



DOFAW - SPO - 12 - 0048
STATE PROCUREMENT OFFICE
NOTICE OF REQUEST FOR EXEMPTION
FROM HRS CHAPTER 103D

12 MAY -1 A8:13

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Land and Natural Resources / Forestry and Wildlife
Name of Requesting Department

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

1. Describe the goods, services or construction:

Provide expert services for the State of Hawaii in collaboration with the Hawaii 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 of captive birds, assistance with field collections and releases of birds, working with cooperating agencies to intergrate 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.

2. Vendor/Contractor/Service Provider: Zoological Society of San Diego (ZSSD)

3. Amount of Request:

\$ 475K (FY13), 450K (FY14)

4. Term of Contract From: 1-Jul-12 To: 30-Jun-14

5. Prior SPO-007, Procurement Exemption (PE): 10-057-D

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

See attached Explanation on Attachment 1

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

N/A

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has completed mandatory training; and 2) who may contact for follow up inquiry, if any.
(Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
Lisa Ferentinos	DOFAW	586-0917	Lisa.Ferentinos@hawaii.gov

All requirements/approvals and internal controls for this expenditure is 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

4/26/12

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 5.1.12

Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

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

If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or donna.tsuruda-kashiwabara@hawaii.gov.

Approved

Disapproved

No Action Required

Alan J. J. A. → 6/18/2012
Chief Procurement Officer Signature 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 risks are especially acute for the 'Alalā, or Hawaiian Crow, which is critically endangered and currently only exists in captivity. Because no 'Alalā 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.