evaluation committee meeting in a very tight window, however there is a more pressing issue of not receiving Jonathan Kobayashi's evaluation. Inquiring MHK (committee chairperson) about who (MHK or ASO/c) to contact Mr. Kobayashi. Note: "This is the first time that we have ever encountered a situation in which a memeber of the evaluation committee failed to comply with the time schedule set for a proposal." MHK to EH: "Since Kobayashi is HSDC's rep., have John Chock help. If this does not work we will decide if you or I should call."
5/11/07	Received Jonathan Kobayashi's Evaluation
5/15/07	Email from EH to MHK providing the scores and asking if the Evaluation Committee wants to meet: 1. Kolohala Holding score 342 2. H2 Energy score 315.5 3. Enterprise Honolulu score 301.5  Recommended 4 and 5 as non-responsive proposals: 4. Invencor score 168 5. Christopher Energy Group
5/15/07	Email from MHK to EH, yes want to meet. Bill Parks is on the mainland and won't return until June 4. Jonathan Kobayashi's involvement uncertain. I (MHK) will be on vacation from next Monday and won't return until June 14. So if we are going to do a meeting, it would have to be me (MHK) and John this week, to map out the strategies. Let me know your advice as to whether this is advisable.
5/16/07 7:59 a.m.	Email from MHK to EH requesting his scoresheets and proposals: "need to refresh memory. I intend to set up a meeting of the committee to discuss next steps. I anticipate asking the three top scorers to come in for an interview and Q and A session. Then possibly invite candidates to submit BAFO before offering a recommendation to the Director. Of course you are most welcome to sit in on any of this."
5/16/07 1:34 p.m.	Email from MHK to KNK/EH stating I am proceeding with completing the evaluation process for the proposals. "I have met with JT, (BP is on leave) to discuss next steps. . . . setting in motion the dates for a formal meeting of the committee, and establishing times for formal interviews with the three qualified applicants. On leave for three weeks starting May 21, JT will be on TA. On my behalf, he will be helping to arrange those meetings and otherwise keep the process moving. We will be keeping ASO/contracts in the loop on this process and to count on and appreciate your assistance."
5/16/07	LM had questions for EH: 1. What happened to John Kobayashi? 2. Are they (SID) going to be drafting up a letter for Priority Listing? 3. What did MHK mean by keeping us in the loop

5/16/07	EH went to talk to KNK and she came back and said "ALL PROCUREMENT AND CONTRACTING HAS BEEN TURNED OVER TO THE PROGRAMS PER THE DIRECTOR".
5/16/07	SID staff came and picked up all of the Original Evaluation Committee's score sheets and proposals
5/25/07	Email from PT to EH, I've been told that SID (that means me) will be handling procurement related to the hydrogen RFP. Want sample letters of BAFO meetings.
5/31/07	EH spoke to KNK regarding problem with on of the Evaluation Committee members, Jonathan Kobayashi (resignation from HSDC Board)
5/31/07	Email from KNK to EH fyi- his email to JT and JT's response to KNK: thanks for the guidance, requesting PT to draft memo requesting approval to continue the process with remaining three members. Prior to their departure from the office, both TEL and MHK discussed, and JT understood that TEL orally approved proceeding accordingly.
6/4-5/07	Received and sent to KNK/TEL for review and approval of the revised evaluation committee and to continue the approval of MHK/JT/BP on the committee
6/13/07	Received signed approval of the revised evaluation committee from the Director's Office even though he dated the memo 6/6/07
7/5/07	Email from PT to EH/LM stating discussions were held and expect the BAFO to come in 7/10/07
?	Received copies of the Priority Offerors Discussion letters, dated 6/15/07 requesting a meeting, someone had written EH name as the signer, but KNK signed for EH- THESE LETTERS DID NOT COME FROM CONTRACTS
7/10/07	Received BAFO from Kolohala Holdings LLP, Enterprise Honolulu, and H2 Energy LLC. PT and LM opened.  LM asked PT the following questions: 1. Was a memo sent to the Director requesting his approval to go out with a BAFO? 2. When the letters were sent to the Priority Listed Offerors why weren't the questions that were going to be asked attached? 3. Where are the evaluation score sheets for the individual questions that were asked to the Offerors for the Evaluation committee? They have to be attached to each of the BAFO for the committee to evaluate.  PT stated: "That she is only doing what she is told to do and she didn't know why we weren't doing this." I (LM) said it was taken out of our hands per KNK.  Gave the BAFO Proposals to PT.
7/30/07	Received Evaluation Committees scores for the BAFO and informed MHK
?	Received all proposal from SID
8/6/07	Received Evaluation Committee's recommendation memo to the Director to process, but with a line stating "Director's Selection""?"-EH talk to KNK or SID regarding the wording of the letter and was told by "that's the way they wanted it" to be

