



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

14 JUL 10 18:34  
 ADMINISTRATION  
 STATE PROCUREMENT OFFICE  
 OFFICE OF HAWAII

**TO:** Chief Procurement Officer  
**FROM:** Department of Land and Natural Resources (DLNR)  
*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:**  
 Management services for the continuation of a collaborative resource management project, with DLNR Division of Conservation and Resource Enforcement (DOCARE) Community Fisheries Enforcement Unit (CFEU), involving a pilot community fisheries enforcement unit effort on the island of Maui. Services include the provision of personnel/payroll services and budget management for three project personnel; a project coordinator, a media development specialist and a Makai Watch coordinator, which provides community education and outreach specifically for the pilot project.

<b>2. Vendor/Contractor/Service Provider:</b> Tri-Isle Resource Conservation & Development Council, Inc.	<b>3. Amount of Request:</b> \$ 100,000.00
<b>4. Term of Contract From:</b> 1-Jul-14 <b>To:</b> 31-Dec-14	<b>5. Prior SPO-007, Procurement Exemption (PE):</b> N/A

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

**7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:**  
 DOCARE did a recent (05/2014) solicitation for management services resulting in only two prospective offers: Tri-Isle RC&D, based on Maui and WHALE Environmental Services, LLC., based on Oahu. For the services solicited, WHALE Environmental Services offered a budget triple (3x) the solicited job amount. Although the proposal submitted by WHALE Environmental Services stated that an on-site project manager would be provided, their budget included twenty round trips to Maui, as well as per diem, car rental and lodging fees. The funding for this project is provided by a not-for profit entity; there is no accomodation for travel and related costs included in the funding agreement and there are no funds in the DOCARE general fund budget to supplement these types of expenditures. In comparison, Tri-Isle RC&D offer was more fiscally prudent to the solicited budget amount, for the services requested.

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
Conan Akau	<b>DOCARE</b>	587-0069	conan.v.akau@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

7/7/14  
 \_\_\_\_\_  
 Date

**For Chief Procurement Officer Use Only**

Date Notice Posted: 7/10/2014

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:**

Request is returned with no action required as department has decided to withdraw their request for exemption.

If there are any questions, please contact Stanton Mato at 586-0566, or email [stanton.d.mato@hawaii.gov](mailto:stanton.d.mato@hawaii.gov).

Approved

Disapproved

No Action Required

*FOR*   
 \_\_\_\_\_  
 Chief Procurement Officer Signature

7/23/14  
 \_\_\_\_\_  
 Date

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

Due to a minimal response received in a recent solicitation of services, and the disparity between the offers submitted, DOCARE tenders this exemption request.

In 2012 DOCARE received funding from two (2) private donors, Conservation International and Harold Castle Foundation to support the establishment of a Fisheries Enforcement Unit Initiative, to improve the health of near shore ecosystems. The "Amount of Request" for this request is unspent fiscal year 2014 funding donated to DOCARE, from the Harold Castle Foundation – funding the foundation has requested to be expended in full towards the continued personnel support of the CFEU pilot program.

DOCARE did a recent RFQ solicitation for management services described above resulting in only two (2) prospective offers: Tri-Isle RC&D, based on Maui and WHALE Environmental Services, LLC based on Oahu.

Tri-Isle Resource Conservation & Development Council, Inc., through separate private funding from Harold Castle Foundation, in partnership with DOCARE, currently provides project management services for the above-referenced resource management project; and is uniquely qualified to continue to service this project due to their knowledge and experience with the CFEU mission and needs. The personnel that Tri-Isle RC&D contracted for the CFEU pilot have worked on the project since its inception in 2012. Consequently, the relationships that have been established with DOCARE staff and management, skill sets acquired specifically for the project, and understanding of the CFEU project's educational and operational goals, as well as the community and outreach services currently provided, are critical to the project's continued success. Moreover, their experience ensures that the funds allotted to this project can be utilized with optimal efficiency, both in terms of time and costs. As a Maui-based entity, they possess institutional knowledge of the CFEU project and have demonstrated their commitment to its success. Most importantly, Tri-Isle will be able to provide continued and uninterrupted service to the project with the available funding and within the limited time remaining on the project. Moreover, Tri-Isle RC&D submitted a monetary offer within the solicited budget amount.

In contrast, WHALE Environmental Services (WES), offered a budget triple (3x) the solicited job amount – a budget based on time and materials basis in lieu of a lump sum service based budget. Being an Oahu based organization, the WES budget includes line items for airfare, car rental, lodging and per diem expenses which DOCARE deems unnecessary; as the WES proposal indicates a Maui-based, on-site project manager will be utilized. Though DOCARE does not question WES' capabilities of providing the requested services, we are not confident the time exhausted by all partners in getting WES staff to full working knowledge of the CFEU project would be money well spent and would impede the continuous work flow of the project which is planned to terminate at the end of the calendar year. And most concerning to DOCARE,

PE15-0025

regarding WES, is the negative publicity surrounding Mr. Mark Howland who is listed as an Owner/Operator of WES. According to newspaper media, in 2007, a Massachusetts Attorney General filed a civil suit against Mr. Howland and his wind-turbine company, WindTech-CO for allegedly misleading customers and failing to install turbines paid by customers. In 2008 Mr. Howland agreed to a consent judgment to pay \$488,000 in restitution. Though DOCARE forms no opinion on the legal action taken against Mr. Howland, we do believe in standing on the better of side caution with regards to a working relationship with him and any associated businesses.

Lastly, due to the minimum offers submitted from our previous solicitation, DOCARE does not feel that re-solicitation of the above-referenced services will result in an increased number of offers, beyond the two offers described above. Additionally, in the event DOCARE is unable to expend the funding, the project will terminate prematurely and the unexpended funding will have to be refunded to the Harold Castle Foundation.

With the above in mind, DOCARE respectfully requests your favorable consideration of this request

PE15-0029