



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

16 MAR -8 AIO:38

TO: Chief Procurement Officer

FROM: Land and Natural Resources/Forestry and Wildlife  
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:  
Provide expert services for the State of Hawaii in collaboration with the Hawaii Endangered Bird Conservation Program. Services to be provided include operation of the Maui Bird Conservation Center located in Olinda on the island of Maui and the Keauhou Bird Conservation Center located in Volcano on the Big Island, all aspects of the avicultural care and breeding of endangered and surrogate birds, operations and maintenance of captive facilities, veterinary care of captive birds, assistance with field collections and releases of birds, working with cooperating agencies to integrate the captive propagation program with other aspects of endangered bird management and recovery, public outreach, and a contribution of no less than \$334,000 in cash or in-kind services over the two-year contract period to provide the match for the federal funding contributing to this project.

2. Vendor/Contractor/Service Provider: Per John 3/15/16 <i>ca</i>	<u>San Diego Zoo Global</u> Zoological Society of San Diego	3. Amount of Request: \$ 515,000 (FY17)/\$511,286 (FY18)
4. Term of Contract From: 1-Jul-16 To: 30-Jun-18	5. Prior SPO-007, Procurement Exemption (PE): PE14-0805	

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:  
See attached explanation on pages 3-4.

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

B. 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
John Vetter	DLNR-DOFAW	(808) 587-4158	John.P.Vetter@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

3/7/16  
Date

### For Chief Procurement Officer Use Only

Date Notice Posted: 3/8/16

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 7/1/2016 to 6/30/2018 with the understanding that the department has determined it is not advantageous to conduct a competitive procurement based on Zoological Society of San Diego as the only organization with the experience and expertise in breeding and caring for endangered Hawaiian forest birds to successfully operate the captive propagation program in Hawaii. This approval 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 show proof of compliance and may use the Hawaii Compliance Express) and the award is required to be posted on the Awards Reporting System. Proof of compliance and the awards posting are required to be documented in the procurement/contract file.

If there are any questions, please contact Carey Ann Sasaki at 586-0575, or careyann.r.sasaki@hawaii.gov.

Approved

Disapproved

No Action Required

  
Chief Procurement Officer Signature

3/18/16  
Date

## **Attachment 1.**

### **Explanation describing how procurement by competitive means is neither practicable nor advantageous to the State:**

The San Diego Zoo Institute for Conservation Research (SDZICR – formerly the Zoological Society of San Diego [ZSSD]) currently operates the State of Hawaii's captive propagation program as part of an interagency collaboration with the U.S Fish and Wildlife Service (USFWS) and the State of Hawai'i. The Department of Land and Natural Resources (DLNR) and the USFWS share the cost of this program, with DLNR funds originating from Cooperative Section 6 Endangered Species grant program of the Federal Endangered Species Act and state funds when possible. The San Diego Zoo Institute for Conservation Research operates two separate facilities (one on Maui and one on Hawaii) as a single integrated program. Maintenance of separate facilities administered by one organization is a key component of the program's success because it provides the following advantages: 1) allows a portion of each captive species to be kept on separate islands (to reduce loss in the event of a catastrophe), 2) allows for the rapid exchange of birds between facilities, 3) reduces mortality risk of individuals and thereby the risk of losing a species by providing standardized protocols for complex avicultural procedures (e.g., incubation, neonatal care), 4) facilitates the training of personnel, and 5) allows personnel to move between facilities and field sites (e.g., remote release sites ) as necessary. Overall, the two facilities-one administration approach minimizes the program's cost and risk, while at the same time ensuring that the State receives expert services. This service is measured in terms of the successful propagation and release of native Hawaiian birds and ultimately by the recovery of these endangered species. This approach also facilitates collaboration among the USFWS, DLNR, and SDZICR.

Prior to the establishment of this program, no institution or entity had demonstrated the ability to breed endangered Hawaiian passerines in captivity. The current operator continues to be the only such institution. Although this program was previously administered by The Peregrine Fund, no change in management or operations occurred at the time of transfer to SDZICR. The San Diego Institute for Conservation Research staff has years of experience and has a 16-year record of successfully operating this program. Procurement by competitive means would not be advantageous to the State nor practicable. No other vendor has the expertise or experience of breeding and caring for endangered Hawaiian forest birds. Thus a change in vendors would increase the risk of failure, the potential loss of critically endangered species, and program setbacks; all of which could result in a loss of public support and funding for the program. Currently, the USFWS has a cooperative agreement with SDZICR through which they provide money to SDZICR. These funds are in addition to those provided to the State (i.e., Section 6 funds; see above), which are passed through to SDZICR.

To be successful the program requires a high level of expertise, which can only be obtained through years of experience. Switching to a new vendor would introduce an element of risk. This could result in the injury or death of federally protected captive endangered birds. It could also result in period of poor reproduction. These risk are especially acute for the 'Alalā, or Hawaiian Crow, which is critically endangered and currently only exists in these facilities in captivity. Because no 'Alala exist in the wild, the species is entirely dependent on the captive

breeding program to prevent their extinction. Furthermore, over the last six years, 'Alalā reproduction has increased dramatically, due in part to the experience of SDZICR, and a reintroduction program will begin this year. San Diego Institute for Conservation Research staff is integral to the development of this reintroduction effort and switching vendors would negatively affect the timing of the release and the overall success of the effort.

The current operator has a nationally recognized and award-winning program that is currently housing and breeding the world's remaining 'Alala, as well as three other endangered Hawaiian forest birds, with two additional species being planned for captive propagation in the next year. The operator is currently maintaining: 114 'Alala, 22 Puaiohi (18 to be released in March 2016), 39 Palila, 11 Maui Parrotbill, one Akekee, and 12 Akikiki. All of the birds are listed as endangered by the USFWS and the State of Hawai'i. A mishap in the care of these endangered birds during a transition in operations would be unfortunate and potentially have legal ramifications. Thus, it is to the State's advantage to maintain SDZICR as the operator of its captive breeding program.