

STATE OF HAWAII 5 JAN 27 P 4:08

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources, Division of Aquatic Resources, HIHWNMS
(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:

Description of goods, services, or construction:
Humpback whale field research activities (fluke photo-identification and biopsy sampling) around the island of Maui for the State office (Department of Land and Natural Resources) of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) as part of the 3-year, international SPLASH research initiative. (Fully federally funded by NOAA-National Marine Sanctuary Program.)
Note: Federal and State endangered species permit required to perform service.

Name of Vendor: PLEASE SEE ATTACHED LIST
Address: PLEASE SEE ATTACHED LIST
Cost: PLEASE SEE ATTACHED LIST

Term of Contract: From: ASAP To: June 15, 2005
Prior Exemption Ref. No. (if applicable): 04-18-M

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
Procurement of these services from a single vendor is not practical or advantageous because:
1. It is a priority of the DLNR and NOAA to encourage collaboration among humpback whale researchers by awarding research funds to a variety of qualified research organizations so that they may work on similar activities together, share data, etc.
2. It is important to reduce the risk of non-performance by awarding the work to several qualified organizations. If a single organization was awarded all the work and could not perform, irreparable damage would be caused to the 3-year SPALSH research initiative.
3. Future federal funding for DLNR would be in jeopardy if the state can not demonstrate its ability to administer NOAA funds in a technically sound manner as described above.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
Bids were requested via E-mail from all qualified (permitted) research organizations. The request for bids was also announced on the MARMAM listserv, an E-Mail based discussion group used widely by marine mammal researchers. A group of research organizations (vendors) will be selected from bids received to achieve the best balance of value, collaboration and abilities to perform the work effectively. The science and rescue coordinator for NOAA-HIHWNMS (funding source) as well as sanctuary staff within DLNR will review the bids and offer recommendations on the selection.

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

Once the 103D exemption is obtained, PO would be prepared for the selected vendors. These PO's are reviewed and initialed by the Division Administrator and subsequently reviewed and approved by the DLNR Procurement Officer and or the DLNR Chairman. This proposed procurement has already been extensively reviewed by the DLNR Procurement Officer and the DLNR Chairperson.

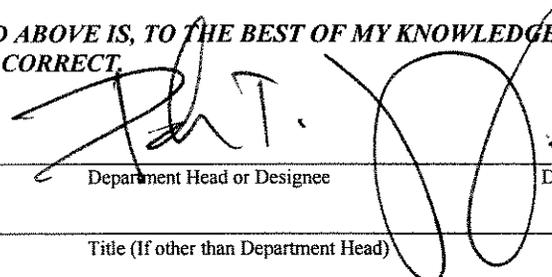
A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Peter T. Young, DLNR Chairperson
 Juliet Kazanjian, DLNR Procurement Officer
 Francis Oishi, Acting DLNR-DAR Administrator
 Jeffrey Walters, Ph.D., Co-Manager, DLNR-DAR-HIHWNMS

Direct questions to: Jeff Walters, DLNR-DAR-HIHWNMS	Phone Number: 587-0106
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This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.



 Department Head or Designee

_____ **JAN 27 2005**
 Date

_____ **PHOTOGRAPHY**
 Title (If other than Department Head)

Chief Procurement Officer's Comments:

This approval is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED



 Chief Procurement Officer

2/7/05

 Date

cc: Administrator,
 State Procurement Office

Attachment to SPO Form-7, DLNR-DAR, Humpback Whale Field Research 2005 Season

VENDOR NAME	TAX ID NUMBER	CONTACT NAME	MAILING ADDRESS	PHONE NUMBER	TERM OF CONTRACT	COST (\$)
The Dolphin Institute	99-0310715	Adam Pack, Ph.D.	1129 Ala Moana Blvd. Honolulu, HI 96814	(808) 591-2121	ASAP - March 21, 2005	12000
Hawaii Whale Research Foundation	37-1255528	Dan R. Salden, Ph.D.	PO Box 1296 Lahaina, HI 96767	(808)-661-3386	ASAP - March 21, 2005	6000
Whale Trust	91-2144632	Meagan Jones	300 Paani Place Paia, HI 96779	(808) 873-9600	ASAP - March 21, 2005	6000
Center for Whale Studies	94-3020977	Mark Ferrari (or Debbie)	P.O. Box 1539 Lahaina, HI 96767-1539	(985) 893-8965 (LA)	ASAP - March 21, 2005	6000