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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 4/11/2011 5. Nature of the Emergency During the period of 12/4/07 to 12/7/07, flooding rains over the Manele Small Boat Harbor overtopped the existing silt basin and deposited debris across the harbor shore facilities. Storm water filled drainage pipes and drywells with debris and sediment. The existing storm water management sediment basin was filled with 2,500 cy. of sediment greatly reducing its ability to handle future storm water flows. Damages from this storm led to Governor's and Presidential Emergency Proclamations.	4. After the fact <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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6. Vendor: Maui Master Builders, Inc. Address: 72 Ting's Drive Wailuku, HI. 96793	7. Price: \$33,133.36
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8. Description of goods, services, or construction to be purchased

Furnish all labor, materials, equipment and incidentals to remove and dispose of 2,500 cubic yard of debris and sediment from all dry wells and drain pipes near silt basin and across the harbor facilities at Manele Small Boat Harbor, Lanai, Hawaii

9. Reason for Vendor Selection

Requested 3 contractors to submit bid proposal; only Maui Master Builders (MMB) submitted bid proposal. At that time, MMB was the only construction company with all the heavy equipment to do the work on Lanai. MMB was qualified to perform the work; and most importantly MMB was ready and available to complete the work.

10. Direct questions to: Dickey Lee/Gayle Ito Phone: 587-0280

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

[Signature] 4/15/11
 Department Head Date

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12. Chief Procurement Officer's comments:

Approval is granted based on the department's determination that removal of debris and sediment inside the storm water management sediment basin was necessary due to potential safety risks to the residents and guests of Lanai. This award is required to be posted on the Awards Reporting System.

13.

APPROVED DISAPPROVED NO ACTION REQUIRED

[Signature] 5/4/2011
 Chief Procurement Officer Date

**Supplemental Information Pertaining to
Emergency Procurement Request – Manele Small Boat Harbor**

The following information is included to familiarize the reader with the history of this project.

1. This project was identified by FEMA to be eligible for Public Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
2. FEMA identified this project as PW80 and by letter from State Civil Defense (“SCD”), dated September 28, 2009, obligated a total of \$110,087.52, representing 75 percent of the total eligible amount of \$146,783.36
3. Written quotations were received from three (3) contractors as summarized on the “Record of Procurement” contained herein.
4. Because funds were not available to pay for 100 percent of the work (\$33,133.36), DLNR Engineering worked with SCD to receive 75 percent of the actual cost (\$24,850.02) requiring the State to provide 25 percent of the actual cost and the State would be able to pay the contractor and provide SCD with proof of payment. SCD transferred the funds (\$24,850.02) to DLNR during November 2010.
5. Because Engineering had mistakenly received Federal funds for a portion of the State’s 25 percent share of the cost, this error had to be corrected. Federal funds cannot be used to supplement the 75 percent Public Assistance monies provided by FEMA.
6. After the aforementioned error was corrected, processing of the paperwork for payment to the contractor resumed and submitted to Fiscal for payment. Engineering was then informed by Fiscal that an approved Emergency Procurement Request was required before the payment could be further processed.
7. SCD is now requesting documentation of payment to the contractor or reimbursement to SCD/FEMA for the funds advanced. Without the advance, the contractor cannot be paid as funds are not available. Even if funds were available to pay the contractor, returning the advance to SCD/FEMA seriously jeopardizes repayment once the contractor is paid. Also, SCD has withheld an advance for another project, which was previously requested.
8. It should be noted that these advances provided by SCD/FEMA are crucial as funds were NOT appropriated by the Legislature to pay for any damages for this disaster and because of budgetary constraints, the agencies do not have adequate funds to cover the costs of repairs.