



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

15 NOV 30 A10:44

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources ("DLNR")
Name of Requesting Department

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

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:
The development of a master plan and environmental impact statement ("EIS") for Haena State Park, Kauai. The plan includes the preservation of environmental, recreational, cultural and historic resources in the park and provides a community based perspective of future development and management policies for Haena State Park. Extensive community and public outreach and collaboration was required as a master plan advisory committee ("MPAC") was organized to assist in the development of the plan. In addition the preparation of the EIS pursuant to Chapter 343, Hawaii Revised Statutes ("HRS") requires the preparation of responses to all comment received and any subsequent revisions.

This request is for a two (2) year time extension and an estimated funds of \$30,000 to be added to the contract to complete the master plan and EIS.

2. Vendor/Contractor/Service Provider:	PBR Hawaii & Associates, Inc. ("PBR")	3. Amount of Request:	\$ 30,000.00 estimated
4. Term of Contract From:	30 Jun-08 5/31/2016	To:	30-May-16 5/30/2018 000 11/30/15
		5. Prior SPO-007, Procurement Exemption (PE):	None

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:
SEE PAGES 3 - 7 AND ATTACHMENTS 1 AND 2.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:
The process that was used in selecting PBR was pursuant to Section 103D-304, HRS, relating to the procurement of professional services. The selection was in compliance with Sections 103D-304 (a), (b), (c), (d), (e), (f), (g), (h), (j), (k); no protests were received regarding this selection.

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
Carty S. Chang	Engineering-DLNR	587-0230	carty.s.chang@hawaii.gov
Russell P. Kumabe	State Parks-DLNR	587-0305	russell.p.kumabe@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

11/25/15
Date

For Chief Procurement Officer Use Only

Date Notice Posted: 11/30/2015

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

Chief Procurement Officer (CPO) Comments:

Request is returned with no action required as department has decided to withdraw their request for exemption and will re-submit as a request for contract extension.

If there are any questions, please contact Bonnie Kahakui at 587-4702 or bonnie.a.kahakui@hawaii.gov.

Approved

Disapproved

No Action Required


Chief Procurement Officer Signature

12.3.2015
Date

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

Background

Haena State Park came into its current form during the latter 1970's, through acquisition of various parcels to comprise the current park area of 65.7 acres.

The park is noted as a culturally and environmentally significant area as it contains Ka Ulu o Paoa Heiau and Ke Ahu a Laka (collectively as the Hula Heiau and Platform), wetlands, and recreational and scenic resources and areas. In addition, the kamaaina of Haena and cultural practitioners and gathers using this area have a deep connection to this park and are very passionate of its use and consequences. In 2006, State Parks entered into a curatorship agreement with the Hui Maka`ainana o Makana to restore fieldsystem of lo`i kalo that was in cultivation until 1960's.

During the 1980's, a master plan was started but not completed. Since, community members and practitioners have become more vocal and frustrated with the State's response or lack thereof to manage increased numbers of out of state visitors resulting in unsafe traffic and parking congestions and impacts and degradation of the beaches and cultural areas. In 2007, funding from the State Legislature was appropriated and released by the Administration for this project.

In June 2006, PBR was selected through the procurement of professional services pursuant to Chapter 103D-304, HRS. Contract No. 57262 was executed in 2008 with PBR in the amount of \$689,877.99. Four Supplemental Contracts ("SC") were executed to complete the project by extending the completion date to May 31, 2016, and increasing the contract amount by \$66,090.00 for unanticipated additional work:

1. SC No. 1, executed on March 9, 2011, extended the term of performance for the contract by 24 months from May 30, 2010 to May 30, 2012 and increased the contract amount by \$23,100.00 for the consultant to prepare/attend additional MPAC meetings, address additional issues to complete master plan and EIS, and perform additional archival research required to complete the cultural impact assessment.
2. SC No. 2, executed on December 10, 2012, extended the term of performance for contract by 24 months from May 30, 2012 to May 30, 2014.
3. SC No. 3, executed on April 16, 2013, increased contract amount by \$42,990.00 for the Consultant to prepare/attend additional MPAC and Land Board meetings, address additional issues (including rockfall mitigation findings), and revise the master plan.
4. SC No. 4, executed on March 19, 2014, extended the term of performance for contract by 24 months to May 30, 2014 to May 31, 2016.

