



06 DEC -6 P1:10

STATE PROCUREMENT OFFICE EMERGENCY PROCUREMENT REQUEST

STATE PROCUREMENT OFFICE
STATE OF HAWAII

1. TO: Chief Procurement Officer
2. FROM: Department of Hawaiian Home Lands

Department/Division/Agency

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

3. Date December 4, 2006	4. After the fact <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Nature of the Emergency On October 15, 2006 an earthquake hit the Hawaiian Islands. Two (2) 100,000 gallon water tanks located at the Kawaihae Residence House Lots in Kawaihae and the department's district office located in Waimea were damaged. The tanks are estimated to be leaking at least 65,000gals a day. The daily needs of the residents can be met on short term basis, but personnel must stand by to operate the pumps on a 24 hour basis. Also a real danger exists in that the fire protection of the homes are compromised. The district office suffered structural damage including falling ceiling tiles and damages to a fireplace.	

6. Vendor: Akinaka and Associates Address: 3049 Ualena St. Suite 500 Honolulu, Hawaii 96819	7. Price: \$150,000
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8. Description of goods, services, or construction to be purchased
Assessment of the damages to the water tanks and associated equipment and to the Waimea District Office. Make recommendations and provide plans for the repair of each facility, including recommendation and implementation of the interim repair to the tanks to limit the amount of water loss. Work in conjunction with the Hawaii Department of Water Supply and Kohala Ranch to ensure the safety and adequacy of the drinking water supply for DHHL lessees. Coordinate funding with FEMA.

9. Reason for Vendor Selection
Akinaka and Associates is well known for its expertise and knowledge in the planning and design of water systems and has a huge presence on the Big Island. It is also very familiar with the Kawaihae system in working with Kohala Ranch water system which supplies water to DHHL. Akinaka and Associates was retained by Kohala Ranch to do similar work on its damaged water system. Also of importance is that Akinaka and Associates was able to make the commitment to work with DHHL on the recommendations and plans immediately.

10. Direct questions to: Larry M. Sumida Phone: 630-7141

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

Bruce Henderson 12/05/06
Department Head or Designee Date

Reserved for SPO Use Only

12. Chief Procurement Officer's comments:
(See attached)

13. APPROVED DISAPPROVED NO ACTION REQUIRED
[Signature] 12/7/06
Chief Procurement Officer Date

12. Chief Procurement Officer's comments"

No action is required per the Governor's Proclamation dated October 15, 2006 that states:

WHEREAS, pursuant to section 128-10 (10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and Sections 103-50, 103-53, 103-55, 105-1 to 105-10 and 464-4, Hawaii Revised Statutes, and find that these provisions, in whole or in part, impede the expeditious discharge of emergency disaster relief functions for this occurrence and the compliance therewith is impractical due to existing conditions.

THE WHITE HOUSE
WASHINGTON

October 17, 2006

The Honorable Linda Lingle
Governor of Hawaii
State Capitol
Honolulu, Hawaii 96813

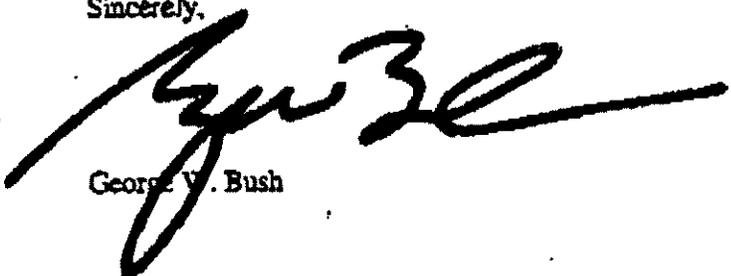
Dear Governor Lingle:

I have declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (the Stafford Act), for the State of Hawaii due to damage resulting from an earthquake that occurred on October 15, 2006, and related aftershocks. I have authorized Federal relief and recovery assistance in the affected area.

Assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance under the Public Assistance program, and Hazard Mitigation will be provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs in the designated areas.

The Department of Homeland Security, Federal Emergency Management Agency (FEMA), will coordinate Federal assistance efforts and designate specific areas eligible for such assistance. The Federal Coordinating Officer will be Mr. Michael L. Karl of FEMA. He will consult with you and assist in the execution of the FEMA-State Agreement for disaster assistance governing the expenditure of Federal funds.

