

CURT T. OTAGURO COMPTROLLER

AUDREY HIDANO DEPUTY COMPTROLLER

STATE OF HAWAII DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Comptroller's Certification

Mr. Craig K. Hirai, Director Department of Budget and Finance State of Hawaii

We have verified the Honolulu Authority for Rapid Transportation's (HART) compliance with Hawaii Revised Statutes (HRS) §46-16.8 (e) for capital costs in invoices submitted to the Comptroller by HART in the accompanying Schedule of Invoices. The management of HART is responsible for HART's compliance with HRS §46-16.8 (e). Our responsibility is to verify that the invoices for capital costs comply with HRS §46-16.8 (e).

As more fully described in Note 2 to the accompanying Schedule of Invoices, our verification procedures involved procedures to obtain evidence about whether the invoices submitted by HART for the capital costs of a locally preferred alternative for a mass transit project comply with HRS §46-16.8 (e). We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our conclusion.

As more fully described in Note 3 to the accompanying Schedule of Invoices, adjustments may be made to reduce the amount of future reimbursements to HART for prior invoices certified by the Comptroller that are found to be in error due to fraud, illegal activities or other violations of laws and regulations.

Our verification procedures do not provide a legal determination of HART's compliance with HRS §46-16.8 (e). Further, as the objective of our procedures were limited to verifying that the costs in invoices submitted by HART complied with a specific law, our procedures have not been designed to detect fraud or other illegal activities.

Based on the results of our verification procedures performed, the invoices for capital costs in the accompanying Schedule of Invoices comply with HRS §46-16.8 (e).

| /S/ | Dated: January 26, 2022 |
|-----------------|---|
| Curt T. Otaguro | and a historical region. Annual storage on high is suit about the children to |
| Comptroller | |

Schedule of Invoices

| Vendor | endor Contract No. | | Certified Amount | |
|---|--------------------|---|------------------|---------------|
| Hitachi Rail Honolulu, JV | CT-1200106 | 00099 | \$ | 4,823,418.85 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00100 | Ψ | 2,756,514.30 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00101 | | 1,146,480.90 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00102 | | 9,660,312.50 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00104 | | 4,318,651.55 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00105 | | 344,346.50 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00106 | | 2,654,249.65 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00107 | | 4,173,455.39 |
| Hitachi Rail Honolulu, JV | CT-1200106 | 00108 | | 2,141,496.45 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000059 | GOB 2019A Jul 2020 | | 874,791.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000059 | GOB 2019E Jul 2020 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000059 | GOB 2020B Jul 2020 | | 1,114,096.29 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000228 | GOB 2019A Aug 2020 | | 874,791.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000228 | GOB 2019E Aug 2020 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000228 | GOB 2020B Aug 2020 | | 1,114,096.29 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000368 | TECP A-1 BOA | | 75,124.93 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000368 | TECP B Sumitomo Mitsui | | 58,695.27 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000368 | TECP B Sumitomo Mitsui | | 292,152.51 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000592 | GOB 2019A Nov 2020 | | 874,791.67 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000592 | GOB 2019E Nov 2020 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000592 | GOB 2020B Nov 2020 | | 1,139,416.67 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000690 | GOB 2019A Dec 2020 | | 874,791.67 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000690 | GOB 2019E Dec 2020 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000690 | GOB 2020B Dec 2020 | | 1,139,416.67 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000718 | BOA A-Liqud.Rvlvr 1 M 12/8/23 | | 97,232.95 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000718 | BOA B-Remrking Fee .05% \$95mil. | | 11,939.89 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000718 | Sumitomo Mitsui B-L/C LG/MIS/NY-085892 | | 263,572.38 |
| | | Carried forward | \$ | 43,749,586.60 |

Schedule of Invoices (Continued)

| Vendor | Contract No. | Reference No. | Certified Amount | |
|---|------------------|--|------------------|---------------|
| | | Carried over | \$ | 43,749,586.60 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000765 | TECP \$15M B-27/7/21 | | 6,780.82 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000765 | TECP \$45M B-1 7/7/21 | | 20,527.40 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000765 | TECP \$60M B-1 7/7/21 | | 45,764.38 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000765 | TECP \$95M B-1 7/7/21 | | 75,375.34 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000909 | GOB 2019A Feb 2021 | | 874,791.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000909 | GOB 2019E Feb 2021 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21000909 | GOB 2020B Feb 2021 | | 1,139,416.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21001029 | Commit.Fees TECP A Jan- Mar 2021 | | 139,452.92 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21001029 | Commit.Fees TECP B Jan- Mar 2021 | | 314,681.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21001029 | RmrkgFees TECP B1 Jan- Mar 2021 | | 18,759.92 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-21001029 | RmrkgFees TECP B2 Mar 2021 | | 246.58 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000053 | GOB 2019A Int Pmt July 2021 | | 874,791.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000053 | GOB 2019E Int Pmt July 2021 | | 731,437.50 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000053 | GOB 2020B Int Pmt July 2021 | | 1,139,416.66 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000093 | Int Pmt \$15M TECP drw #11-2, B-2, 7/21-8/21, due 8/4/21 | | 920.55 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000093 | Int Pmt \$200M TECP drw #9, #10, #11-1, B-1 7/21- 8/21, due 8/4/21 | | 12,273.97 |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000093 | Int Pmt \$60M TECP drw #12, B-2, 6/21-8/21 due 8/4/21 | | 6,443.84 |
| | | Carried forward | \$ | 49,882,105.46 |