PBR's scope was to complete the master plan and EIS through the review existing reports and documents on the park and its resources; conducting new studies and reports; and, establish an advisory group to guide the plan development. They were knowledgeable of the political and regulatory dynamics and processes of the County of Kauai, and familiar with certain community members, whom became members of the MPAC.

The MPAC is a critical component of the master plan development. This is 32-member advisory group, comprised of Haena kama`aina, cultural practitioners, Hanalei community representatives, County and State agency staff, and other stakeholders identified by the MPAC members. Due to the diverse range of interests, expertise and viewpoints, the establishment of this group has been lengthy and time consuming; the MPAC took about eighteen months to form. The longer timeframe was needed to foster a good working relationship between DLNR and the community, in which trust building and negotiating of ideas and concepts were basic tenets. There was much vetting and negotiating between the MPAC and DLNR on plan proposals and concepts of future management policies to balance community desires with State responsibilities. The major proposals that emerged included placing a limit on the amount of daily visitors to the park, reducing the amount of available parking at the park, and a pedestrian pathway to divert park users and visitors from areas of imminent rockfall hazards and incidents that occurs in the roadway corridors now used by vehicles and visitors. PBR has been working diligently throughout the contract time to facilitate these proposals and objectives. Refer to Attachment 1 for a timeline of these events.

Attendant to the completion of the master plan is the EIS for the plan. The draft plan was completed in 2015 and the Draft EIS (DEIS") was submitted to and published by the Office of Environmental Quality Control on July 23, 2015. The DEIS was quite large with voluminous appendices and supporting documents. In compliance with Chapter 343, HRS, requirements, a 45-day public comment period to receive comments on the DEIS ended on September 8, 2015.

A public meeting was held in Hanalei on August 19, 2015 to present the proposed master plan to the community. PBR, DLNR and the MPAC shared in the presentation. During the meeting, numerous attendees expressed concerns, disagreements and opposition with the proposals and stated DLNR did not provide adequate notification for the public to review a complex and voluminous document. Subsequently, numerous meetings were held by those that were concerned or opposed the master plan proposals; in addition, questions were raised whether the MPAC membership truly represented the community's viewpoint. Consequently, MPAC members were concerned that the proposals were misunderstood or misconstrued and decided to implement its own information outreach to those questioning the plan. In addition, DLNR voluntarily extended the 45-day comment period to Oct 8, 2015 as an effort to address questions of adequate notification and decided to include these unanticipated comments and concerns. Refer to Attachment 2.

Eventually, the MPAC decided to internally reflect upon its membership and mission and have taken steps to include new members and clarify its objectives. This placed the completion of the DEIS and master plan on hold until the MPAC resolved its organizational issues. DLNR believes that ensuring due process and appropriate community involvement was equally important with the plan proposals and objectives. This has become evident in several State projects now undergoing protests and opposition. The MPAC is still resolving these issues, and DLNR anticipates this may take several months to resolve.

In consultation with PBR, a request to extend the contract for two (2) years provides a reasonable timeframe to address the completion of the DEIS and master plan and allow adequate time for other unanticipated events and circumstances that may occur. The addition of \$30,000 to the contract will enable PBR to conduct additional public meetings, smaller MPAC and agency meetings, and other outreach activities which was not expected during the contract execution.

