

APPENDIX F

Hydrogen Fund Timeline & Summary

- **June 26, 2006** ACT 240 SLH 2006 Regular Session
SB 2957 A Bill for an Act Relating to Energy
Legislature creates a renewable hydrogen program within DBEDT.
Legislature creates Hydrogen investment capital special fund and appropriates \$10 million.
- **September 25, 2006** Final revised Hydrogen Work Plan draft by Maurice Kaya.
- **October 2006** Drafting of RFP begins using Work Plan as basis for Hydrogen Fund RFP (10/24/06 draft RFP received by DBEDT contracts)
- **February 20, 2007** RFP-07-11-SID Issued
DBEDT issues RFP to manage \$8.7 million in the Hydrogen investment capital special fund.
- **March 30, 2007** Original submittal deadline for RFP-07-11-SID
H2 Energy incorporated April 11, 2007
DBEDT extends the RFP closing to April 16, 2007
- **April 16, 2007** BID closes for RFP-07-11-SID
- **May, 2007** Harada officially told that "All procurement and contracting has been turned over to the programs per the Director".
- **July 13, 2007** Second round of evaluations on Best and Final Offers (BAFO).
Evaluator's summary score sheets show that Kolohala was ranked by all evaluators highest in every category.
- **July 31, 2007** Director meets with evaluation committee
Evaluation Committee findings memo dated 7/31/07 to Director.
- **August 6, 2007** Date Director receives evaluation committee letter utilizing "3 point must system" as basis for selecting H2 Energy.
Justification document was used by DBEDT to justify Director's selection of third ranked bidder. This 3 point system has never been used before. (DVD Chapter 11, hour 1 minute 3). The memo was not part of the procurement file when staff went to retrieve RFP documents, memo was faxed to Senator Kim's office on 8/22 (DVD Chapter 11, hour 1 minute 5).
- **August 7, 2007** Director signs selection memo selecting 3rd ranked H2 Energy
- **August 8, 2007** ASO contracts received selection memo signed by Director. Harada expressed concerns to Kitamura and Kitamura said as long as the Director justifies it, it's ok.

- **August 10, 2007** Letter to H2Energy notifying of award and letters to other bidders by the director notifying of non-award
- **August 22, 2007** Director's justification letter surfaces
- **August 29, 2007** Kolohala files a protest of the selection of H2 Energy.
- **August 31, 2007** Letter from State's Chief Procurement Officer to DBEDT Director to stop any further action on RFP-07-11-SID
- **September 4, 2007** TSG holds investigative hearing. (See DVD of hearing).
- **September 17, 2007** Letter from DBEDT Director to CPO outlining his understanding of the RFP process.
- **September 25, 2007** Letter from CPO to DBEDT Director "Administrator's Final Review and Determination on Hydrogen RFP *"Corrected Actions Directives"*
In this letter the CPO determined that:
 1. *DBEDT director shall rescind award memo and non-award memos.*
 2. *DBEDT director shall rescind Director's Selection portion of July 31, 2007 memo from Maurice H. Kaya.*
 3. *DBEDT director shall validate the evaluation committee's ranking.*
- **October 11, 2007** TSG holds follow-up investigative hearing.
- **November 13, 2007** Memo from DBEDT Director to CPO regarding "**Flawed Procurement Process, Independence of EC and Change of Circumstance.**"
In this letter the DBEDT director is asking for permission from the SPO to cancel the RFP based on the fact that he now believes that the procurement process was flawed, that evaluators on the committee had a conflict of interest despite their signed affidavits and that a change of circumstance has occurred where the RFP was no longer needed.
- **December 11, 2007** Letter from CPO to DBEDT Director responding to November 13, 2007 memo.
This letter is the CPO's response to the DBEDT Director's memo asking to cancel the RFP. The CPO states that in regards to the procurement process being flawed the EC members need to submit to the SPO a written statement how their deliberations would have been impacted by the change in the assumption that the ultimate selection was to be made by the director. In regards to independence of the EC, all members signed the BED-0100 affidavit and that the director needs to submit to the SPO a written statement that the EC members falsely signed their affidavits.
- **January 7, 2008** Letter from DBEDT Director to CPO outlining corrective actions taken as of 1/7/08

- **January 15, 2008** E-mail DBEDT Director to CPO describing "change of circumstance".
This letter describes the director's "Change of Circumstance" reason to cancel the RFP. In the e-mail he describes the US Department of Energy's MOU with the State of Hawaii.
- **January 22, 2008** Letter CPO to DBEDT Director requiring the director take the corrective action pursuant to CPO's memo dated September 25, 2007 by January 31, 2008.
- **February 14, 2008** Letter CPO to DBEDT Director stating that the director award the contract by February 29, 2008.
In this letter the CPO states that the director's attempt to only partially award the RFP cannot be done and that the MOU is not justification enough for the cancelling of the RFP. MOU/SIP is a non-binding agreement and that there is no guarantee that the purpose of ACT 240 SLH 2006 will be accomplished by the MOU and that the RFP will meet the purpose of Act 240.
- **February 21, 2008** Hearings of the Senate's Investigative Committee begins.
Subsequent hearings:
 - February 21, 2008
 - February 28, 2008
 - March 6, 2008
 - March 7, 2008
 - March 11, 2008
 - March 13, 2008
 - March 15, 2008
 - March 20, 2008
 - March 22, 2008
 - March 27, 2008
 - April 10, 2008
 - April 30, 2008
 - May 21, 2008
- **February 22, 2008** Letter from DBEDT Director to Joelle Simonpietri notification of award.
Letter states that the contract will be negotiated as soon as the new SID administrator is in place.
- **September 1, 2008** Hydrogen RFP Contract still not executed.
- **September 5, 2008** Kolohala signs Hydrogen contract.