



11 MAR -9 P 1:49 STATE PROCUREMENT OFFICE
EMERGENCY PROCUREMENT REQUEST

STATE PROCUREMENT OFFICE
STATE OF HAWAII

1. TO: Chief Procurement Officer

2. FROM: DLNR/DOBOR/Maui

Department/Division/Agency

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

3. Date 1/13/2011	4. After the fact <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Nature of the Emergency Oil spill in Maalaea Harbor following flooding of Maalaea used oil storage facility.	

6. Vendor: PENCO Address: 65 N. Nimitz Hwy Pier 14 Honolulu, HI 96817	7. Price: \$8,855.59
---	-------------------------

8. Description of goods, services, or construction to be purchased
Charges for emergency response and clean up of oil spill in Maalaea Harbor, transportation and disposal of soiled sorbents and PPE.

9. Reason for Vendor Selection
Vendor was already mobilized on Maui for another incident and was able to do an emergency response to prevent significant environmental damage to the Maalaea harbor ecosystem. No other vendors were available on Maui to respond.

10. Direct questions to: Nicholas Giaconi, DOBOR Maui ~ | Phone: 808-243-5824

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

[Signature] Department Head 3/7/11 Date

Reserved for SPO Use Only

12. Chief Procurement Officer's comments:
The contact person, Mr. Nicholas Giaconi has identified Ms. Stacy Masuda and Mr. Kevin Yim as participants in this procurement. Mr. Giaconi has written delegated procurement authority, Ms. Masuda and Mr. Yim do not and all have attended the appropriate mandatory procurement training. In a telephone conversation with SPO staff Ms. Masuda indicated she was not aware of the requirement for written delegated procurement authority. As a reminder, Ms. Masuda and Mr. Yim cannot participate in any procurement activities until they have both written delegated procurement authority and have completed the appropriate mandatory procurement training requirements for the applicable procurement method, pursuant to Procurement Delegation No. 2010-01 and Procurement Circular No. 2010-05 as appropriate.

In e-mails from DLNR staff to SPO staff, DLNR has stated that the U.S. Coast Guard (USCG) did not cite DLNR for the oil spill as DLNR had taken swift action to contain and clean up the oil spill. USCG also informed DLNR to seek measures to avoid this situation from happening again. Approval is granted with the understanding that DLNR shall comply with USCG's suggestion in relocating the used oil storage facility to avoid a recurrence.

13.

APPROVED DISAPPROVED NO ACTION REQUIRED
[Signature] Chief Procurement Officer 3/14/2011 Date
14. E.P.No. 11-020-D



STATE PROCUREMENT OFFICE RECORD OF PROCUREMENT

1. Agency: DLNR-DOBOR-Maui

2. PO/pCard. No. 540

3. Date: 2/15/2011

4. Project/Requisition/Work Order No. _____

5. Record for: Small Purchase procurements for goods, services, & construction \$5,000 to less than \$15,000 (HRS §103D-305)*
 Small Purchase procurements for health & human services less than \$25,000 (HRS §103F-405)

* Small purchases \$15,000 to less than \$100,000 (goods & services) and less than \$250,000 (construction) shall be conducted on the Hawaii Electronic Procurement System (HePS) pursuant to Procurement Circular No. 2009-15.

6. **PART A.** Description of good/service/construction to be procured (Ref. HAR chapter 3-122, subchapter 8):
Cleaning up of oil spil into Maalaea Harbor from flooding of the Maalaea used oil storage facility due to storm on January 12-13, 2011.

7. **PART B.** Quotations Solicited - Obtain no less than three written quotes (Ref. HAR §3-122-75(b) & (c)):

Award To: (Check Box)	8. Vendor/Company Name	9. Representative Name	10. Phone No	11. Date of Quote	12. Amount Quoted
<input type="checkbox"/> 1. PENCO		Justin Souza	808-545-5195	01/13/2011	\$9000.00
<input type="checkbox"/> 2.					
<input type="checkbox"/> 3.					
<input type="checkbox"/> 4.					
<input type="checkbox"/> 5.					

13. **PART C.** Justification for inability to obtain minimum three quotations, if applicable (Ref. HAR §3-122-75(d)):

Emergency oil clean up of Maalaea harbor was extremely time sensitive. There are no local companies on Maui able to respond to oil spill in the ocean. Oahu based PENCO was already on Maui, due to a vessl grounding in west Maui, and were able to immediately respond to contain and clean up the oil spill, preventing serious environmental damage to Maalaea harbor.

14. **PART D.** Justification for award to other than lowest responsive, responsible vendor, if applicable (Ref. HAR §3-122-75(e)):

There are no local vendors on maui for this type of service. Penco was chosen because they could immediately respond to contain the oil spill and prevent serious damage to the Maalaea harbor ecology. Verbal approval was obtain from Ed Underwood, DOBOR Administraor, at the time of the inciden.t

Employee** conducting procurement

FEB 24 2011

Procurement Officer** approval:

2/15/2011

FEB 24 2011

15. Signature

Date

16. Signature

Date

**In accordance with Procurement Delegation No. 2010-01 – Delegation of Procurement Authority

FILE A COPY AS SUPPORTING DOCUMENTATION IN THE PROCUREMENT FILE.