

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources, Division of Aquatic Resources
(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:

Description of goods, services, or construction:

Humpback whale field research activities (fluke photo-identification and biopsy sampling) around the island of Kauai for the State office (Department of Land and Natural Resources) of the Hawaiian Islands Humpback Whale National Marine Sanctuary. (Fully federally funded by NOAA-NMSP.) Note: Federal and state endangered species research permits required.

Name of Vendor: Marine Mammal Research Consultants, Ltd. Address: 1909 Puu Nanea Pl Honolulu, HI 96822	Cost: \$24,960.00
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Term of Contract: From: Jan 1, 2004 To: Feb 15, 2004	Prior Exemption Ref. No. (if applicable)
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Only eight organizations currently have the necessary federal and state endangered species research permits required to conduct the desired research. Of these eight organizations that could legally conduct the research, only Marine Mammal Research Consultants, Ltd. is available to conduct the research activities around the island of Kauai during the desired research period (January 2004).

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

Staff or representatives from every eligible (permitted) research organization have been notified at least once by sanctuary staff as to the availability and requirements of the research funding allotted for this humpback whale season (winter 2003-2004). Every eligible research organization is expected to be awarded sanctuary funding for research in the island area in which the organization has decided to conduct research during this season. In summary, the selection is based on both legal eligibility and geographic availability, with every eligible organization expected to be awarded funding considering it's predetermined geographic area of operations. In this case, the island area under consideration is Kauai.

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

Requests for exemption from 103D are processed through the DLNR Administrative Services Office. In this case, an initial discussion with SPO staff, facilitated by Ms. Doris Lee, indicated that the exemption should be sought given the unique nature of the services and specialized permits necessary to conduct the activities.

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

Karen Matsunaga, Fiscal Officer, DLNR Fiscal Division
 William S. Devick, Administrator, DLNR Division of Aquatic Resources
 Jeffrey S. Walters, Ph.D., Co-Manager HIHWNMS, DLNR DAR

Direct questions to: Jeffrey Walters, DLNR-DAR-HIHWNMS	Phone Number: 587-0106
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This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes No

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



 Department Head or Designee Date

 Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED



 Chief Procurement Officer 1/13/04
Date

cc: Administrator,
State Procurement Office

Karen Matsunaga
Fiscal Management Officer
Fiscal Office, DLNR
1151 Punchbowl Street
Honolulu, HI 96825

Dear Ms. Matsunaga:

This letter is to offer support for the procurement of research service by Joseph R. Mobley, Jr., Ph.D. of Marine Mammal Research Consultants, Ltd. in support of the SPLASH Project for NOAA's Hawaiian Islands Humpback Whale National Marine Sanctuary.

SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks) is an international cooperative effort to understand the population structure of humpback whales across the North Pacific, and to assess the status, trends and potential human impacts to this population. The project has broad international and national participation. SPLASH will use consistent sampling efforts in feeding and wintering areas of humpbacks within the North Pacific. Field techniques such as photo-identification and biopsy tissue sampling will be the primary field methods employed.

NOAA's National Marine Sanctuaries Program (NMSP) is providing full funding for the Hawaii-based component of SPLASH via the federal services contract between DLNR and NMSP. This component will entail research off all the major islands in the Main Hawaiian Islands. We believe Dr. Mobley of Marine Mammal Research Consultants, Ltd. is uniquely qualified to conduct the Kauai portion the SPLASH research for the following reasons:

- 1) Dr. Mobley possesses unique experience working specifically with humpback whales in the waters surrounding Kauai
- 2) Dr. Mobley possesses the necessary State and Federal research permits to conduct humpback whale research in Hawaii
- 3) Other qualified and permitted researchers are unavailable (at this time for this area)
- 4) He has specialized experience in techniques used to collect necessary information (photographic identification and tissue sampling)

Thank you for considering our support for this sole source procurement. We appreciate your time and effort in facilitating federal-state collaboration on this research effort that is essential to the continued conservation of Hawaii's humpback whales.

Sincerely,



Naomi McIntosh
Sanctuary Manager

Cc: Jeff Walters, DLNR

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