



APP -8 AIO :41

# STATE PROCUREMENT OFFICE NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

- 1. TO: Chief Procurement Officer
- 2. FROM: Transportation/Highways/Planning Branch

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:  
 The Federal Highway Administration (FHWA), US Department of Transportation (USDOT) has a National Scenic Byways Program (NSBP) that awards grants nationwide to applicants that best satisfy the grant requirements. In 2009, the Pulama IA Kona Heritage Preservation Council submitted an application to NSBP proposing to develop a Corridor Management Plan (CMP) for the Mamalahoa Kona Heritage Corridor Scenic Byway. Key features of the plan will include developing a location map, inventory, assessment and analysis of the historic resources found, conducting a byway safety analysis and corridor analysis, as well as a management strategy and management measures for implementation plus a financial plan. NSBP selected the Council as its sole award for Hawaii.  
 The NSBP program is administered at the state level. FHWA-NSBP transfers the award funds to the Hawaii Department of Transportation, Highways Division (HDOT). HDOT must then disburse the funds for the CMP project. This Notice of and Request for Exemption seeks the authority to "pass through" the federal grant funds to the Council for its NSBP project.

4. Name of Vendor: Pulama IA Kona Heritage Preservation Council Address: P.O. Box 398 Captain Cook, Hawaii 96704	5. Price: \$29,140.00
6. Term of Contract: From: Date of App. To: 12/31/13	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:  
 The vendor was selected by FHWA-NBSP agency through a competitive grant process. FHWA-NBSP has an annual solicitation for its grant program. It is made available online at [www.bywaysonline.org/grants/](http://www.bywaysonline.org/grants/). Grants applications are then reviewed and scored by a FHWA-NBSP selection committee. FHWA, however does not have the capability of paying any grantee directly. Therefore, funds must be passed through the State-DOT. In this case, FHWA-NBSP must "pass through" the federal award to the Council. There are no state funds involved. The proposal was not submitted to or by the State and the selection of the awardee/vendor was not made by the State.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
 See Response to #8 above.

**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

10. A description of the agency's internal controls and approval requirements for the exempted procurement:  
 Within HDOT, there is a State Scenic Byways Coordinator. This position will provide oversight during the project to ensure the State Scenic Byways Program Guidelines and federal requirements are adhered to and will review all reports, invoices and other documentation as necessary before processing invoices for reimbursement.

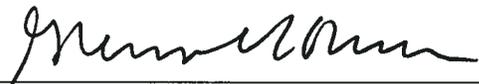
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
Glenn Okimoto	Director of Transportation	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Ken Tatsuguchi	HWY-P Engineering Program Mgr	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
David Zevenbergen	State Scenic Byways Coordinator	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Ed Sniffen	Administrator	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: Transportation  
 Contact Name: David Zevenbergen  
 Phone Number: 587-6341  
 Fax Number: 587-1787

Agency shall ensure adherence to applicable administrative and statutory requirements

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

  
 \_\_\_\_\_  
 Department Head

4/7/11  
 \_\_\_\_\_  
 Date

**Reserved for SPO Use Only**

15. Date Notice Posted 4/13/11

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer  
 State Procurement Office  
 P.O. Box 119  
 Honolulu, Hawaii 96810-0119

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

Chief Procurement Officer's comments:

This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply and award is required to be posted on the Awards Reporting System.

As a reminder, individual(s) participating in procurement activities are required to be in compliance with Procurement Delegation No. 2010-01 and Amendment 1, and Procurement Circular No. 2010-05, *Statewide Procurement Training*, as appropriate. Procurement requests submitted to the SPO listing departmental personnel without written delegated procurement authority and the appropriate mandatory procurement training will be returned.

16.



APPROVED



DISAPPROVED



NO ACTION REQUIRED

Andrew J. [Signature] 5/17/2011  
Chief Procurement Officer Date