



'11 MAR -9 A8:15 STATE PROCUREMENT OFFICE
EMERGENCY PROCUREMENT REQUEST

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

1. TO: Chief Procurement Officer
2. FROM: Department of Land & Natural Resources/Engineering Division

Department/Division/Agency

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

3. Date 1/25/2011	4. After the fact <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Nature of the Emergency See Attached	

6. Vendor: AECOM Technical Services, Inc. Address: 1001 Bishop Street, Suite 1600 Honolulu, Hawaii 96813	7. Price: \$275,000
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8. Description of goods, services, or construction to be purchased
See Attached

9. Reason for Vendor Selection
See Attached

10. Direct questions to: Roger Masuoka Phone: 587-0276

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

Roger Masuoka 2/3/11
 Department Head Date

Reserved for SPO Use Only

12. Chief Procurement Officer's comments:

SEE CPO COMMENTS ATTACHED AS PAGE 4.

13. APPROVED DISAPPROVED NO ACTION REQUIRED

David J. ... 3/31/2011
 Chief Procurement Officer Date

14. E.P.No. 11-019-K

Nature of the Emergency:

Due to the recent heavy rains, multiple boulders fell from State owned lands into the Wailua River on approximately December 28th, 2010. Approximately 380 kayaks with one to two persons per kayak & 5 tour boats with approximately 100 persons per boat pass by the rockfall site twice (going in and coming back out) per day. In order to minimize conflict within the river, the tour boats are supposed to operate on the far side of the stream and the kayakers are told to stay on the side of the stream closest to where the rockfall incident occurred (See 11" x 14" map).

On January 7th, AECOM Technical Services, Inc. was mobilized to conduct an Emergency Rockfall Hazard Assessment of the hillside. Multiple rockfall outcrops were identified and it was discovered that the existing hillside has benches or level areas at the middle/bottom of the slope that could act like a launching point for boulders. It was estimated by the consultant that boulders could reach the middle of the river endangering both tour boats and kayaks. The Division of State Parks has installed bouys within the river to keep the kayakers away from the site. Unfortunately, this puts them in the same lane as the large tour boats (See photo's 1-3).

On approximately, January 11, 2011 more boulders at the same location fell into the Wailua River.

Description of Goods, Services or Construction to be Purchased:

Services shall include but not be limited to conducting a study of the State land assessing potential rockfall hazards in the immediate area; development of alternatives to mitigate the rockfall potential and associated construction costs for each alternative.

Also, should the study find that immediate mitigation measures be necessary to protect the boaters, services shall also include the design and construction inspection.

Reason for Vendor Selection:

AECOM Technical Services, Inc. has provided similar services for DLNR on other projects and has always produced excellent work. They are highly qualified; have the required expertise on this type of specialized work; and most importantly, they were readily available.

(PHOTO 1)



(PHOTO 2)



(PHOTO 3)



CPO COMMENTS:

Request is disapproved as it does not meet the requirements for an emergency procurement, and is not an appropriate use of the emergency procurement provision. Emergency procurement is to address unanticipated serious situations that require immediate action by a governmental agency that may affect the health and safety of the general public.

The services of conducting a study of State land assessing potential rock fall hazards in the immediate area is not considered an emergency. The department took immediate action to address the emergency situation when the rock fall was reported by placing buoys within the river to keep the public (kayakers and boaters) away from the site. The situation, in which the department describes as a result of placing buoy's in the river, is not an emergency situation, but instead a management issue in controlling the behavior of the boaters and kayakers in the river. As this is a procurement violation, department shall submit SPO -16.

The CPO comments for EP No. 11-005-K dated 02/07/11 still apply, "In conversation with SPO staff, contact person Mr. Roger Masuoka acknowledged he is responsible for this procurement. Mr. Masuoka has written delegated procurement authority, but has not attended the appropriate mandatory procurement training requirements. As he has been advised by SPO of his status, Mr. Masuoka shall not participate in any procurement activities until he has both written delegated procurement authority and has 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."