	process; processed and sent to KNK/DO for approval, but we attached the original yellow tablet scoring sheet LM did to the letter to make sure in our minds that we tried
8/8/07	Received original memo and the yellow tablet scoring sheet signed by the Dir, but was really surprised that the #1 ranked Offerors was not selected; EH ran to KNK and he said as long as the Director justifies it, it is OK.
8/8/07	LM asked PT who was going to drafting up the notice of award and rejection letters. PT said that they were doing the letters.
8/8/07	Email from PT to EH and back: stating they are going to draft and handle the award and rejection letters and they will provide us copies. She believed ASO/c would post the awards and what form and when will the award be posted? EH said we will post after we received copies of the signed letters
8/8/07	Email from AW to LM and back requesting sample copies of the award/reject letters and also a copy of the Directors Evaluation Committee's recommendation; samples were attached and the Director's Selection letter was scanned
8/9/07	Received copies of the signed award/rejection letters from PT, with a date of 8/10/07, stating that the format of the letters differs significantly and to advise her ASAP via email if necessary information has been omitted. "HELLO", at this point I didn't even bother because they haven't followed procurement throughout why would this be any different since the Director had already signed. LM called PT/AW and told them posting cannot be made until 8/10/07/ and they informed LM they will wait to mail the letters until the award is posted.
8/10/07	LM posted the award, received a call from AW that it hasn't shown up on the website, reviewed and posted again
8/13/07	LM went into the website and could not find the posting, so reposted and that time it showed up on the computer, SO THIS DATE WILL BE THE OFFICIAL POSTING OF THE AWARD
8/22/07	The Honolulu Advertiser, Sean Hao requested and reviewed the RFP file
8/22/07	Senator Kim's Office requested and reviewed the RFP file
8/22/07	Received a copy of the Justification sheet to go with the 7/31/07 recommendation letter
8/23/07	Senator Kim's Office requested and reviewed the RFP file
8/24/07	LM called and talked to PT and John Chock on filling out an Affidavit, BED-0100 for Observer Only since they were in on the meetings per the BAFO agendas
8/28/07	Email from KNK to EH requesting answer MHK's email from H2 Energy regarding H2Energy contract requirements on compliance documents. EH: All of the compliance documents are required by law and the applications need to be filed with all three departments whether applicable or not
8/29/07	Kolohala Holdings LLP request review of the RFP file
8/30/07	Received Protest letter from Kolohala Holdings LLP
8/30/07	Senator Nishihara emails TEL, requesting KNK and EH to attend 9/4/07 hearing on this RFP.
8/30/08	Copy of Protest sent to SPO
8/31/07	Rachel Ogdie, H2 Energy requested review of the RFP file

8/31/07	Kolohala Holding LLP requesting five items from the RFP, did not have the BAFO minutes, and EH wrote a letter to Kolohala requesting more time on item five because the appropriate personnel is not available to ask
8/31/07	LM called MHK to get the minutes of the BAFO meetings and was told minutes were not taken; each company was allowed to make a 30 minute presentation; HSDC had a tape recorder running which was later converted into a CD, but didn't know if their were individual CD or just one (either way ASO/c doesn't have a copy and will check with SPO to see does it suppose to be in the file). No significant sheets to record who was present. MHK asked LM who was advising ASO/c on how to answer questions when they came in and she responded that we were discussing all matters with you. Pursuant to HAR 3-122-53, "The procurement officer shall establish procedures and schedules for conducting discussions and keep a record of the date, place, purpose of meetings and those attending." On another note, Ted was given a copy of the Admin rules with the appropriate sections flagged.
8/30/07	Email from SPO, Ruth Yamaguchi, requesting any further documents of the RFP file be copies to SPO. Per SPO, procurement process is at "STOP."
8/31/07	EH wrote a letter to Kolohala requesting more time on item five because the appropriate (SID) personnel was not available at this time
9/4/07	Received a copy of a memo from Aaron Fujioka to TEL regarding preliminary review of the RFP file. Requesting response by 9/11/07.
9/6/07	Email from EH to KNK-All work on this procurement stops and no documents related to the public until SPO finding and determinations.
9/10/07	Received BAFO CD from JT stating all three meetings are on the CD
9/10/07	LM called Kolohala to pick up the last of their request, BAFO minutes
9/13/07	LM Emailed Kolohala, Joelle to pick up the last of their request, BAFO minutes and Email back said she will be sending Miyuki
9/14/07	Kolohala, Joelle picked-up CD of the BAFO meetings
9/21/07	Senator Kims Office, Ross Tsukenjo, requested copies and will pick up on 9/24/07
9/25/07	Received a copy of a memo from Aaron Fujioka to TED regarding rendering final review and recommendation. Also DO NOT HAVE 9/17/07 MEMO FROM TEL TO Aaron per this memo in which Aaron is thanking him for
10/16/07	Received a two lined sheet of paper (ORIGINAL) signed by the Director withdrawing and canceling the 8/6/07 "Renewable Hydrogen consultant/manager selection"
10/16/07	Received a one lined sheet of paper copy signed by the Director rescinding his "Director's Selection" portion of the 7/31/07 Evaluation Committee Findings for RFP-07-11-SID Memorandum from MHK
10/23/07	Mailed TEL response to Kolohala Holdings LLP protest letter. Protest deadline was 8/21/07. Protest received 8/29/07 would not be considered.
10/29/07	Received copies of letters signed by the Dir to the priority listed offerors rescinding the 8/10/07 notification letters