Sincerely,



George W. Bush

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, an earthquake measuring 6.5 on the Richter scale occurred on October 15, 2006 with an epicenter located near Pauanahulu in the county of Hawaii, was felt throughout the state and has caused damage to structures, private and public, and public roads and highways in the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event has caused damages, losses, and suffering of such character and magnitude to have affected the health, welfare, and living conditions of a substantial number of persons, and to have affected the economy of the State, and is of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster, and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee, federal, state, or county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to section 127-11, Hawaii Revised Statutes, the Governor is authorized to determine whether a major disaster has occurred and authorize the expenditure of funds thereunder; and

WHEREAS, pursuant to section 121-30, Hawaii Revised Statutes, the Governor may order the Hawaii National Guard, or any part thereof, into active service for assistance to civil authorities in disaster relief, civil defense, averting any imminent public danger and threat, and to insure the compliance with the civil laws of the State of Hawaii; and

WHEREAS, pursuant to section 209-2, Hawaii Revised Statutes, the Governor is authorized to make a determination whether a disaster has occurred, thereby making available housing relief, under part II of chapter 209, Hawaii Revised Statutes, and commercial and personal loans under part III of chapter 209, Hawaii Revised Statutes, for disaster relief and rehabilitation; and

WHEREAS, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures; and

WHEREAS, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

WHEREAS, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is

authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 128-10(5), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officers, and employees, state or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, traffic control, warnings, and signals, engineering, rescue, construction, emergency housing, and other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 128-10(11), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency disaster relief functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to section 128-15, provide for and effect the interchange of personnel, by detail, transfer, or otherwise, between the State and any

political subdivision, or among any agencies or departments of the State; and

WHEREAS, pursuant to section 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions; and

NOW, THEREFORE, I LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 121-30, 209-2, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and parts II and III of chapter 209, Hawaii Revised Statutes, have occurred on the above dates and in the above areas in the State of Hawaii, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127-11, **major disaster fund.**
2. Part II of chapter 209, **housing relief.**
3. Part III of chapter 209, **commercial and personal loans.**
4. Sections 128-8(4), 128-9(8), and 128-10(10), and in order to provide emergency disaster relief and, to the extent necessary to repair, restore, rebuild, with any necessary improvements, any public structures, roadways or bridges damaged by the earthquake, I hereby suspend as allowed by federal law, the following statutes:
 - a. Chapter 6E, **historic preservation** except for those provisions relating to burial sites.
 - b. Chapter 89, **collective bargaining in public employment.**
 - c. Chapter 89C, **public officers and employees excluded from collective bargaining.**
 - d. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
 - e. Section 103-50, **building design to consider needs of persons with disabilities.**
 - f. Section 103-53, **contracts with the State or counties; tax clearances,**

assignments.

- g. Section 103-55, wages, hours, and working conditions of employees of contractors performing services.**
- h. Chapter 103D, procurement code.**
- i. Sections 105-1 to 105-10, use of government vehicles, limitations.**
- j. Sections 142-2 to 142-12, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawaii, Department of Defense.**
- k. Chapter 171, public lands, management and disposition of.**
- l. Chapter 174C, state water code.**
- m. Chapter 180, soil and water conservation districts.**
- n. Chapter 180C, soil erosion and sediment control.**
- o. Chapter 183, forest reserves, water development, zoning.**
- p. Chapter 183D, wildlife.**
- q. Chapter 184, state parks and recreation areas.**
- r. Chapter 195, natural areas reserves system.**
- s. Chapter 195D, conservation of aquatic life, wildlife, and land plants.**
- t. Chapter 198D, hawaii statewide trail and access system.**
- u. Chapter 205, land use commission.**
- v. Chapter 205A, coastal zone management.**
- w. Chapter 264, highways.**
- x. Chapter 269, public utilities commission.**
- y. Chapter 286, highway safety.**
- z. Chapter 341, environmental quality control.**
- aa. Chapter 342B, air pollution.**
- ab. Chapter 342D, water pollution.**
- ac. Chapter 342E, non-point source pollution management and control.**
- ad. Chapter 342F, noise pollution.**
- ae. Chapter 343, environmental impact statements.**
- af. Chapter 343D, environmental disclosure.**
- ag. Chapter 344, state environmental policy.**

- ah. Section 464-4, public works required to be supervised by certain professionals.
5. Section 121-30, Hawaii Revised Statutes, active service of the National Guard; and I hereby order the National Guard into active service effective immediately, and the Adjutant General of the Hawaii National Guard is DIRECTED AND AUTHORIZED to activate such units of the Hawaii National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to insure the compliance with the civil laws of the State of Hawaii.
6. Section 128-10(5), Hawaii Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state and county agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

I FURTHER DECLARE that a disaster emergency relief period shall commence October 15, 2006 and continue until such an appropriate time for termination, as I will determine. I will set a date after which no further applications for assistance under the law shall be accepted, which date I may extend for a reasonable time for good cause.

Done at the State Capitol State of Hawaii, this 15th day of October, 2006.



LINDA LINGLE
Governor of Hawaii

APPROVED:



MARK J. BENNETT
Attorney General
State of Hawaii