



**STATE PROCUREMENT OFFICE
EMERGENCY PROCUREMENT**

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ADMINISTRATION
STATE PROCUREMENT OFFICE
HONOLULU

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources
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: 10/25/13 to 10/26/13	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.
See attached.

4. Vendor/Contractor/Service Provider Name:
Aaron T. Hoff, South Shore Lawn Service

5. Amount of Request:
\$ 17,427.65

6. Describe in detail the emergency goods, services, or construction and explain why it is necessary.
See attached.

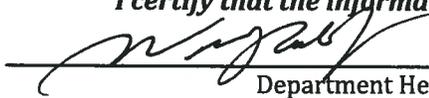
7. State the reason(s) the vendor/contractor/service provider was selected. Explain what competition, as is practicable, was conducted.
See attached.

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required.)

*Point of contact (Place asterisk after name of person to contact for additional information.)

<u>Name</u>	<u>Division/Agency</u>	<u>Phone Number</u>	<u>E-mail Address</u>
William J. Aila, Jr.	DLNR	808-587-0401	william.j.aila@hawaii.gov
Elia Herman	DLNR	808-587-0106	elia.y.herman@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.



 Department Head Signature

8/20/14

 Date

For Chief Procurement Officer Use Only

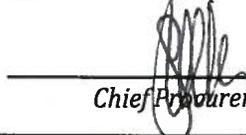
Chief Procurement Officer (CPO) Comments:

Approval is granted based on the department's determination that towing a whale carcass for landfill disposal was required to prevent health and safety risk to the general public. In accordance with the Hawaii Administrative Rules (HAR) Chapter 3-122-90(a), the Agency is advised that request for chief procurement officer approval of emergency procurements are required prior to the procurement or if time does not permit, *as soon as practicable thereafter*.

Pursuant to HRS section 103D-310(c) and HAR section 3-122-112, the procuring officer shall verify compliance (i.e. vendor is required to be compliant on the Hawaii Compliance Express) for all contracts awarded, and award is required to be posted on the Awards Reporting System. Copies of the HCE certificate and awards posting are required to be documented in the procurement/contract file. As a reminder, individual(s) participating in procurement activities must be in compliance with Procurement Delegation No. 2010-01 and Amendment 1, and Procurement Circular No. 2010-05, Statewide Procurement Training, as appropriate.

If there are any questions, please contact Bonnie Kahakui at 587-4702, or bonnie.a.kahakui@hawaii.gov.

Approved Disapproved No Action Required



 Chief Procurement Officer Signature

9/8/14

 Date

3. Describe in detail the emergency situation that created a threat to life, public health, welfare or safety.

On the evening of Wednesday, October 23, 2013 fishermen spotted a sperm whale carcass approximately 8 miles off Kualoa, Oahu and reported it to the Department of Land and Natural Resources (DLNR). On Friday, October 25, 2013 the carcass was sighted approximately 150 yards off Chinaman's Hat. Several sharks were observed feeding on the carcass. Ocean Safety, Hawaii Fire Department (HFD) and DLNR Enforcement warned in the public to stay out of the water. The HFD Kaawa station also launched its boat to warn divers and swimmers in the area. Representatives from the NOAA Marine Mammal Response Program, DLNR Boating Division and marine salvage operator Randy Cates with South Shore Lawn Service, d.b.a Aaron Hoff (at the request of Chair William J. Aila, Jr.) responded to the scene and determined that the carcass could be towed. An analysis of the wind and current patterns over the next few days indicated that releasing the whale at sea would likely result in it returning to land. If the whale returned to land it would pose significant public health and safety hazards, including drawing sharks to shore, potential disease transmission, and other health hazards resulting from the smell and waste of the decaying carcass. The presence of the carcass would also limit public access to the shoreline and surrounding waters. Therefore, the option of landfill disposal was determined to be the most prudent option. The final decision was made by Chair Aila.

6. Describe in detail the emergency goods, services, or construction and explain why it is necessary

At the direction of Chair Aila, Randy Cates and his crew used a work boat to rig and tow the carcass to the northeast ramp of Heeia Kea small boat harbor Friday afternoon, October 25, 2013. Because of the tides, Cates was not able to tow the whale all the way onto the ramp and so secured it to shore for the evening. Cates returned early Saturday morning, October 26, 2013 to bring the carcass onto the ramp, survey the surrounding area for pieces of the whale that may have broken off during transport, cut the carcass into several manageable size pieces using heavy equipment, and dispose at Waimanalo Gulch.

The Heeia Kea small boat harbor was closed beginning Friday evening through Saturday and boaters and fishers were warned by a press release to stay out of the harbor and surrounding area due to the possible presence of sharks until the whale was removed and ocean conditions returned to normal. In addition, Ocean Safety surveyed both nearshore and offshore areas around Kualoa-Chinamen's Hat on Friday and Saturday before giving the all clear to swimmers and boaters.

7. State the reason(s) the vendor/contractor/service provider was selected. Explain what competition as is practicable, was conducted.

South Shore Lawn Service is an experienced marine salvage company and the employer of Randy Cates. Mr. Cates is a marine salvage expert and the only person in the State of Hawaii who has experience responding to and removing large whale carcasses. Over the past twenty years Cates has disposed of fifteen whale carcasses. Prior to entering the marine salvage business, Cates was a marine mammal trainer with the Navy for 15 years, which is where he gained his specific experience handling whales.

Unfortunately, at the time of the event, those directly involved with the response did not have procurement delegation or training. The individual who had handled procurement in these situations previously, Sarah Courbis, vacated her position at the end of July. As a result of this gap, emergency procurement procedures were not followed in a timely manner. In addition, after the event the vendor

did not file an invoice. In sum, oversight by both parties resulted in a 9-month delay in filing the appropriate paperwork.