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STATE PROCUREMENT OFFICE
STATE OF HAWAII

STATE PROCUREMENT OFFICE EMERGENCY PROCUREMENT REQUEST

1. TO: Chief Procurement Officer

2. FROM: 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 9/27/2011

4. After the fact YES NO

5. Nature of the Emergency

Boulder and rock outcrop precariously situated on the Niu Valley hillside posing imminent danger of falling; threatening homes, life and limb below, to home occupants along Haleola Street.

See attached Timeline of Events for details.

6. Vendor: Janod, Inc.
Address: P.O. Box 25248
Honolulu, HI 96825

7. Price:
(Details Attached)
\$209,336.39

8. Description of goods, services, or construction to be purchased
Demolition and removal of the boulder and rock outcrop, described above, and all ancillary services required.

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.*

[Signature]
Department Head

10/3/11
Date

Reserved for SPO Use Only

12. Chief Procurement Officer's comments:

SEE CPO COMMENTS ATTACHED AS PAGE 2.

13.

APPROVED DISAPPROVED NO ACTION REQUIRED

[Signature]
Chief Procurement Officer

10/25/2011
Date

14. E.P.No. R-080

CPO COMMENTS:

Based on the information provided, department were provided the names of more than 1 contractor capable of performing the necessary services and failed to allow the other contractors the opportunity to participate in the site visitation and allow them to submit price quotations/proposals for the required job. Department is reminded that pursuant to HRS 103D-307(b), "the emergency procurement shall be made with such competition as practicable. . ."

Effective immediately and for all emergency procurements, regardless of the dollar amount, the department shall invite all prospective contractors to site visitations and allow open competition, as appropriate. When applicable, department shall provide justification if it is unable to obtain competitive price quotations. Documentation of price quotations shall be provided to the SPO when submitting any form SPO-002, *Emergency Procurement Request*.

It is also noted in the professional services award to AECOM, department was not compliant with posting the award within 7 days of the contract award. Department is reminded that pursuant to HRS 103D-304(i) professional services awards of \$5,000 or more shall be posted within 7 days of the contract award.

Approval is granted with the above conditions and based on the department's determination that the removal of a large boulder and rock outcrop on Niu Valley hillside was necessary to prevent damage/loss of property and potential injury to home occupants near Haleola Street, should the rock fall. This award is required to be posted on the Awards Reporting System.

7. Price:

Boulder Removal:	\$157,068.00
Outcrop Removal:	\$26,178.00
Temporary Safety Fence:	\$22,928.79
HPD Security:	<u>\$3,161.60</u>
Total Cost:	\$209,336.39

Please see attached Bid Proposals & Summary.

9. Reason for Vendor Selection:

Janod, Inc. was highly recommended by the consultant for the specific work required. Also, Janod 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 to perform the work immediately.

TIMELINE OF EVENTS

NIU VALLEY ROCKFALL MITIGATION PROJECT

- August 2008 Two (2) boulders fell from the Niu Valley hillside damaging homes below, along Haleola Street. The land above the homes is privately owned by Niu Conservation Group.
- DLNR hired geotechnical consultant, AECOM, to conduct a rockfall hazard site investigation. It was determined that the two (2) boulders that fell, originated from a larger boulder which rested precariously along the ridge of the hillside. AECOM highly recommended that the boulder be removed, however, at that time, did not appear to pose any immediate threat of falling.
- 2008 to 2010 Discussions to remove the boulder between the State Civil Defense, DLNR and Attorney General's Office with the private property owners along Haleola Street and Niu Conservation Group ended in 2010 when the AG's office was unable to get all the private property owners to agree to terms.
- 2011 DLNR CIP funds were appropriated for this project by Act 164, SLH 2011, Item A-17 with a budget proviso stipulating that the funds be used for the plans and construction to remove boulders in Niu Valley.
- August 29, 2011 AECOM Technical Services, Inc. (AECOM) was selected to develop plans and specifications for bidding in accordance with State requirements and to provide construction inspection services.
- September 6, 2011 Proposal from AECOM received and approved for the design and construction inspection services.
- September 9, 2011 Prior to receiving a fully executed P.O., the consultant conducted a site visit to prepare for the design work and noted that the boulder had shifted since their initial assessment in 2008.
- Consultant notified DLNR of the situation.
- September 11, 2011 Consultant conducted a more comprehensive site visit confirming that the boulder had indeed shifted and determined that the boulder was in a significantly hazardous position with the potential to fall at anytime.
- September 12, 2011 Consultant informed DLNR of their findings.
- September 13, 2011 Meeting with DLNR Chairperson, Deputy Attorney Generals from State Civil Defense & DLNR, Vice Director of State Civil Defense and AECOM to discuss consultant's findings.

