



STATE PROCUREMENT OFFICE
EMERGENCY PROCUREMENT REQUEST

STATE PROCUREMENT OFFICE
STATE OF HAWAII

11 MAY 16 P1:39

1. TO: Chief Procurement Officer
2. FROM: 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 5/13/2011 4. After the fact [X] YES [] NO

5. Nature of the Emergency
Request reconsideration of E.P. No. 11-109-K, see attached.

6. Vendor: AECOM Technical Services, Inc.
Address: 1001 Bishop Street, Suite 1600
Honolulu, HI 96813

7. Price:
\$12,753.00
\$13,000.00

8. Description of goods, services, or construction to be purchased
Services shall be limited to conducting an assessment of the State land for potential rockfall hazards in the immediate area and providing recommended actions, as required, to protect public safety.

9. 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 are responsive and were readily available to respond to this emergency.

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.

Department Head [Signature] Date 5/16/11

Reserved for SPO Use Only

12. Chief Procurement Officer's comments:

The department confirms the price amount and that no other services have been provided by the contractor. The balance of the amount originally reported in EP No. 11-019-K shall be contracted through open competition pursuant to HRS chapter 103D. This approval is limited to the emergency procurement for services to perform a field investigation for the purpose of determining the condition of a recent rockslide along the Wailua River for the amount of \$12,753 and is required to be posted on the Awards Reporting System.

13. [X] APPROVED [] DISAPPROVED [] NO ACTION REQUIRED

Chief Procurement Officer [Signature] Date 6/21/2011

14. E.P.No. 11-043-D

Background:

Wailua River is a heavily used waterway by residents and tourists. This waterway is shared by large commercial tour boats, kayaks and other small motorized vehicles. To minimize conflict within the river, the tour boats operate on the far side of the stream and the kayakers and other small motorized vehicles pass on the side of the stream closest to where the rockfall occurred (see attached map).

Nature of the Emergency:

Due to heavy rains, multiple boulders fell from State owned lands into the Wailua River on December 30, 2010. On December 31, 2010, the Division of State Parks (Parks) installed buoys within the stream to keep the public away from the rockfall site. The buoys were located based on staff's best guess as to the hazardous area.

Because staff does not have the technical expertise in evaluating the hillside for potentially dangerous rockfalls, management decided, in the best interest of the State, to have specialists complete the following:

1. Identify rockfall outcrops that posed immediate danger, and
2. Determine the location of the buoys that would minimize risks of danger to life and limb.

On January 7, 2011, AECOM Technical Services, Inc. was mobilized to conduct an Emergency Rockfall Hazard Assessment of the hillside. (Note: The rockfall occurred during the holiday weekend which explains the delay in getting the consultant to the project site.) 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 pose as 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. Parks was immediately directed by the consultant to relocate the buoys further out than originally located to keep the boats away from potential falling rocks.

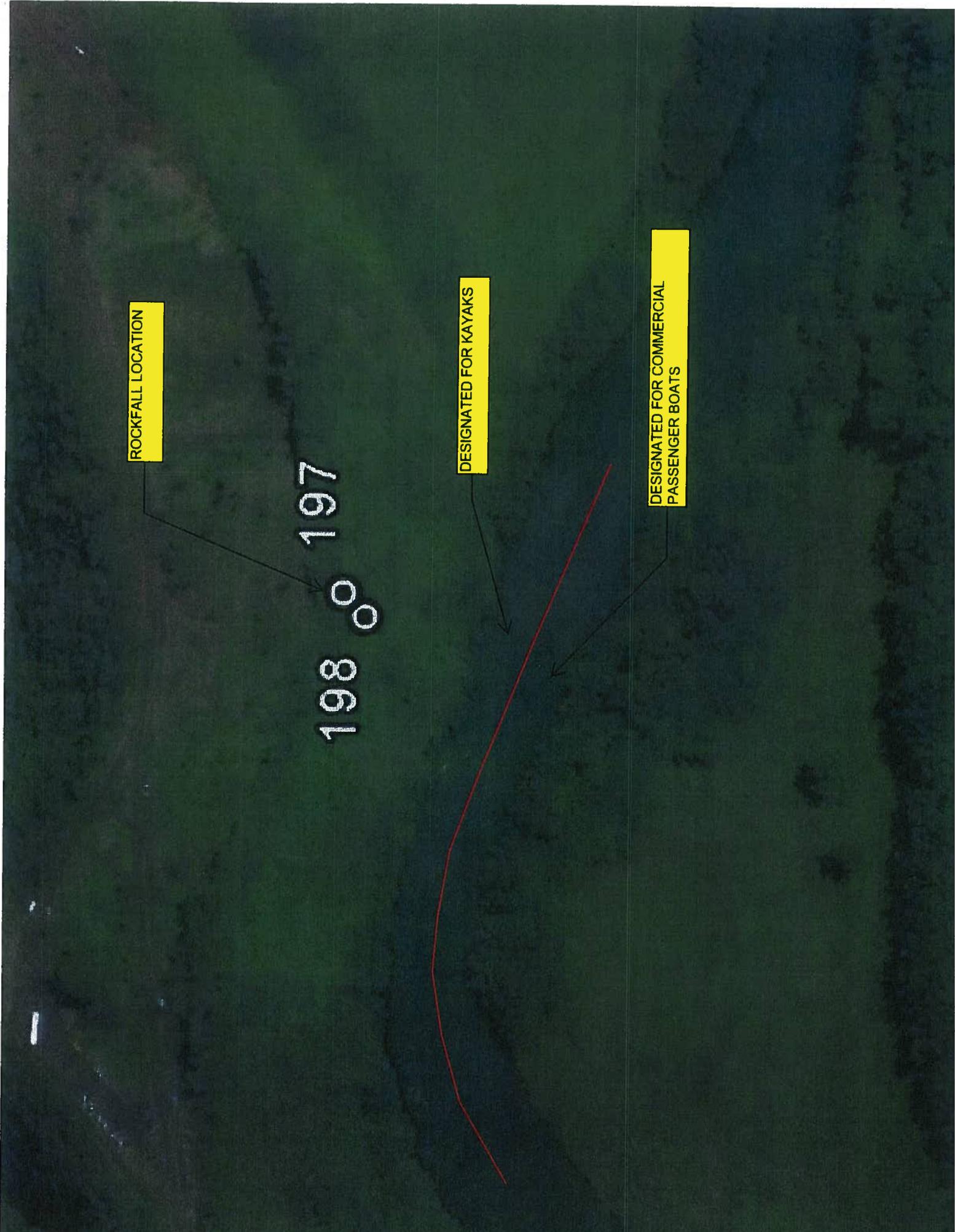
On, January 11, 2011 more boulders at the same location fell into the Wailua River. Fortunately, no one was injured by the falling rocks.