Schedule of Invoices (Continued)

| Vendor | Contract No. | Reference No. | | Certified Amount | |
|---|------------------|--|----|------------------|--|
| | | Carried over | \$ | 49,882,105.46 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000240 | GOB 2019A Int Pmt Aug 2021 | | 874,791.66 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000240 | GOB 2019E Int Pmt Aug 2021 | | 731,437.50 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000240 | GOB 2020B Int Pmt Aug 2021 | | 1,139,416.66 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000318 | Remktg fee-TECP B-1 Jun- Sep 2021 BOA | | 9,589.04 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000318 | Remktg fee-TECP B-2 Jun- Sep 2021 BOA | | 4,842.47 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000484 | GOB 2019A Int Pmt Oct 2021 | | 874,791.67 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000484 | GOB 2020B Int Pmt Oct 2021 | | 1,139,416.67 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000484 | GOB 2021E Int Pmt Sep-Oct 2021 | | 3,160,439.58 | |
| City & County of Honolulu-Div of Treasury | ICP-HRT-22000485 | GOB 2019E Int Pmt Oct 2021 | | 731,437.50 | |
| INIT Innovations in Transportation | DO-1602362 | 00015 | | 15,217.76 | |
| Lea + Elliott | SC-1400049 | 00145 | | 6,409.56 | |
| Lea + Elliott | SC-1400049 | 00147 | | 14,534.97 | |
| Lea + Elliott | SC-1400049 | 00155 | | 914,607.35 | |
| Lea + Elliott | SC-1400049 | 00158 | | 705,464.65 | |
| Lea + Elliott | SC-1400049 | 00160 | | 738,708.72 | |
| Lea + Elliott | SC-1400049 | 00161 | | 623,789.34 | |
| Nan, Inc T.O. (CCUR) | CT-1800230 | TO 12-2 | | 937,478.21 | |
| Nan, Inc T.O. (CCUR) | CT-1800230 | TO 12-6 | | 912,289.88 | |
| Road and Highway Builders, LLC | CT-1900074 | 00023 | | 53,973.30 | |
| Road and Highway Builders, LLC | CT-1900074 | 00024 | | 11,012.43 | |
| Royal Contracting Company LTD | CT-1800114 | TO 3-8 | | 32,346.32 | |
| Royal Contracting Company LTD | CT-1800114 | TO 3-9 | | 73,184.21 | |
| | | Carried forward | \$ | 63,587,284.91 | |

Schedule of Invoices (Continued)

| Vendor | Contract No. | Reference No. | Ce | rtified Amount |
|--|--------------|---------------|----|----------------|
| | | Carried over | \$ | 63,587,284.91 |
| Royal Contracting Company LTD | CT-1800114 | TO 3-10 | | 17,192.52 |
| Shimmick/ Traylor/ Granite JV | CT-1600385 | 00046 | | 9,746,150.95 |
| Stantec Consulting Services, Inc. | SC-1600008 | 00131 | | 684,310.10 |
| Stantec Consulting Services, Inc. | SC-1600008 | 00133 | | 634,592.32 |
| Stantec Consulting Services, Inc. | SC-1600008 | 00135 | | 789,810.79 |
| | | Subtotal | \$ | 75,459,341.59 |
| (A) INIT Innovations in Transportation | DO-1602362 | 00016 | \$ | 1,105,781.39 |
| (A) Lea + Elliott | SC-1400049 | 00149 | | 15,639.53 |
| (A) Lea + Elliott | SC-1400049 | 00151 | | 15,104.96 |
| (A) Lea + Elliott | SC-1400049 | 00154 | | 31,967.31 |
| (A) Lea + Elliott | SC-1400049 | 00156 | | 9,783.82 |
| (A) Stantec Consulting Services, Inc. | SC-1600008 | 00128 | | 814,638.17 |
| (A) Stantec Consulting Services, Inc. | SC-1600008 | 00129 | | 894,544.32 |
| (A) Stantec Consulting Services, Inc. | SC-1600008 | 00130 | | 973,955.84 |
| (A) Stantec Consulting Services, Inc. | SC-1600008 | 00132 | | 750,353.22 |
| (A) Stantec Consulting Services, Inc. | SC-1600008 | 00134 | | 700,133.34 |
| (B) Road and Highway Builders, LLC | CT-1900074 | 00018 | | (147,288.00) |
| | | Subtotal | \$ | 5,164,613.90 |
| | | Total | \$ | 80,623,955.49 |