Due to the extremely hazardous position of the boulder, the consensus was that DLNR proceed with the boulder removal as soon as possible in an emergency situation. Act 76, SLH 2009, which was effectuated in July 2009, gives the discretion for State employees to enter private property to mitigate tree, rockfall, and flood hazards.

DLNR consulted with AECOM and determined that Janod, Inc. would be the best rockfall mitigation contractor for this job. DLNR made contact with Janod to discuss the situation and to schedule the work.

- September 14, 2011 Conducted a site visit with the following agencies/people:
- State Civil Defense personnel.
 - National Guard personnel.
 - DLNR Chairperson.
 - Contractor, Janod Inc.
 - Consultant, AECOM Technical Services, Inc.

Another precariously situated rock outcrop was identified near the boulder. The consultant and contractor conducted an assessment and determined that the outcrop should also be addressed at the same time. DLNR asked the contractor to submit a price to remove the hazardous outcrop in addition to the boulder.

DLNR & State Civil Defense went door to door delivering letters to 28 residents along Haleola Street informing them of the situation with the boulder and the need to evacuate their homes during the construction (9/17 & 9/18).

- September 15, 2011 DLNR conducted an emergency board meeting to discuss and vote on the following items:
- Declare that this project is exempt from Chapter 343, Environmental Impact Statements.
 - Authorization to enter into an agreement with the private property owner, Niu Conservation Group, where the boulder is located.

Both items were approved by the Board.

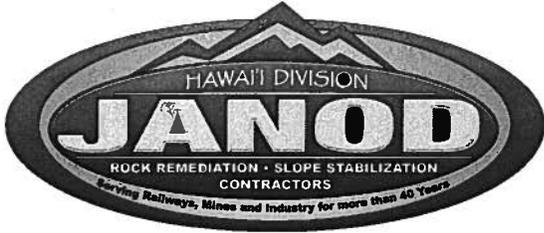
Funding to perform the work was released by the Governor.

- September 17, 2011 Contractor mobilized (by helicopter) to the site and began operations to remove the boulder.
- September 18, 2011 Contractor moved the boulder to a stable location and secured it in place.
- September 26, 2011 Contractor returned to the site to demolish the boulder and bag debris to be flown down to a designated location at a later date.
- September 27, 2011 Contractor to begin work on the outcrop.

Niu Valley Rockfall Mitigation
 Oahu, HI
 Job No. J45CO41F
 Cost Breakdown
 10/3/2011

Tasks	Total	Hawaii State Tax	Grand Total
Boulder Removal	\$150,000.00	\$7,068.00	\$157,068.00
Extra Boulder Removal	\$25,000.00	\$1,178.00	\$26,178.00
Temporary Fencing	\$21,897.00	\$1,031.79	\$22,928.79
HPD Security - 9-16-11 (3 Officers @ 24 hrs x \$30 + 3 vehicles x \$10)	\$750.00	\$35.34	\$785.34
C&C of Honolulu - 9-16-11 (Admin/Workers Comp for 3 Officers)	\$33.00	\$1.55	\$34.55
HPD Security - 9-17-11 (5 Officers 36.25 hrs x \$30 + 5 vehicles x \$10)	\$1,137.50	\$53.60	\$1,191.10
C&C of Honolulu - 9-17-11 (Admin/Workers Comp for 5 Officers)	\$59.00	\$2.78	\$61.78
HPD Security - 9-18-11 (2 Officers @ 20 hrs x \$30 + 2 vehicles x \$10)	\$620.00	\$29.21	\$649.21
C&C of Honolulu - 9-18-11 (Admin/Workers Comp for 2 Officers)	\$26.00	\$1.23	\$27.23
Janod Administrative Fee for HPD Security (\$2,6250.50 x 15%)	\$393.83	\$18.56	\$412.39
Total	\$199,916.33	\$9,420.06	\$209,336.39

EP12-0186



1284 Kamehame Drive
 P.O. Box 25248
 Honolulu, HI 96825-3505
 Tel: (808)396-3923
 Fax: (808)396-3925
 Email: janod@janod.biz

