



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

13 SEP 26 P1:54

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

**TO:** Chief Procurement Officer

**FROM:** Department of Land and Natural Resources, Division for 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:**  
The Hawaii Forest Stewardship Program (FSP) is a landowner assistance grant program established under Chapter 195F, HRS, and further described in Chapter 13-109, HAR. The program offers interested landowners technical and financial assistance for the development and implementation of management actions or practices on their land to restore, conserve or promote forest production. As the first step to participating in the program, landowners are invited to develop a long-term Forest Stewardship management plan that details the existing resources on their property, describes the visions for their project, details the management practices to be implemented over the next ten years, and includes a budget and implementation schedule of estimated projects costs. Upon approval of the landowner's Forest Stewardship management plan by the State's Forest Stewardship Advisory Committee (FSAC), the landowner is eligible to apply for cost-share assistance from the implementation of the Forest Stewardship management plan over a ten year period, as detailed in Chapter 13-109, HAR.

<b>2. Vendor/Contractor/Service Provider:</b>		various	<b>3. Amount of Request:</b>	
			\$ Various (Max. \$750,000)	
<b>4. Term of Contract From:</b>	10 year contract	<b>To:</b>	<b>5. Prior SPO-007, Procurement Exemption (PE):</b> 12-059D	

**6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:**  
The most closely related procurement method for the FSP cost-share reimbursement for implementation of FSP management plan is the Competitive Sealed Proposals (RFP), Chapter 103D, HAR (the award is not based solely on lowest bid and FSP projects are evaluated on the individual merits of the project including the details on practices, total cost, cost per practice, support of FSP goals, among others). However, FSP requirements as detailed in 13-109, HAR, lead to some conflicts with the RFP process. The required involvement of the FSAC (as a public board under Hawaii's Sunshine Law) in Forest Stewardship management plan process including in the development, review and the approval of these projects at various stages over numerous months (if not years in some cases) prior to award, does not allow for the project to be kept confidential until award, as required under the RFP process. The FSAC would serve as the evaluation committee under the RFP process, but they are generally more involved in the development of the project proposal/plan than a typical evaluation committee under 103D. Additionally, the FSP is a continuous sign-up program in that landowners may apply to participate at any time and there is no time limit on the development of their management plans, this does not allow for a closing date as required by the RFP process.

**7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:**  
The Department is committed to fair and open competition to the extent feasible. A Notice to Communities is posted annually on the SPO website announcing general information on the program (however, we have never been contacted through the SPO website). Also we provide outreach to landowners to encourage enrollment in FSP through a number of different venues throughout the year. FSAC reviews and approves FSP projects at a number of different steps; 1st through a project proposal that helps determine if it is in line with the program goals. Then FSAC invites the landowner to develop a long-term FSP management plan and authorizes cost-share support for the development of the plan to the landowner. Once the plan is developed by the landowner, it is submitted to the FSAC for review and approval; the FSAC can approve, deny or recommend modifications that must be incorporated into the plan. Upon approval of the FSP management plan, the landowner may apply for 50% cost-share assistance from the program based on their approved implementation schedule in their plan (with an approved FSP management plan landowners can apply to other financial assistance programs with USDA). The FSAC evaluates each project submitted for cost-share reimbursement from FSP at their quarterly meetings using an established evaluation criteria. If approved by FSAC, the project is submitted for approval by the Board of Land and Natural Resources (BLNR). Upon BLNR approval the applicant is awarded a 10 year cost-share agreement for their

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).

\*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	e-mail address
Melissa Irene Sprecher	DLNR/DOFAW	587-4167	melissa.i.sprecher@hawaii.gov
Sheri Mann	DLNR/DOFAW	587-4172	sheri.s.mann@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

9/25/13  
 Date

**For Chief Procurement Officer Use Only**

Date Notice Posted: 9/27/13

Inquiries about this request shall be directed to the contact named in No. 8. Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

[state.procurement.office@hawaii.gov](mailto:state.procurement.office@hawaii.gov)

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period 11/1/13 to 06/30/15 and 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. Copies of the HCE certificate and awards posting are required to be documented in the procurement/contract file. If there are any questions, please contact Kevin Takaesu at 586-0568, or kevin.s.takaesu@hawaii.gov

Approved

Disapproved

No Action Required

Acting

  
 Chief Procurement Officer Signature

11/5/13  
 Date