Discussion

The plan completion schedule was affected by the influx of unanticipated public comments that had opposed or critically reviewed the plan's proposals as developed through MPAC discussions. DLNR's extension of the public comment period, the time needed for PBR to compile and respond to each additional comment, and the time needed for the MPAC to reorganize will lead to additional time to meet the requirements of Chapter 343, HRS, and implement DLNR's commitment to ensure adequate due process was provided. In addition, there may be significant revisions needed to the draft plan that will require time for drafting and vetting with the MPAC.

a. Nominal increase in the scope and cost for plan and EIS completion

As the request is to allow an additional two (2) years to complete the plan and adding \$30,000.00 to the Contract for plan completion, the additional time and cost requested are nominal compared to the time that would be needed to get another consultant onboard and have them briefed, familiarized and accepted by the MPAC as a competent entity to complete the work which the lion's share has been completed. The scope of work for PBR will not change as addressing public comments and subsequent public outreach was always in their tasks. What will be needed is additional time to address unanticipated public comments and subsequent outreach meetings and events to ensure that proper information about the plan and its proposals are provided.

Conceptually, a new consultant will require a contract which may take up to 6 – 8 months to process and execute, and the amount that will be requested to carry on PBR's work to date to complete the plan and EIS will be significantly higher than \$30,000.00. In addition, a new consultant will require significant amount of time to come up to speed and continue the completion of the near completed work. However, if PBR was

reselected, it can take up to 4-6 months for the selection process and execution of a new contract for what would be the same scope of work, time of contract, and budget amount but resulting in a longer discontinuity in meetings with the MPAC and community groups. The existing Contract allows the Chairperson to enter into Supplemental Contracts for the additional funds of \$30,000.00 but will require an SPO exemption request for extending the Contract time from May 30, 2016 to May 30, 2018.

The request to retain PBR and extend their contract for two (2) years with an additional \$30,000.00 appears to be the only efficient way to complete the plan and effective use of State funds.

b. Project time

As noted above, the completion of the plan and EIS by PBR will take up to two (2) years or sooner, depending on the additional work needed from the unanticipated public comments and potential revisions. PBR may be able to complete this before the requested extension date, as they already have the infrastructure in place to complete the project; also, the MPAC and community are familiar with them as they established a level of trust to complete the plan. The only factor now that appears to prevent the plan and EIS to be completed is the additional time needed to address the unanticipated public comments, there are no discrepancies or complaints on the performance of PBR.

A new consultant may take longer to be capable of completing the plan and EIS with the insights necessary on the basis of the technical, cultural, and community knowledge of the park and its management issues. Two (2) years will be optimistic to expect a new consultant to fully understand the issues and proposals for the park, as well as being accepted as a working partner. Furthermore, the public perception of changing consultants prior to completion will be more damaging in light of public perceptions of government inefficiencies and incompetence.

c. Optimizing use of limited funding

As noted above, the request to add \$30,000.00 to PBR's contract will optimize funding as PBR has the infrastructure for plan completion in place and the requested funds will be used to support new unanticipated meetings and events that will be needed to appropriately present the plan to the residents of Kauai, and completing the EIS with assurance that proper due process considerations were implemented.

In summary, the request is to extend the term and include additional funding for Contract No. 57262 with PBR to complete the master plan and EIS pursuant to Chapter 343, HRS. , will be advantageous to DLNR and the State as there will be continuity to complete the plan and EIS, and demonstrate efficient and effective use of State funds. The additional time needed is to ensure the State's responsibility that the due process of its residents are maintained. The request

for additional time and funding is practical for DLNR and the State, as a new consultant tasked to complete the plan and EIS will require more time and funding to properly complete both elements. Furthermore, public perceptions of government inefficiency, waste, incompetence, and distrust will perpetuate.

community members regarding this project. Chapter 11.0 contains the pre-consultation correspondence.

