



STATE PROCUREMENT OFFICE
EMERGENCY PROCUREMENT

12 JUN 22 10:07

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Transportation
Name of Requesting Department

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

1. Date or period of Emergency: 1-Jun-12	2. After-the-Fact: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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3. Describe in detail the emergency situation that created a threat to life, public health, welfare or safety.
 The Notice of Bid was posted on March 23, 2012, and bids were opened on April 19, 2012. On April 25, 2012, a bid protest halted the procurement process and it was not resolved until May 29. A six-month extension to the current contract was pursued, but failed due to the contractor being non-compliant on state and federal taxes. The commercial harbors on the island of Hawaii (Hilo and Kawaihae Harbors) are required by Federal Law to have a facility security plan (FSP) that ensures 24/7 security measures at the facilities; the FSP proposed and the US Coast Guard approved its plan for providing 24/7 security guards. Not having the security services will result in heavy civil penalties, impact the flow of commerce, and threatens the health and safety of the public in the event of a port closure.

4. Vendor/Contractor/Service Provider Name: Professional Security Consultants, Inc.	5. Amount of Request: \$ 360,000 (6 mos. estimate)
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6. Describe in detail the emergency goods, services, or construction and explain why it is necessary.
 The service is to provide security services for the commercial harbor facilities on the Island of Hawaii. The security services are provided to meet the requirements of 33 CFR 105.115, Maritime Security, that the DOT, as a facility owner, is required to secure its facility in accordance with the US Coast Guard approval of the DOT's Facility Security Plan. The plan includes the use of security officers in providing 24-hours-a-day, seven-days-a-week security services on the Island of Hawaii in the Port of Hilo and Kawaihae Harbors. Not having the security services will result in heavy civil penalties, impact the flow of commerce, and threatens the health and safety of the public in the event of a port closure.

7. State the reason(s) the vendor/contractor/service provider was selected. Explain what competition, as is practicable, was conducted.
 There were seven bidders for HAR-H.D. 01-12. The three lowest bidders were asked to provide unit rates effective June 1, 2012. Professional Security Consultants Inc. provided the lowest unit hourly rate, was qualified, Hawaii Compliant Express compliant, and agreed to provide the security services at midnight June 1, 2012. The other two bidders, American Guard Services and Jan-Guard Hawaii rates were higher than the PSC offered hourly rates.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) appropriate written delegated procurement authority; 2) completed mandatory training; and 3) who SPO may contact for follow up inquiry, if any.

(Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	E-mail Address
Randy Grune	DOT	587-3651	randy.grune@hawaii.gov
Davis Yogi	DOT/Harbors	587-1928	davis.k.yogi@hawaii.gov

All requirements/approvals and internal controls for this expenditure is the responsibility of the department. I certify that the information provided is to the best of my knowledge, true and correct.

[Handwritten Signature]

JUN 18 2012

Department Head Signature

Date

For Chief Procurement Officer Use Only

Chief Procurement Officer (CPO) Comments:

The request for emergency procurement is disapproved. Poor planning and contract management is not a justifiable reason for an "emergency" situation created by the department. On May 30, 2012, the department was advised by the SPO of their options should they receive a protest. Department was advised that if a protest is filed the department could request the CPO to make a substantial interest determination to lift the stay. Awarding a contract for security services through the emergency method of procurement is a circumvention of the protest process and contrary to the advice provided to the department by SPO.

The department is advised to submit form SPO-016, *Report of Procurement Violation: Findings and Corrective Actions and/or Request for After-the-Fact Payment Approval*. for security services. If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or donna.tsuruda-kashiwabara@hawaii.gov.

Approved

Disapproved

No Action Required

[Handwritten Signature] 7/3/2012
 Chief Procurement Officer Signature Date