ROCKFALL LOCATION

198 00 197

DESIGNATED FOR KAYAKS

DESIGNATED FOR COMMERCIAL PASSENGER BOATS





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

Roger Masuoka 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."

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

'11 JUN 16 P3:23



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE PROCUREMENT OFFICE
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

JUN 16 2011

TO: Aaron Fujioka, Administrator
State Procurement Office

FROM: William J. Aila, Jr., Chairperson *W. Aila*

SUBJECT: **Request for Reconsideration of Emergency Procurement Request
No. 11-109-K for the Wailua River Rockfall Incident, Kauai**

In response to the following comments received by your office regarding our Request for Reconsideration of Emergency Procurement (E.P.) Request No. 11-109-K (dated 5/16/2011), we offer the following response/clarification:

Comment No. 1

"The initial emergency procurement request was disapproved and CPO comments provided that "conducting a study of State land assessing potential rock fall hazards....is not considered an emergency." The CPO comments further notes that this is a procurement violation and shall be submitted as a SPO-16. On 5/16/11 SPO received the request for reconsideration.

When you provide the invoice from AECOM for services provided, please submit via memorandum (from department head) or amend the EP request to further clarify your request for reconsideration to address the balance of the \$275,000 and delegation requirements."

Comment No. 2

"....submit a memo to clarify this reconsideration---based on the initial request for \$275,000. Explain what you've been telling me about the \$12,xxx, \$93,xxx and balance. Explain the violation (after-the-fact), misuse of EP method and what you plan to do (corrective action--conduct procurement for the remainder of the work)."

Our original E.P. request (dated 1/25/2011) was for the amount of \$275,000.00 which is shown in the breakdown below:

Assessment, Study, Design & Services During Construction:	\$93,696.00
Construction of the Recommended Improvements:	<u>\$181,304.00</u>
Total Estimate:	\$275,000.00

We now understand that we incorrectly included services within our original E.P. request beyond those needed to address the immediate emergency situation. We are clarifying that the "emergency" should have been limited to the services necessary to conduct the initial assessment of the immediate threat to life and/or limb and providing necessary recommendations to minimize any risks until a more permanent solution can be implemented. These services were estimated at \$13,000 in our request for reconsideration, and the actual cost from AECOM is for \$12,743 (see attached invoice). No other services were rendered.

We will conduct all subsequent phases in accordance with HRS 103D. The selection process has been initiated to procure a consultant who will develop mitigation alternatives, produce plans and specifications for the recommended mitigation method and provide inspectional services during construction. The construction of the recommended mitigation method will be conducted utilizing the IFB or ~~RFI~~ method of procurement.

RFP attk
(per dept)

Please contact Mr. Carty Chang, Chief Engineer of the Engineering Division at Extension 7-0230 or Mr. Roger Masuoka at Extension 7-0276.

Enclosures: AECOM Invoice



Invoice

AECOM Technical Services, Inc.

1001 Bishop Street Suite 1600
Honolulu, HI 96813
T 808.521.3051 F 808.524.0246

1

Date: Jun. 06, 2011
Cust. No.: 2738

HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES
PO BOX 373
HONOLULU, HI 96809

Please make check payable to:
AECOM Technical Services, Inc.
Please mail payment to (lockbox):
AECOM
1178 PAYSHERE CIRCLE
CHICAGO IL 60674

Attn: Mr. Roger Masuoka

Please reference invoice number and project number on remittance.

Payment Request No. 1

Emergency Rockfall Assessment for Wailua River Bank
Purchase Order No. C13261

Professional Services Rendered as of 1 February, 2011

	<u>% Complete</u>		<u>Fee Amount</u>	=	<u>Amount Payable To Date</u>
Project Set up & General Project Admin.	100%	of	\$2,330.00	=	\$2,330.00
Project Preparation, Office	100%	of	\$4,246.00	=	\$4,246.00
Field Investigation, Tech Analysis, and ODCs	100%	of	\$6,177.00	=	\$6,177.00
			\$12,753.00		
Subtotal					\$12,753.00
Less Previously Billed					0.00
TOTAL AMOUNT DUE					\$12,753.00

Contract Amount: \$12,753.00
Billed To Date: 12,753.00
Balance: \$0.00

Ardalan Nikou
Project Manager

PAYABLE UPON RECEIPT. * INTEREST WILL BE CHARGED ON OVER DUE ACCOUNTS.