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

STATE PROCUREMENT OFFICE
STATE OF HAWAII
REVISED

- 1. TO: Chief Procurement Officer
- 2. FROM: DAGS / Public Works Division / Project Management Branch

SEP -8 2011

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:

Use of the Multi-Step Competitive Sealed Bidding process to evaluate and shortlist potential bidders based on their experience and qualifications, prior to the opening of their price proposal. Due to the limited time frame available to bid the project prior to the scheduled on-site start work date, the technical specifications will be prepared by the State.

4. Name of Vendor: (Awarded Contractor to be determined)

Address: (n/a)

5. Price:

\$9,000,000
(estimated)

6. Term of Contract: From: January 2012 To: Dec. 2012

7. Prior Exemption Ref. No.
0

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: (see attachment)

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 award of the Contract, upon recommendation of the Evaluation Committee.

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 Y.W. 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
Lloyd Maki	Project Coordinator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
(reps. from DAGS/CMB)	(Area Engr/Arch)	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
(reps. from HCC/SMG)	(various)	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration

13. Direct inquiries to:	Department: DAGS, PWD, Project Mgmt. Br. Contact Name: Lloyd Maki Phone Number: (808) 586-0473 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.*


9/9/11

 Department Head Date

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15. Date Notice Posted <u>9/12/11</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 align="center">Request has been withdrawn by the department.</p>

16. APPROVED DISAPPROVED NO ACTION REQUIRED


9/30/2011

 Chief Procurement Officer Date

Item No. 8: Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The "World Class" setting and services offered by the Hawaii Convention Center (HCC) is a major reason for visitors from around the world to hold their conventions and meetings in Hawaii. To maintain that image, the following project is being undertaken to design and construct the following needed repairs and improvements:

1. Reconstruction of the Lobby Water Feature
2. Repairs, improvements and replacement of the 4th Floor Gutter/Trough and roofing membrane assembly along the perimeter of the Lobby sail structures and Ballroom, and repair of the corrosion present along the perimeter of the Lobby sail structure decorative steel trim
3. Repairs and waterproofing of a section of the 4th Floor Mahealani Roof Top Garden
4. Improvements to eliminate water infiltration into the 4th Floor Stairwells No. 5 and No. 6 and repair of the damage caused by previous water infiltration.
5. Cleaning and painting and/or recoating of the building's textured exterior finish
6. Repairs, improvements and waterproofing of the 3rd Floor Planter Boxes along the Ala Wai Promenade and Kahakai Drive sides of the building.
7. Repairs and improvements to eliminate leakage from the Lobby sail and Concourse Level Skylights
8. Replacement of the 3rd Floor T-Bar ceiling tiles fronting Meeting Rooms 301A through 310
9. Replacement of the existing single-ply roof membrane at the 4th Floor Ballroom Level, along Kalakaua Avenue and the Ala Wai Promenade

To eliminate the negative impact that construction related nuisances (e.g. noise, dust, and odors) have on events held at the HCC, and to avoid the interruptions and problems that a prolonged and drawn-out project can have, not only on the operations of the HCC, but also on the Contractor's expeditious pursuit of completing the project, the HCC-SMG will establish a 2-1/2 month (10-week) period from January 13, 2012 through March 22, 2012, during which time limited events will be held and the Contractor will coordinate specific schedule with HCC staff to perform and complete the most critically needed and disruptive work.

In order to complete the most critically needed and disruptive work of such scale and diversity within a 2-1/2 month (10-week) period, it is imperative to ensure that only the best contractors, skilled and qualified in the type of work to be performed and able to coordinate, perform and complete the wide diversity of work, be considered for award of the contract. To that end, contractors, and their critical sub-contractors, will be evaluated on various criteria, including, but not limited to the following:

1. Completion of past projects of similar scale and diversity.
2. Completion of past projects with limited on-site time durations.
3. Compliance with minimum experience criteria

The present single-step low-bid method of competitive sealed bidding does not avail the State the ability to qualify and rank bidders based on their capability and experience, and ensure that only the best qualified contractors are awarded the project.

The request for proposal design-build method also does not effectively work for this type of project which requires substantial detailed investigation and design work. The design-build method for this type of project is also much more lengthy in overall project time.

Item No. 9: Details of the process or procedures to be followed in selecting the vendors to ensure maximum fair and open competition as practicable:

1. The technical specifications will be prepared by the State's consultant team.
2. An evaluation committee, comprised of representatives from the Hawaii Convention Center (HCC-SMG), DAGS Project Management Branch, the State's Consultant Team, and/or others as deemed necessary and approved by the Comptroller (in accordance with HAR Section 3-122-45.01), will perform the following tasks:
 - a. Establish minimum desirable qualifications that bidders must possess for consideration.
 - b. Evaluate each bidder's qualification proposal based on the established criteria.
 - c. Rank the bidders based on their qualifications.
3. Bidders will be required to submit their proposal in two separate envelopes. One envelope will contain the documents supporting their qualifications. The second envelope will contain their cost proposal.
4. The qualifications of each bidder submitting a proposal will be evaluated by the evaluation committee. The bidders will then be ranked, relative to other bidders, on their ability to meet and exceed the established qualification criteria.
5. The cost proposals of the top 3 ranked bidders will be opened and an award will be made to the lowest bid amount received.
6. The cost proposals of the remaining bidders will not be opened and will be kept on-file.