September 15, 2011

State of Hawaii
 DLNR, Engineering Division
 1151 Punchbowl Street, Room 221
 Honolulu, HI 96813

Attention: Roger Masuoka

RE: Niu Valley Boulder Removal – J45CO41F

Bid Proposal # 2011-58

Janod Inc. is pleased to submit the following proposal for the emergency Boulder Removal behind the Niu Valley housing development. This work will be completed based on a Lump Sum Price which includes the following method for this work. Janod will use a 35,000 Lbs. Air Winch to pull the block away from the edge, we will first use nylon straps and ½" anchors just to make extra sure that when we work around the Boulder nothing can move. Then we will build a ring Net Sling to wrap around the boulder, the net will be light enough to be easily handled so as not to disturb the large boulder. After it is wrapped, and the sling is secure, we will then pull the Boulder away from the edge of the slope. Once it is safely out of harm's way we will break the large boulder and either roll the blocks on the other side of the slope or fly the pieces out to a disposal area. When we returned to the site on September 14th the DLNR noticed another Boulder of concern. Since Janod has all its equipment already on the hill, we will take care of this Boulder for an extra \$ 25,000.00.

Boulder Removal	Lump Sum	\$ 150,000.00
Extra Boulder Removal	Lump Sum	\$ 25,000.00

Supplied by others

- All easements & permits
- Traffic Control if required
- Engineering if required
- Disposal area for the material
- Safety for the residents in the homes below

Please note that there will be a surcharge on all items for all applicable taxes imposed in Hawaii. Payment Terms: NET 15 days. Amounts Outstanding after 30 days are subject to a maximum applicable interest charge in accordance with state laws where the contract is performed. All applicable taxes are not included in the above proposal and are the responsibility of the client.

All permits and/or easements for the project are the responsibility of the client.

Due to the instability of steel prices, any increase after the date of this proposal will be charged accordingly.

In the event of this Proposal not being accepted until after the date shown below, Janod reserves the right to review the Bid Prices and any other conditions as outlined in this Proposal.

This Bid Proposal supersedes all previous Bid Proposals and is subject to acceptance at Company's Office at the address shown above and expire 15 days:

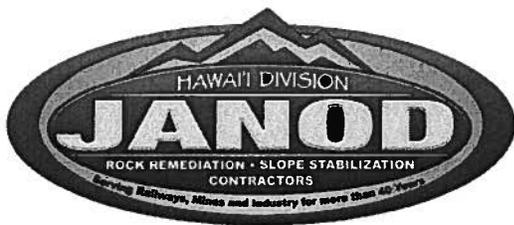
Accepted on _____ 20 _____

Signature _____

Accepted
 JANOD

Print Name _____

By _____



1284 Kamehame Drive
 P.O. Box 25248
 Honolulu, HI 96825-3505
 Tel: (808)396-3923
 Fax: (808)396-3925
 Email: janod@janod.biz

September 26, 2011

State of Hawaii
 DLNR, Engineering Division
 1151 Punchbowl Street, Room 221
 Honolulu, HI 96813

Attention: Roger Masuoka

RE: Niu Valley Boulder Removal – J45CO41F

Bid Proposal # 2011-58 A

Janod Inc. is pleased to submit the following Lump Sum proposal for the supplementary work behind the Niu Valley housing development. We have been requested to install a temporary safety fence which will be used as protection during the demolition of the overhang.

Temporary Fence	Lump Sum		\$ 21,897.00
		Hawaii State Tax	\$ <u>1,031.79</u>
		Total	\$ 22,928.79

Supplied by others

- All easements & permits
- Traffic Control if required
- Engineering if required
- Disposal area for the material
- Safety for the residents in the homes below

Please note that there will be a surcharge on all items for all applicable taxes imposed in Hawaii. Payment Terms: NET 15 days. Amounts Outstanding after 30 days are subject to a maximum applicable interest charge in accordance with state laws where the contract is performed. All applicable taxes are not included in the above proposal and are the responsibility of the client.

All permits and/or easements for the project are the responsibility of the client.

Due to the instability of steel prices, any increase after the date of this proposal will be charged accordingly.

In the event of this Proposal not being accepted until after the date shown below, Janod reserves the right to review the Bid Prices and any other conditions as outlined in this Proposal.

This Bid Proposal supersedes all previous Bid Proposals and is subject to acceptance at Company's Office at the address shown above and expire 15 days:

Accepted on _____ 20 _____

Signature _____

Accepted
 JANOD

Print Name _____

By _____