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

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

- 1. TO: Chief Procurement Officer
- 2. FROM: Land and Natural Resources/Forestry and Wildlife

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:  
 Provide expert services for the State of Hawai'i in collaboration with the Hawai'i Endangered Bird Conservation Program Partnership. Services provided include operation of the Maui Bird Conservation Center located in Olinda on the island of Maui and the Keauhou Bird Conservation Center located in Volcano on the Big Island, all aspects of avicultural care and breeding of endangered and surrogate birds, operations and maintenance of captive facilities, veterinary care of captive birds, assistance with field collections and releases of birds, working with cooperating agencies to integrate the captive propagation program with other aspects of endangered bird management and recovery, public outreach, and a contribution of no less than \$310,000 in cash or in-kind services over the two year contract to provide the match for the federal funds that contribute to this project.

4. Name of Vendor: Zoological Society of San Diego (ZSSD) Address: P.O. Box 120551, San Diego, CA 92112	5. Price: \$475,000 (FY13) \$450,000 (FY14)
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6. Term of Contract: From: 1 July 2012 To: 30 June 2014	7. Prior Exemption Ref. No. 10-057-D
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:  
  
See Attached Explanation on Pages 4-5

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
  
N/A

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:

The Division of Forestry and Wildlife will oversee the project implementation to ensure it is in compliance with performance standards of the federal grant program, 5-year and annual work plans, and the contract scope of work developed by the Division. The project requires weekly, monthly and annual performance reports. These reports and a project description are made available to the public via the Division's web page. Once the purchase of services is approved, the scope of work will be developed and incorporated into a contract, the contract will be submitted for approval by the Division of Forestry and Wildlife Administrator and the Chairperson of DLNR.

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	
Land and Natural Resources Board		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Deputy Attorney General		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
William J. Aila, Jr.	Chairperson, DLNR	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Paul J. Conry	DOFAW Administrator	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Scott Fretz	DOFAW Program Manager	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
David Leonard	DOFAW Wildlife Biologist	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration

13. Direct inquiries to: Department: Land and Natural Resources  
 Contact Name: Scott Fretz  
 Phone Number: 587-4187  
 Fax Number: 587-0064

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.

*PSC* ↓ *H. Iululua*  
 Department Head

*2.9.12*  
 Date

**Reserved for SPO Use Only**

15. Date Notice Posted 2-13-12

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 request is disapproved. Procurement Delegation No. 2010-01, Amendment 1 states "Procurement officers and personnel without written delegated procurement authority and/or who have not completed the applicable mandatory training for HRS chapters 103D or 103F shall not conduct, approve, or participate in the procurement. . . .procurement requests submitted to the SPO from departmental personnel without written delegated procurement authority and the appropriate mandatory procurement training will be returned." Although no written delegated procurement authority is required for a *Notice of Request for Exemption from HRS Chapter 103D*, appropriate mandatory procurement training is required for the persons identified in no. 12 . The appropriate form SPO-007 is available at [hawaii.gov/forms/state-procurement-office](http://hawaii.gov/forms/state-procurement-office). If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or [donna.tsuruda-kashiwabara@hawaii.gov](mailto:donna.tsuruda-kashiwabara@hawaii.gov).

16.

**APPROVED**

**DISAPPROVED**

Donn Tsuruda-Kashiwabara 2/13/2012  
Chief Procurement Officer Date

## **Attachment 1.**

### **Explanation describing how procurement by competitive means is neither practicable nor advantageous to the State:**

The Zoological Society of San Diego (ZSSD) currently operates the State of Hawaii's captive propagation program as part of an interagency collaboration with the U.S Fish and Wildlife Service (USFWS) and the State of Hawai'i. The Department of Land and Natural Resources (DLNR) and the USFWS share the cost of this program, with DLNR funds originating from Section 6 of the Federal Endangered Species Act. The Zoological Society of San Diego operates two separate facilities (one on Maui and one on Hawaii) as a single integrated program. Maintenance of separate facilities administered by one organization is a key component of the program's success because it provides the following advantages: 1) allows a portion of each captive species to be kept on separate islands (to reduce loss in the event of a catastrophe), 2) allows for the rapid exchange of birds between facilities, 3) reduces mortality risk of individuals and thereby the risk of losing a species by providing standardized protocols for complex avicultural procedures (e.g., incubation, neonatal care), 4) facilitates the training of personnel, and 5) allows personnel to move between facilities and field sites (e.g., remote release sites ) as necessary. Overall, the two facilities-one administration approach minimizes the program's cost and risk, while at the same time ensures that the State receives expert services. This service is measured in terms of the successful propagation and release of native Hawaiian birds and ultimately by the recovery of these endangered species. This approach also facilitates collaboration among the USFWS, DLNR, and ZSSD.

Prior to the establishment of this program, no institution or entity had demonstrated the ability to breed endangered Hawaiian passerines in captivity. The current operator continues to be the only such institution. Although this program was previously administered by The Peregrine Fund, no change in management or operations occurred at the time of transfer to ZSSD. The Zoological Society of San Diego staff has years of experience and has a 12-year record of successfully operating this program. Procurement by competitive means would not be advantageous to the State nor practicable. No other vendor has the expertise or experience of breeding and caring for endangered Hawaiian forest birds. Thus a change in vendors would increase the risk of failure, the potential loss of critically endangered species, and program setbacks; all of which could result in a loss of public support and funding for the program. Currently, the USFWS has a cooperative agreement with ZSSD through which they provide money to ZSSD. These funds are in addition to those provided to the State (i.e., Section 6 funds; see above), which are passed through to ZSSD.

To be successful the program requires a high level of expertise, which can only be obtained through years of experience. Switching to a new vendor would introduce an element of risk. This could result in the injury or death of federally protected captive endangered birds. It could also result in period of poor reproduction. These risk are especially acute for the 'Alalā, or Hawaiian Crow, which is critically endangered and currently only exists in captivity. Because no 'Alala exist in the wild, the species is entirely dependent on the captive breeding program to prevent their extinction. Furthermore, over the last three years, 'Alalā reproduction has increased dramatically, due in part to the experience of ZSSD, and a reintroduction program is

being planned. Zoological Society of San Diego staff is assisting with the development of this reintroduction and switching vendors would affect the timing of the release.

The current operator has a nationally recognized and award-winning program that is currently housing and breeding the world's remaining 'Alala as well as four other endangered Hawaiian forest birds. The operator is currently maintaining: 94 'Alala, 47 Puaiohi, 27 Palila, 11 Maui Parrotbill, and 2 Nēnē. All of the birds are listed as endangered by the USFWS and the State of Hawai'i. A mishap in the care of these endangered birds during a transition in operations would be unfortunate and potentially have legal ramifications. Thus, it is to the State's advantage to maintain ZSSD as the operator of its captive breeding program.