



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 21, 2009

MEMORANDUM

TO: Aaron Fujioka, Administrator
State Procurement Office

THRU: Laura H. Thielen, Chairperson
Department of Land and Natural Resources

FROM: Morris M. Atta, Administrator
Land Division

SUBJECT: Amendment of Approval for Emergency Procurement for Cutting Three (3) Trees between 2255 and 2273 Round Top Drive, Honolulu, Oahu; TMK (1) 2-5-3:44 and (1) 2-5-7:1

On December 2, 2008, we obtained your approval for emergency procurement pursuant to Section 103D-307, Hawaii Revised Statutes. The approval is to retain the service of Davey Tree Surgery Company (Davey) at a price of \$71,562.04 for cutting three trees at Round Top Drive due to the concern of public safety. A copy of the said approval is enclosed for your reference.

After the purchase order was issued on December 4, 2008, Davey told my staff that the project would start after the Christmas holidays. When my staff contacted Davey after the holidays regarding the project, Davey said it could not perform the job. We understand from Davey that it has a current landscaping contract with Hawaiian Electric Company (HECO), and HECO will not allow Davey to spare manpower from its regular schedule to work on our job. My staff discussed with HECO but received the same response. My staff was never told by Davey about any possible conflict between HECO's contract and our project.

Trees of Hawaii, Inc. (TOH) was the other bidder for the job when the selection was made in last December. TOH's bid was not chosen because it was higher than that of Davey. Upon learning the position of Davey/HECO, staff asked TOH if it can perform the work at its bid price, which is \$109,182.15. By an email dated January 15, 2009, TOH indicates that it will proceed with a tentative start date of February 17, 2009 at the original bid of \$109,182.15.

To alleviate the concern of public safety posed by the subject trees, we request your approval to amend by awarding the subject job to Trees of Hawaii, Inc. at a price of \$109,182.15.

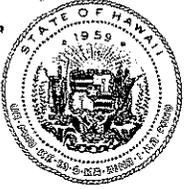
E.P. 09-019-B

If you have any further questions, please feel free to contact Barry Cheung of Oahu District Land Office at 587-0430. Thank you.

APPROVED/~~DISAPPROVED~~


Aaron Fujioka, Administrator
State Procurement Office

Enclosure



STATE PROCUREMENT OFFICE EMERGENCY PROCUREMENT REQUEST

1 TO: Chief Procurement Officer
2 FROM: Department of Land and Natural Resources

Department/Division/Agency

Pursuant to §103D-307, HRS, and Subchapter 10, Chapter 3-122, HAR, the Department requests approval for the following:

3. Date 11/24/2008

4. After the fact YES NO

5. Nature of the Emergency

The Department received complaints regarding overgrown trees at a portion of unpaved Makiki Street. It is our position that the location is a portion of paper road which falls under the jurisdiction of the City & County of Honolulu. Due to the disagreement of the City over the jurisdiction of the location, public safety is at risk. Please refer to the attached memo for more information.

6. Vendor: The Davey Tree Surgery Company
Address: 1299 Hart Street, Honolulu, HI 96817
(808) 845-0945

7. Price:
\$71,562.04

8. Description of goods, services, or construction to be purchased

Remove three (3) trees, namely, one norfolk pine, one mahogany, and one poinciana to three feet above ground level. Haul all branches to an acceptable disposal facility. Vendor is also responsible for coordinating with the utility company and pay for the cost regarding the de-energizing the power line at the location during the work.

9. Reason for Vendor Selection

Due to the existence of the power line at the location, the work has to be performed by a qualified contractor specialized in working close to power line. We cannot secure any contractor through HePS. Finally, we invited the contractors currently doing works for the utility company to submit bid for the work. Two bids received.

10. Direct questions to: Barry Cheung

Phone: 587-0430

11. I certify that the information provided above is to the best of my knowledge, true and correct.

Department Head

Date

Reserved for SPO Use Only

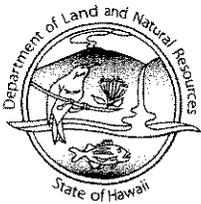
12. Chief Procurement Officer's comments:

13.

APPROVED DISAPPROVED NO ACTION REQUIRED

Chief Procurement Officer: Alan S. Jyle Date: 12/2/08

14. E.P.No. 09-09-J



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 24, 2008

TO: Aaron Fujioka, Administrator
State Procurement Office

THRU: Laura H. Thielen, Chairperson
Department of Land and Natural Resources

FROM: Morris M. Atta, Administrator
Land Division

SUBJECT: Approval for Emergency Procurement for Cutting Three (3) Trees between 2255 and 2273 Round Top Drive, Honolulu, Oahu; TMK (1) 2-5-3:44 and (1) 2-5-7:1

BACKGROUND:

There is a portion of unpaved Makiki Street between 2255 and 2273 Round Top Drive, which is sloped and overgrown with vegetation, including some tall trees. In the past, the Department received numerous complaints from the owners (Morrison and Kam) of the aforesaid address about the potential hazard during high wind posed by those tall trees at the subject location.

It is the Department's position that the subject location is a portion of paper road, which is falling under the jurisdiction of the City and County of Honolulu (City), pursuant to Chapter 264, Hawaii Revised Statutes. Our position is based on an opinion by the Attorney General dated August 5, 1999.

