

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief, Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: Health, Environmental Health Services Division, Vector Control Branch
(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:

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| <p>Description of goods, services, or construction:</p> <p>Pesticides for the control of mosquitoes for West Nile Virus prevention:</p> <ul style="list-style-type: none"> Vectobac G, 52 bags Vectobac AS, 31 cases Vectolex CG, 80 bags Vectolex WSP, 26 cases GB 1111, 7 drums Aqua Reslin, 12 cases Aqua Reslin flushing solution, 8 pails Permanone 10 EC, 8 cases |
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| <p>Name of Vendor: BEI Hawaii Address: 311 Pacific Street Honolulu, Hawaii 96817</p> | <p>Cost: \$70,000.00 (lump sum)</p> |
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| <p>Term of Contract: From: March 1, 2005 <i>upon LPO Approved</i></p> | <p>To: February 28, 2006</p> | <p>Prior Exemption Ref. No (if applicable)</p> |
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The timeliness of this purchase is critical because these pesticides must be available for application to kill mosquitoes at the airport and harbors during the current mainland mosquito season (March 2005 through August 2005) in order to prevent the introduction of West Nile virus.

Pesticides were selected based on an integrated pest management program that considers all available pesticides and control options, and evaluates the interaction among various control practices, cultural practices, weather, and habitat structure in Hawaii. Pesticides were also selected based on pesticide resistance testing conducted by entomologists in the DOH's Vector Control Branch and guidance provided in *Hawaii West Nile Virus Mosquito-Based Surveillance and Response Plan*, May 2004. Both the WNV Prevention Working Group (an interagency group) and the DOH's West Nile Strategy Group were consulted on the selection of pesticides. Factors considered when selecting the pesticides included composition of the pesticide, information on labels (application instructions and guidance, precautionary and environmental hazard statements), effectiveness, target species, benefits, and risks and disadvantages.

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

Pesticides have to be registered with EPA. In addition, either the registrant or a company (vendor) must pay a license fee to Hawaii Department of Agriculture to license the pesticide in Hawaii. If the pesticide is a restricted pesticide, then the company must also be licensed with DOA.

Four companies were contacted to obtain bids. BEI Hawaii is the only company who bid. Verdicon, Univar, and Pacific Agricultural Sales and Services do not carry these pesticides.

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

This is a one-time, "lump sum" purchase using HISC funds.

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

- Gregory Olmsted, Manager, VCB
- Glenn Sugioka, Vector Control Inspector V, VCB
- Myra Yamane, Secretary, VCB

Direct questions to: Gregory K. Olmsted

Phone: 483-2535

This exemption should be considered for list of exemptions attached to 3-120, HAR: Yes No .

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

Chrymone J. Fukuono

APR 11 2005

Department Head or Designee

Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

** See back of page

Please ensure adherence to applicable administrative and statutory requirements.

APPROVED

DISAPPROVED

Ruth A. [Signature]

Chief Procurement Officer

4/12/05
Date

Cc: Administrator,
State Procurement Office

CPO Comments: We understand that the Vector Control Branch was aware of the need for pesticides from the guidance of the May 2004 WNV Response Plan, which means that the program had sufficient time to competitively bid out these supplies. Therefore, this approval is for the purchase of pesticides for a 3-month supply only. The program shall purchase the remaining 9-month supply utilizing a competitive procurement method. We recommend structuring the solicitation as a "requirements contract" rather than a one-time purchase for future requirements. Questions on this process may be directed to Colin Tanaka at 586-0558.

This approval is also for the solicitation process only, section 103D-310, HRS, vendor compliance with state laws, shall apply.