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STATE PROCUREMENT OFFICE  
STATE OF HAWAII

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

- 1. TO: Chief Procurement Officer
- 2. FROM: DAGS / Division of Public Works / Project Management 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:  
 Construction Change Order to install new replacement roof structure over an existing unsuitable roof system discovered during construction.

4. Name of Vendor: Commercial Roofing and Waterproofing Hawaii, Inc.  
 Address: 2002 Kahai Street  
 Honolulu, Hawaii 96819

5. Price:  
 \$250,000 (estimate)

6. Term of Contract: From: Oct. 2011 To: Jan. 2012

7. Prior Exemption Ref. No.  
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8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:  
 (see Attachment)

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
 (Not Applicable)

10. A description of the agency's internal controls and approval requirements for the exempted procurement:  
 Approval of the Public Works Administrator is required for issuance of the Change Order for the required work.

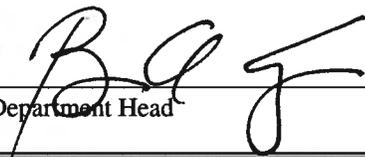
**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

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
Ernest Lau /	Public Works Administrator	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Eric Nishimoto /	Branch Chief	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Gina Ichiyama /	Section Head	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Edwin Santa Maria /	Area Architect	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Lloyd Maki /	Project Coordinator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: DAGS, PWD, Project Mgmt. Br. Contact Name: Lloyd Maki <i>*Will be attending Webinar 7-20-11; #125 Exemptions.</i> Phone Number: (808) 586-0479 Fax Number: (808) 586-0530
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Agency shall ensure adherence to applicable administrative and statutory requirements

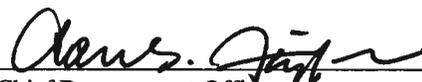
14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

  
 Department Head

  
 Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>7/18/11</u>
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: <p align="center">                     Chief Procurement Officer                      State Procurement Office                      P.O. Box 119                      Honolulu, Hawaii 96810-0119                 </p>	
Chief Procurement Officer's comments: <p>Approval is granted based on the department's determination that additional services are required due to unforeseen circumstances and if provided by a different Contractor, may void the warranty of work contracted to the initial Contractor.</p> <p>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.</p>	

16.  APPROVED  DISAPPROVED  NO ACTION REQUIRED

  
 Chief Procurement Officer Date 8/11/2011

#8. Explanation describing how procurement by competitive means is neither practicable or not advantageous to the State.

Subject Project: Waimea Public Library  
Install Photovoltaic System  
DAGS Job No. 54-36-6505  
Re: Request for Procurement Exemption

Contractor: Commercial Roofing and Waterproofing Hawaii, Inc.  
Contract No.: 59473  
Contract Amount: \$327,000 (original)  
Notice to Proceed: September 13, 2010  
Completion Date: March 11, 2011

This request for Procurement Exemption is being made to allow the current construction contractor to perform work beyond that of their original scope-of-work and price. This request is necessary for the following reasons:

- a. The original Scope of Work for this project involves the installation of a new photovoltaic system atop the existing library roof. Also included in the original scope of work is the removal of the existing roof membrane and the installation of a new roof membrane tied into the support structure of the new photovoltaic system.
- b. Upon removal of the existing roof membrane, it was discovered that the existing concrete roof deck, which was expected to be structural concrete, is actually composed of what appears to be an unreinforced lightweight cementitious material laid upon an asphaltic sheet and wire fabric. In some areas, the cementitious material is badly deteriorated and crumbles when handled. [Note: Material samples are available for inspection if desired.]
- c. Upon evaluation, our design consultants have determined that the existing roof deck is structurally unsuitable to support the new photovoltaic system. The deteriorated condition of the roof deck would also make it impossible to obtain a warranty for any new roof membrane system installed on top of it.
- d. Based on their evaluation, the design consultant has offered the following two options:
  1. Option #1: Remove the existing roof deck and install a new roof deck atop the existing steel joist framing system. The new roof deck would be designed to support the new photovoltaic system currently in contract.
    - a) This option would require removal and replacement of the existing plaster ceiling below the roof deck which would in turn necessitate interior renovation work be performed.
    - b) The estimated construction cost of this option is approximately \$750,000.
  2. Option #2: Retain and abandon the existing roof deck in-place and construct a new roof deck above it. The new roof deck would be designed to support the new photovoltaic system currently in contract.
    - a) The viability of this option is contingent upon the structural integrity of the existing concrete bond beams, the confirmation of which is currently being pursued under the design consultant's contract. This work includes performing x-ray scanning, coring and compression tests.
    - b) The estimated construction cost of this option is approximately \$250,000.
- e. At present, the roof deck has been covered with a layer of roofing material to provide temporary protection against the weather.
- f. After meeting with the Hawaii State Public Library System (HSPLS) representative (Mr. Keith Fujio), it has been decided to pursue Option #2, if the integrity of the bond beams are found to be adequate.
- g. Although a roof membrane layer has been installed to offer some degree of protection against the weather, and will be further reinforced along its edges to provide additional resistance to wind blow-off, these measure are considered only temporary, expected to last only about six months.

Therefore, the construction of the new roof deck must also commence in an expedited manner to avoid the potential threat that the temporary roof membrane will be compromised by any severe inclement weather that might occur and to avoid the subsequent damage to the Library's interior and contents.

- h. Installation of the new roof structure, roofing material, and photovoltaic system by the same contractor will avoid potential problems with warranties and coordination of work.
- i. It is not advantageous to the State to bid this work out due to 1) the time required for bidding, award and execution of the contract, 2) the potential conflicts with coordination of work between different contractors, and 3) the potential voiding of warranties where the work of one contractor affects another.
- j. Since the current roofing is only temporary, an expedited solution is necessary. In addition, the current contractor has already purchased the materials for the photovoltaic system and the permanent roof membrane system. Therefore, it would be more economical to construct the additional work and install the already purchased materials under one contract, with no coordination nor warranty issues.

Upon approval of this exemption request and completion of the new roof deck design, a Post Contract Document (PCD) comprised of drawing and specifications will be issued to the current Contractor, and a cost negotiated, for the construction of the new roof deck.

Due to need to implement and complete the new work as quickly as possible (due to the potential hazards noted above), in negotiating the construction cost, the Contractor will not be required to solicit bids for any portion of the work.