

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

TO: Chief Procurement Officer

FROM: Department of Health/Hansen's Disease Branch
(Department/Division/Agency)

STATE PROCUREMENT OFFICE
STATE OF HAWAII

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:

The scope of work is for the design and construction of immediate repairs of the bulkhead wall and replacement of bitt and bollards at the Kalaupapa Harbor on the Island of Molokai. The Department of Health (DOH) is currently responsible for the maintenance of the harbor. It is intended that the DOH will turn over the harbor to the Federal National Parks Service (NPS) in the future. An engineering report dated June 2005 for the harbor commissioned by the NPS indicated that repairs to the bulkhead wall and replacement of bitt and bollards requires **immediate** attention.

The report indicates that the bulkhead has little structural integrity remaining and partial collapse of this bulkhead wall could occur at any time due to natural or man made forces. The report recommends civilian traffic in the areas of heavy damage be avoided.

The wall was previously repaired, but last seasons larger than normal winter swells caused significant damage to the bulkhead.

The report also recommends the bitt and bollards also be immediately replaced due to the deteriorated conditions. The report recommends it be immediately replaced at the soonest opportunity before barge operations in July 2005 due to the deteriorated conditions.

It is critical that barge operations continue at the harbor as the barge is the only means of providing "long term" goods, supplies and equipment (fuel, car parts, vehicles, long term store supplies, etc.) to Kalaupapa. Access to the harbor is limited between the months of June through September due to winter ocean conditions. If the bulkhead wall and bitts and bollards are not repaired/replaced, it may prevent the barge from using the harbor and Kalaupapa will be cut of from receiving the necessary items it needs for the year.

Name of Vendor: Healy Tibbitts Builders, Inc.	Cost:
Address: 99-994 Iwaena St., Suite A Aiea, Hawaii 96701	Approx. \$350,000

Term of Contract: From: July 2005 <i>upon CFO Approval</i>	To: December 2005	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:

Immediate action is required. Doing construction in Kalaupapa is limited to having material, supplies, and equipment barged to Kalaupapa during the months of July through September due to winter ocean conditions at the harbor. Preparing bid documents to do this work would require hiring a consultant (Architect/Engineer) to do the design, plans and specifications. With the time constraints to do this work before this season's winter swell, this is not practical. It is not in the best interest nor advantageous to the State to delay the repairs of the bulkhead wall. Additional damage or collapse of the bulkhead wall would cause the State to incur much greater cost as well as liability if anyone should get injured.

Replacing the bitts and bollards at the same time of the repair of the bulkhead wall is much more practical and advantageous to the State. It will save the State money by not having to mobilize and demobilize a contractor to a site that has very limited access and therefore is very costly.

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

The NPS retained Leo A. Daly for the engineering report. In the report, Healy Tibbitts Builders, Inc., a marine construction company was retained to provide cost estimates. Due to the familiarity of the project site and the conditions, we will be requesting Healy Tibbitts Builders, Inc. to provide a proposal for the work, including retaining Leo A. Daly as an engineering consultant. Cost pricing data will be required from Healy Tibbitts Builders, Inc. for DOH to review before accepting the proposal.

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

As mentioned previously, cost pricing data will be submitted for DOH to review. DOH will also have the Department of Accounting and General Services Public Works Division assist them in the review of the proposal.

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

Michael H. Maruyama, Chief Hansen's Disease Branch
Baron D. Chan, Public Health Administrative Officer

Direct questions to:	Michael H. Maruyama, Baron Chan	Phone Number: 733-9831
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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.



JUN 29 2005

Department/Head or Designee

Date

Title (If other than Department Head)

Chief Procurement Officer's Comments: This approval is given based on the DOH and DAGS PWD's determination that these services are of an immediate nature and must be done in order to facilitate the barge services scheduled during the months of July through September.

This approval is for the soliciatiation process only, chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED



7/7/05

Chief Procurement Officer

Date

cc: Administrator,
State Procurement Office