TABLE 2: PUBLIC AND COMMUNITY ADVISORY COMMITTEE MEETINGS

DATE	LOCATION	PARTICIPANTS	PURPOSE
August 14 and 15, 2008	Hā'ena State Park	Various stakeholders, consultants	Field visit
October 16, 2008	Honolulu	Debbie Gowensmith, Community Conservation Network	Learn more about the Hā'ena community-based subsistence fishery project
October 24, 2008	Hanalei	Maka'ala Ka'auomoana	Learn more about the 1990's effort to master plan Hā'ena State Park and about her work at Hā'ena and with the Hanalei Watershed Hui
October 24-25, 2008	Limahuli Gardens and County Planning Commission Room	Public	Open house
February 4, 2009	Teleconference	Chad Listman, County of Kaua'i Lifeguard	Discuss issues at the Park with Kē'ē head lifeguard
October 14, 2009	Limahuli Gardens	SMA interveners that entered into resolution agreement with State Parks regarding comfort station	Final design for constructed wetlands and update on Master Plan progress
March 10, 2010	Honolulu	Debbie Gowensmith, Hawai'i Community Stewardship Network (HCSN)	Community coordination
April 17, 2010	Hanalei Elementary School	MPAC	Introductory meeting
May 8, 2010	Hanalei Elementary School	MPAC	Master Plan revisions and management issues
May 15, 2010	Hanalei Elementary School	MPAC	Master Plan revisions and management issues, continued
July 10, 2010	Hanalei	Public	Overview of process and Master Plan revisions
October 14, 2010	Land Board Conference Room, Kalanimoku Building	BLNR	Request the BLNR to accept recommendations proposed in draft Master Plan and endorse preparation of an EIS
February 17, 2011	Various	MPAC	Site visit to potential shuttle stop locations
March 1, 2011	Hanalei Community Center	Transportation and Parking Working Group	Transportation and Parking Working Group
March 18, 2011	Teleconference	Jean Souza, Hawaiian Islands	Hawaiian Islands Humpback Whale Marine Sanctuary and environmental interpretive

DATE	LOCATION	PARTICIPANTS	PURPOSE
		Humpback Whale Marine Sanctuary	tools
March 19, 2011	Hanalei Community Center	MPAC	Transportation issues
March 1, 2012	University of Hawai'i	Carlos Andrade, Konia Freitas	Learn about a conceptual initiative being discussed at Hawaiian Studies program
December 10, 2012	Hā'ena State Park	MPAC	View the pre-final Master Plan, discuss a near-term plan for the entry complex and discuss management strategies
December 26, 2012	Teleconference	Sue Kanoho, Kaua'i Visitors Bureau	Discuss potential visitor limits at Hā'ena State Park and potential effects on visitor industry
January 10, 2013	Hā'ena State Park	MPAC	Revised plan and continuation of management issues
January 21, 2013	Hā'ena State Park	MPAC	Discuss proposed visitor limits, view pre-final Master Plan, and discuss capital improvement projects
February 7, 2013	Hā'ena State Park	MPAC	Review revised plan, capital improvement projects, and next steps
April 22, 2013	Hā'ena State Park	Hui Maka'āinana o Makana	Rockfall hazard mitigation
May 3, 2013	Hā'ena State Park	MPAC	Pedestrian walkway alternatives, rockfall mitigation, and next steps
August 27, 2014	Hā'ena State Park	MPAC	Review of latest changes to plan, kickoff for EIS

1.8 STUDIES CONTRIBUTING TO THE ENVIRONMENTAL IMPACT STATEMENT

The information contained in this document has been gathered from agency and community consultations, document and historical research, site visits, technical studies and generally available information regarding the characteristics of the site and surrounding area. Technical consultant reports were commissioned as part of the 2001 and current master planning efforts. The following are included as appendices to this document as noted. Archaeological and historic information was prepared by in-house State Parks staff. Section 9.0 provides the list of technical consultants who have been contracted for this current effort and have contributed to this EIS.