11/9/07	Fax copies to Aaron at SPO the 10/16/07 memos to withdraw and cancel selection and to rescind selection portion of Evaluation Committee 7/31/07 memo to TEL.
11/13/07	Memo from TEL to SPO (following 11/9/07 meeting) requesting confirmation of authority to: cancel solicitation completely and change scope of services, giving explanations under "Flawed Procurement Process," "Independence of Evaluation Committee," and "Change in Circumstances."
12/11/07	Copy of Memo from Aaron to TEL in response to his 11/13/07 memo-detailed detailed on Flawed Procurement Process, Independence of the EC and the Change in Circumstances
12/26/07	Copy of letter from Senator Kim to TEL, requesting copy of letters and update of actions taken in regard to the efforts to comply with SPO directives
12/28/07	Copy of letter from TEL to Senator Kim the response to the 12/26/07 letter
1/7/08	Copy of letter from TEL to Aaron responding to his 12/27/07 memo (NEVER RECEIVED A COPY IN CONTRACTS) on the status
1/10/08	Received request to access a government record by Kolohala, requesting all correspondence from DBEDT to other government agencies since 9/4/07, especially the 11/13/07 memo from TEL to Aaron
1/15/08	Received a copy of memo from TEL to Aaron in response for further clarification on why actions on the hydrogen fund are pending decisions by USDOE regarding proposed partnership with HI
1/22/07	Copy of memo from Aaron to TEL regarding what actions were done and what more need to be done
1/25/08	Received a copy of the 11/13/07 Memo from TEL to Aaron following up with the meeting they discussed on 11/9/07 in areas detailed on Flawed Procurement Process, Independence of the EC and the Change in Circumstances
1/25/08	Kolohala came by and picked up their request to access a government record dated 1/10/08
1/25/08	Received a copy of a letter from Kolohala Holdings welcoming USDOE new program to the state to hoping the state will meet the obligation to them
1/31/08	TEL email to SPO-Aaron requesting from SPO: response to justification and guidance on award issuance.
2/1/08	Received request to access a government record by Kolohala, requesting letter from Director to Aaron sent on 1/31/08
2/4/08	EH transmitted a buckslip to KNK with 2/1/07 Kolohala's request to access a government record. KNK changed response due date from 3/4/08 to 2/15/08.
2/15/08	Buckslip from KNK to TEL to ASO/c. Per instruction from KNK to EH, transmit by email to Joelle.
2/22/08	Received a copy of the Award letter to Kolohala Holdings signed by MKA for TEL
2/22/08	EH emailed MKA to tell him the contract award procedures and will wait for his approval before sending out the award and non-awarded bidders letters
2/25/08	EH sent rejection letters to KNK/TEL for approval/signature
2/26/08	Received signed rejections letters from Director's Office, signed by MA

2/26/08	POSTED, Faxed and mailed return receipt all rejections letters and mailed/faxed a copy of the award letter to Kolohala Holdings Office
2/29/08	Senator Kim's Office, Ross Tsukenjo, requested copies
2/29/08	Received memo with comments from Aaron to TEL re: Notice of Award letter to Kolohala



Ken Kitamura/DBEDT  
08/31/2007 08:17 AM

To Eileen Harada/DBEDT@DBEDT  
cc  
bcc  
Subject Fw: Procurement briefing

Hello Eileen,

Can you round up the necessary documents? As I recall, any hardcoded document related to him being able to select from a list is non-existent. However, DBEDT's past practice is to give the Director the opportunity to make the final decision after considering the committee recommendation.

Ken.

----- Forwarded by Ken Kitamura/DBEDT on 08/31/2007 08:12 AM -----

Theodore E Liu/DBEDT  
08/31/2007 08:06 AM

To Ken Kitamura/DBEDT@DBEDT  
cc Dawn Okuhama/DBEDT@DBEDT  
Subject Procurement briefing

We have a 12:00 but depending on my 8:30 meeting, I could move it up to 9:30 AM.

I just need the entire procurement code justification for my authority, including my authority to pick from a list provided by an evaluation committee. Could you also provide me with hard copies of the relevant code sections and admin rules? Thanks!

Ted

*Theodore E. Liu*

Director

Dept. of Business Economic Development & Tourism

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Exhibit 139