



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

DEC 12 AM 11:16

STATE PROCUREMENT OFFICE  
 STATE OF HAWAII

TO: Chief Procurement Officer

FROM: William J. Aila Jr., Board of Land & Natural Resources  
*Name of Requesting Department*

SUBJECT: Request for Exemption

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

<p>1. Describe the goods, services or construction.</p> <p>The following goods and services are being requested for exemption during fire emergencies only: helicopter operations, heavy equipment operations &amp; rental, laundry services, fire vehicle/equipment repair, lodging, air fare, portable toilets, miscellaneous supplies, personal protective equipment (gloves, hard hat, dust mask, nomex clothing, etc.), small equipment (hedge trimmers, etc.), air &amp; barge freight, fuel (gas, oil, lubricants, aviation fuel)</p>	
<p>2. Vendor/Contractor Name :</p> <p align="center">See attached list. The list is not all inclusive.</p>	<p>3. Amount of Request:</p> <p>\$ TBD</p>
<p>4. Term of Contract: From: 1/1/2012 To: 12/31/2012</p>	<p>5. Prior Exemption Reference No.:</p>
<p>6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:</p> <p>Wildfires are unpredictable and therefore difficult to justifiably plan for such an event. We are under a tremendous time constraint (socially and politically) to put the fire out as soon as deemed possible as the fire could be threatening communities (homes, businesses) closing down major highways and thoroughfares as well as threatening the natural resources (watersheds, threatened &amp; endangered plant and bird colonies, native forests, and critical habitat). We rely upon a rapid response plan to get to the fire as soon as possible to minimize the damage as well as provide for public and firefighter safety in the process. The unpredictability of fire means that we do not know where it will start, when it will start, how many resources are needed and how long we will need them. Traditional procurement protocols do not allow for this flexibility.</p> <p>In order for DOFAW to be effective, we have to use the resources that are available to us at a moment's notice. This includes the availability, the response time and the proximity of equipment to the incident, and the experience and qualifications of the vendors. This is all part of the decision-making process by which we select qualified vendors. (see attached sheet )</p>	
<p>7. In selecting the vendor/contractor, explain in detail, the process the department will utilize to maximize fair and open competition:</p> <p>We will utilize a list of vendors that we have created over the years, one that is very extensive and updated annually. We will use this extensive list based on "best value" - capability, availability, proximity to incident, experience, knowledge, skills, certifications, etc. The Division's Incident Management Team managing the incident will use their best judgment to ensure we maximize the vendor list. Checks and balances include an equipment shift ticket that records the number of hours a certain piece of heavy equipment or aircraft is used. Also, if the Incident Management Team feels that the vendor is underperforming, that vendor will be released immediately and another vendor will be used in its place. We have not received any complaints from the vendors on the list we have generated over the years.</p> <p>We need these vendors more than they need us.</p> <p>A faster response means smaller fires, less time and money spent, and less damage to the natural resource. Being exempt from the regular procurement process due to the emergency situation at hand brings the right kind of resources as quickly as possible.</p>	

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process and has completed mandatory training. (Type over "example" and delete cells not used)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
Wayne F. Ching	DOFAW Admin.	587-4173	wayne.f.ching@hawaii.gov
Roger Imoto	HI Branch Mngr.	974-4221	rimoto@dofawha.org
John Cumming	Maui Branch Mngr.	984-8107	john.s.cumming@hawaii.gov
David Smith	Oahu Branch Mngr.	973-9777	david.g.smith@hawaii.gov

9. The department shall ensure adherence to applicable administrative and statutory requirements, and all requirements, approvals, and internal controls for this request are the responsibility of the department.

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



Department Head Signature

Date

12/6/11

**For Chief Procurement Officer Use Only**

Date Notice Posted

12/12/11

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from date notice posted to:

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

10. Chief Procurement Officer (CPO) Comments:

This request is disapproved. HRS §103D-307 and HAR chapter 3-122, subchapter 10, allows the department to obtain goods, services or construction either prior to or after-the-fact of an emergency situation.

The department is reminded that 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.

Approved

Disapproved

No Action Required

  
 Chief Procurement Officer/Signature

Date

12/20/2011

## REQUEST FOR EXEMPTION

### Additional information:

- 6) Flexibility is the key to a successful mission. For example, if the dozer contractor has all his equipment in Hilo and Kona and the fire starts in Ka'u, it will take hours for him to move his equipment on scene. By then, the fire may have already destroyed homes and businesses, and closed major highways. During weekends, holidays and after-hours, contact with a single contractor may be difficult. In the interest of life safety and property protection, it would be more sensible to use a contractor in Ka'u in this case.

We cannot guarantee to the vendor a set amount of work. For example, we might only use a heavy equipment vendor for 3 hours and then relieve him thereafter. We also cannot estimate the dollar value of a purchase order or contract, again because we are not sure how long we will use that asset on the fire.

The HePS and HCE process limits the amount of vendors that are available to us. In 2006, a vendor on Maui decided that he would only charge us 2 days of work instead of 3 because he felt we were trying our best to put the fire out and he was willing to forego that extra day of his services. We also know of one heavy equipment vendor on Molokai that would probably not get on HePS because its not worth his time and effort to do the paperwork. Whether he signs up on HePS or not, we would still utilize his services due to the fact that there are very limited heavy equipment operators on that island.

We do preplanning as much as we can for the fire season. We have annual refresher training for all firefighters, we ensure that personnel field gear is ready at a moment's notice, and we keep our vehicles in working condition. We also update the vendor list.

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- | <u>Name of Department Personnel</u> | <u>Division</u>    | <u>Phone No.</u> | <u>EMail</u>                 |
|-------------------------------------|--------------------|------------------|------------------------------|
| Galen K. Kawakami                   | Kauai Br.<br>Mngr. | 274-3439         | galen.k.kawakami@hawaii.gov. |