- Rockfall Hazard Assessment (Appendix B)
- Biological Survey (Appendix C)
- Marine Natural Resources and Recreation Assessment (Appendix D)
- Cultural Impact Assessment (Appendix E)
- Traffic Impact Assessment Report (Appendix F)
- Civil Baseline Report (Appendix G)
- Wastewater Preliminary Engineering Report (Appendix H)

Attachment 2



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Draft Master Plan, EIS for Ha'ena State Park

09/09/15 – DLNR EXTENDS PUBLIC COMMENT PERIOD FOR DRAFT MASTER PLAN, EIS FOR HA'ENA STATE PARK

Posted on Sep 9, 2015 in News Releases

(<http://dlnr.hawaii.gov/blog/category/news/>), State Parks

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DEPARTMENT OF LAND AND NATURAL RESOURCES

News Release

DAVID Y. IGE
GOVERNOR

SUZANNE D. CASE
CHAIRPERSON

For Immediate News Release September 9, 2015

DLNR EXTENDS PUBLIC COMMENT PERIOD FOR DRAFT MASTER PLAN, EIS FOR HA'ENA STATE PARK

Comments will be accepted through October 8, 2015

LIHU'E, KAUA'I — The Department of Land and Natural Resources, Division of State Parks will continue to accept public comments on the Master Plan and EIS for Ha'ena State Park through October 8, 2015. The legal public comment period ended today, but is being extended in response to requests from the public to allow more time to review the large and complex document which sets a course for the future of the heavily-visited north shore state park.

A public meeting held in Hanalei on August 19, 2015 to present the plan to the public attracted nearly 300 attendees, many of whom felt that there was not enough time to adequately review the plan and provide comments by the September 8 deadline.

Additional written requests for more time have been received by DLNR. "We believe it is important for the public to have additional time to digest and provide quality

Attachment 2

feedback to improve the plan, so we are extending the comment period at this time,” said Curt Cottrell, newly selected State Parks Administrator.

The Division of State Parks and PBR Hawai‘i, its consultant for the Ha‘ena State Park master plan and environmental impact statement (EIS), have worked collaboratively with the community to develop and refine a master plan for the park. As part of the master planning process, a 32-member master plan advisory committee (MPAC) was established to help refine a community preferred plan, focusing on the cultural and historical significance of the area.

The MPAC is comprised of kupuna, Ha‘ena ‘ohana, cultural practitioners, the Hui Maka‘ainana o Makana, and representatives from organizations such as the Hanalei Watershed Hui, Hanalei Hawaiian Civic Club, Hanalei-Ha‘ena Community Association, Hanalei Roads Committee, Limahuli Garden Preserve, Kaua‘i Visitors Bureau, Kaua‘i North Shore Business Council, Princeville Community Association, Kayak Kaua‘i, and government agencies such as Office of Hawaiian Affairs, County of Kaua‘i Planning Department and Department of Transportation, Highways Division.

One of the recommendations proposed is to implement a daily visitor limit of 900, which is less than half of the current peak visitation. This does not include cultural practitioners, special user groups such as halau, lo‘i work groups, nor hikers with permits to the Kalalau trail and hunters with valid hunting permits. Hā‘ena is among the most heavily visited parks in the Hawai‘i State Park system, resulting in parking and vehicle congestion affecting the significant natural and cultural resources that make it so desirable a place to visit.

In the near term plan, for the public’s safety, an interpretive corridor is being proposed for makai of the highway, that will connect to a welcome pavilion to Kē‘ē Beach and take people away from a rockfall hazard area. The corridor consists of a pathway that will traverse the taro lo‘i being cultivated by members of the Hui Maka‘ainana o Makana. The proposed welcome pavilion is a way to manage access to the park and to provide visitors with an orientation session that seeks to inform and educate them about the resources in the area.

The draft EIS is currently available for download on the Division of State Parks website (<http://dlnr.hawaii.gov/dsp/announcements/> (<http://dlnr.hawaii.gov/dsp/announcements/>)). Comments should be sent by October 8, 2015 to Lauren Tanaka, Division of State Parks, 1151 Punchbowl St., Room 310, Honolulu, HI 96813 or by email to: Lauren.A.Tanaka@hawaii.gov or to Kimi Yuen, PBR Hawaii, 1001 Bishop St., Suite 650, Honolulu, HI 96813 with email: kyuen@pbrhawaii.com. To receive a written response, please include your full name and mailing address if sending comments by email.

Attachment 2

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News media contact:

Deborah Ward
DLNR Communications specialist
Phone: (808) 587-0320

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