⁽A Adjustments were made to reverse amounts deemed not allowable per HRS §46-16.8 (e) to reduce the amount reimbursed to HART. See Note 2. Hawaii Revised Statues §46-16.8 (e) and §40-81.5.

⁽B) Adjustments were made to reverse amounts deemed not allowable per HRS §46-16.8 (e) from an invoice certified in previous quarter. See Note 2. Hawaii Revised Statues §46-16.8 (e) and §40-81.5.

HONOLULU AUTHORITY FOR RAPID TRANSIT

Notes to Schedule of Invoices

1. Organization

The Honolulu Authority for Rapid Transportation (HART) is a semi-autonomous government unit of the City and County of Honolulu (City) which came into being pursuant to the Revised Charter of the City and County of Honolulu (RCH). HART is authorized under the RCH to develop, operate, maintain, and expand the City guideway system.

2. Hawaii Revised Statutes §46-16.8 (e) and §40-81.5

Hawaii Revised Statutes (HRS) §46-16.8 (e) provides for the use of surcharge revenues received from the State of Hawaii (State) for capital costs of a locally preferred alternative for a mass transit project provided revenues derived from the county surcharge of State tax shall not be used:

- 1) To build or repair public roads or highways, bicycle paths, or support public transportation systems already in existence prior to July 12, 2005;
- 2) For operating or maintenance costs of a mass transit project or any purpose not consistent with this subsection; or
- 3) For administrative or operating, marketing, or maintenance costs, including personnel costs, of a rapid transportation authority (Authority) charged with the responsibility for constructing, operating or maintaining the mass transit project.

HRS §40-81.5 requires the Comptroller, upon request for payment by the rapid transportation authority, to verify that the Authority's invoices for capital costs of a locally preferred alternative for a mass transit project comply with HRS §46-16.8 (e). After submission of invoices by the Authority for capital costs of a locally preferred alternative for a mass transit project are verified by the Comptroller as an acceptable use of funds pursuant to a surcharge on State tax authorized pursuant to HRS §46-16.8 (e), the Comptroller shall submit a certification statement, including any appropriate supporting documents, to the State Department of Budget and Finance for allocation of funds from the Mass Transit Special Fund, if available. The certification statement shall include, at a minimum, the total amount contained in the invoices for capital costs that are verified as an appropriate use of funds pursuant to HRS §46-16.8 (e).

HONOLULU AUTHORITY FOR RAPID TRANSIT

Notes to Schedule of Invoices (Continued)

During the quarter ending December 31, 2021, the Comptroller identified ten invoices that contained amounts totaling \$257,246.75 for administrative, operating and maintenance costs that are not allowed per HRS §46-16.8 (e). These unallowable charges are being reversed to reduce the amounts reimbursed to HART - see items (A).

The Comptroller also identified one invoice that contained \$147,288.00 for road work requested by the State of Hawaii Department of Transportation (HDOT) for which HDOT will reimburse HART. This cost is not allowed per HRS §46-16.8 (e). and is being reversed to reduce the amounts reimbursed to HART - see item (B).

As of December 31, 2021, the balance in the Mass Transit Special Fund totaled \$80,624,026.23. As disclosed in the accompanying Schedule of Invoices, the total amount certified by the Comptroller as of January 26, 2022, totaled \$80,623,955.49.

3. Fraud, Illegal Activities and/or Violations of Laws and Regulations

During February 2019, HART was served with three separate subpoenas by the United States Attorney for the District of Hawaii. As a result of such actions by Federal authorities, DAGS has determined that adjustments to reduce the amount of future reimbursements to HART will be made should prior invoices certified by the Comptroller be determined to be in error due to fraud, illegal activities or other violations of laws and regulations as a result of investigations, audits and/or judicial proceedings by any governmental body. The scope of this policy includes the findings and conclusions of investigators, auditors or other third parties contracted by such governmental bodies for the purpose of examining HART for possible fraudulent and illegal activities or other violations of laws and regulations.