Since 2005, the Department has conveyed our position to the City's Department of Facility Maintenance with the intention that the City would take action to prune the trees that were of concern. Unfortunately, the City did not undertake any action on the situation.

Around September 2007, Senator Carol Fukunaga started organizing meetings with the Department, the City, and the owners hoping to find a solution to the situation.

We do not anticipate any compromise will be reached about the responsibility and ownership of the road with the City shortly and we do not want to jeopardize the safety of the residents and property next to the trees. Around January 2008, the Department started soliciting contractors to cut the trees through HePS.

There is a live power line running through the trees, and produces a substantial risk if the contractor is not trained and qualified to perform the job. Basically, the qualification process involves proper training of the workers for the Electrical Hazard Awareness Program, continuous training and testing in order to comply with OSHA requirements. The contractors submitted bids at the first two solicitations in January and June 2008 were found not to be qualified to perform the work.

HECO advised us that the subject power line has enough clearance and they do not intend to cut any vegetation beyond the clearance area.

Later, we asked HECO for the names of qualified contractors who are currently doing the jobs for HECO, and we were given three names. We invited the three qualified contractors to submit bid for this job. Two of them attended the pre-bid site meeting and subsequently submitted bids, and the remaining contractor was not interested in this job.

| | |
|----------------------------|--------------|
| Davey Tree Surgery Company | \$71,562.04 |
| Trees of Hawaii, Inc. | \$109,182.15 |

EMERGENCY PROCUREMENT

We believe the subject job meets the conditions required in §103D-307(a), HRS, to be qualified as an emergency procurement because:

1. The lack of response from the City creates a threat to the public safety at the subject location.
2. This project requires a qualified contractor, which cannot be met through normal procurement process. The Department is able to identify such contractor through a competitive bidding process.
3. If the request is not allowed to proceed, the public safety will be seriously endangered.

TREES OF HAWAII, INC.



Contractor's Lic # C-05481
1234 North School Street, Honolulu, HI 96817
Phone: Oahu (808) 682-5771 * Maui (808) 242-9035
Fax: Oahu (808) 842-0994

Submitted by Randy Brewer
Certified Arborist & Utility Specialist #WE-2184AU

Date: 11-18-08

Proposal No.: 08-01172

Proposal Submitted To:

Department of Land & Natural Resources
Attn: Barry Cheung

For:

Round Top/Makiki St. extension
tree removal project

Phone:

587-0430

Fax/email:

barry.w.cheung@hawaii.gov

Proposal:

Removal of Debris: Yes

- (1) Mahogany tree – Remove as close to ground level as practical with a chainsaw.
 - (1) Yellow poinciana tree - Remove as close to ground level as practical with a chainsaw.
 - (1) Norfolk Island pine tree - Remove as close to ground level as practical with a chainsaw.
- (Price includes HECO fees for de-energizing & re-energizing)

| | |
|-----------|--------------|
| Subtotal: | \$103,769.00 |
| Tax: | \$ 4,889.59 |
| Total: | \$108,658.59 |

Cost to mail notification letters to 157 HECO customers that may be affected due to intermittent loss of electrical service during the course of this project.

| | |
|-----------|-----------|
| Subtotal: | \$ 500.00 |
| Tax: | \$ 23.56 |
| Total: | \$ 523.56 |

| |
|---|
| <u>For Office Use Only</u> |
| CT – L-40, C-60 |
| SE – crane, 2T w/lg. chipper, 2T w/chipper |
| M – 6 |
| H – 80 |
| SI – special duty officers (2), permit for lane closure |

RECEIVED
 LAND DIVISION
 2008 NOV 19 A 8:13
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

Trees of Hawaii, Inc. will not be responsible for damage to property not visible where not specifically mentioned herein, especially underground installations. It is the responsibility of the customer to monitor and determine the frequency of pruning by considering factors such as growing conditions, weather, age of the palms/trees, high target exposure, etc. The detection/inspection of hidden defects in the trees/palms, if any, is not a part of this proposal.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. **Payment Terms** – Net 30 days from completion. A 1 ½% per month FINANCE CHARGE will be applied on accounts over 30 days. **Note:** This proposal may be withdrawn if not accepted within 60 days.

Signature _____ Date of Acceptance _____

RECEIVED
LAND DIVISION

2008 NOV 13 P 2: 46

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

11/13/2008



1299 Hart St Honolulu Hi 96817 Fax: 808-845-0945

TREE SERVICE QUOTATION

Client's Name: Barry Cheung DLNR
Address: 1151 Punchbowl St, Room 220
City: Honolulu State: HI 96809
PH #: 808-587-0430 Fax #: 808-587-0455

| Description of Tree Work | Estimate |
|---|--------------------|
| 1 Norfolk | \$9,200.00 |
| 1 Mahogany | \$12,500.00 |
| 1 Yellow Poinciana | \$9,500.00 |
| HECO Hold-off cost | \$24,000.00 |
| Logs and Debris Removal | \$5,000.00 |
| Disposal Fee: | \$8,500.00 |
| Elvis Landford will be on location to start work. | |
| Sub Total | \$68,700.00 |
| Tax: 4.166% | \$2,862.04 |
| Total: | \$71,562.04 |

Authorized Buyer:

Davey Tree Representative: Elvis Landford 808-478-6771