

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

15 OCT -8 P12:57

TO: Chief Procurement Officer

ADMINISTRATION  
STATE PROCUREMENT OFFICE  
STATE OF HAWAII

FROM: Department of Agriculture  
*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 and/or services:  
See attached.

2. Vendor/Contractor/Service Provider	Peter S. Adler DBA The Accord Group	3. Amount of Request:
4. Term of Contract From:	10/15/2015 To: 12/15/2015	\$ 14,052.57
		5. Prior SPO-007, Procurement Exemption (PE):

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

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

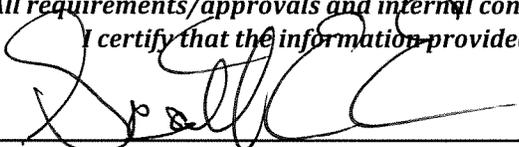
See attached.

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
Scott E. Enright 	HDOA	(808) 973-9550	scott.enright@hawaii.gov
Sharon K. Hurd 	HDOA	(808) 973-9465	sharon.k.hurd@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

10-7-15  
Date

**For Chief Procurement Officer Use Only**

Date Notice Posted: 10/13/2015

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:

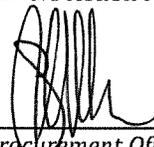
This request is disapproved as it lacks sufficient justification as an exemption. Based on the vendor's proposal, work includes creating surveys, conducting interview, preparing reports, consulting with the project lead etc. These are consulting activities versus facilitation. The department shall use the appropriate method of procurement for the required services (i.e. Request for Proposals, reference HRS 103D-303 and HAR Section 3-122, Subchapter 6).

If you have any questions, contact Bonnie Kahakui at 587-4702, or [bonnie.a.kahakui@hawaii.gov](mailto:bonnie.a.kahakui@hawaii.gov).

Approved

Disapproved

No Action Required



\_\_\_\_\_  
Chief Procurement Officer Signature

11/2/15

\_\_\_\_\_  
Date

## Attachment

### 1. Describe the goods and/or services:

The services for which this exemption is requested is for facilitation services to determine the feasibility of establishing an attached agency addressing invasive species and biosecurity coordination among state and federal partners. The facilitator would gather input from the stakeholders, public and private, and would make recommendations for the transition of the existing Hawaii Invasive Species Council into a commission or authority administratively attached to the Hawaii Department of Agriculture (HDOA). This commission would have the ability to hire staff and take on certain coordination and planning roles not viable under the current Council structure. The facilitator would objectively conduct interviews, surveys, and meetings with stakeholders to deliver the scope of work which will include: work with project liaison to develop survey questions to gather input on the need for an attached agency and on an initial proposed approach, use survey questions to conduct brief targeted telephone interviews (approx. 20) and online surveys (approx. 25 recipients) of stakeholders (including the following: Staff at agencies impacted by invasive species issues, Legislators appointed to participate in HISC meetings, and/or appointed to relevant committees, and Recipients of HISC grants), convene stakeholder meetings (2) to discuss and review a proposed structure based on stakeholder input. Meetings should occur no later than December 4, 2015, and provide a summary report of stakeholder input by December 10, 2015.

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

It is not practicable or not advantageous for the HDOA to procure these services by competitive means because the facilitator is uniquely qualified to deliver the scope of work. Article 11, Section 3 of the Hawaii State Constitution states that "the State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." Act 85, Session Laws of Hawaii (SLH) 2003, identifies invasive species as "the single greatest threat to Hawaii's environment, economy, and to the health and lifestyle of Hawaii's people." The act is based largely on a 2002 study by the Legislative Reference Bureau (LRB), titled "Filling the Gaps in the Fight against Invasive Species." Both the LRB study and Act 85 recognize that the invasive species problem in Hawaii is a multi-agency, cross-sector issue, with no single agency acting as the lead for all invasive species issues. Housed within the Department of Land and Natural Resources (DLNR), the Hawaii Invasive Species Council (HISC) was created in Act 85, SLH 2003. HISC is tasked with providing policy level direction, coordination, and planning amongst State Departments. By practice, the Legislature has appropriated funds to DLNR to be disbursed as directed by HISC. HISC does not have a dedicated source of funding as the council goes before the Legislature each year requesting funding. The State has looked at HDOA to address the many challenges of invasive species and to maintain Hawaii's unique agriculture. This includes the ongoing battle against invasive species such as the Coqui Frog, Little Fire Ant, Coconut Rhinoceros Beetle, and the Coffee Berry Borer. In order to address the ever-growing invasive species problem, the State of Hawaii needs to act immediately. As such, it is HDOA that seeks to create an attached agency to concentrate on invasive species efforts and biosecurity measures. The attached agency requires planning and coordination amongst the many stakeholders in the State agriculture industry. HDOA is seeking an exemption to HRS Chapter 103D based on Exhibit A, HAR Chapter 3-120 Procurements Exempt from Chapter 103D, HRS, "Services of lecturers, speakers,

trainers, facilitators and scriptwriters, when the provider possesses specialized training methods, techniques or expertise in the subject matter." The Accord Group is a broad network of facilitators and problem solvers that is the leading resource in Hawaii for coordinating stakeholder input on complicated, and sometimes contentious issues. Accord's network of facilitation experts includes well-known professionals with additional expertise in organizational development and specific invasive species issues. No other facilitation network or organization in Hawaii has this unique combination of subject matter expertise, nor the organizational flexibility to take on and distribute the duties associated with this project within the short timeframe available.

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

The Accord group is a broad network of facilitators and problem solvers that is the leading resource in Hawaii for coordinating stakeholder input on complicated, and sometimes contentious issues. Accord has a unique project background that includes agricultural projects, conservation projects, and projects combining these two subject areas. This is particularly important for this project as invasive species is a multisector issue and the Hawaii Invasive Species Council is co-chaired by the Hawaii Department of Agriculture and the state's leading conservation agency, the Department of Land and Natural Resources. Accord's agricultural experience includes working on public input on the issue of Genetically Modified Organisms (GMOs), and their conservation/invasive species experience includes facilitating the development of strategic plan for the Kauai Feral Cat Task Force. Both of these projects are controversial and high-profile. Accord has also worked on organizational development within the agriculture/conservation subject area, including facilitating stakeholder input on the direction and expansion of the group known as Hawaii Green Growth (which includes HDOA, DLNR, DOH, and HISC as members), and facilitating stakeholder input on the future direction of the Pacific Cooperative Studies Unit at UH (a primary resource for invasive species research and field projects). Accord's network of facilitation experts includes well-known professionals with additional expertise in organizational development and specific invasive species issues. No other facilitation network or organization in Hawaii has this unique combination of subject matter expertise, nor the organizational flexibility to take on and distribute the duties associated with this project within the short timeframe available.