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

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Land & Natural Resources, Boating & Ocean Recreation
(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:
Design and construction of a new accessible loading dock and walkway, and other related improvements. Also, to prepare and process the necessary permits for the proposed improvements.

Name of Vendor: Address: Healy Tibbitts Builders, Inc. 99-994 Iwaena Street, Suite A Aiea, Hawaii 96701-5607	Cost: \$800,000 526,000
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Term of Contract: From: upon approval To: March 1, 2006	Prior Exemption Ref. No. (if applicable) N/A
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

See Attached

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

The vendor, Healy Tibbitts Builders was selected by competitive sealed bids by the Army Corps of Engineers for the construction of the Kahului Light Draft Navigational Project. The cost of the ongoing project is \$3.3 million, which is significantly higher than the cost of the new accessible loading dock and walkway. The new loading dock was included as an option to the ongoing project, however it was ^{not} implemented due to insufficient funding.

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

Performance plans and specifications will be prepared for the new dock. The contractor will be required to comply with the plans and specifications. The installation of the new dock will be monitored by our Maui District Engineer. The contractor will be paid only upon acceptance of the new loading dock.

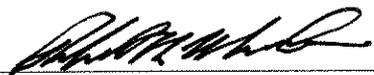
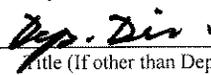
A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Eric Yuasa, Project Engineer (preparation of performance plans and specifications)
 Curtis Powers, Maui District Engineer (cost negotiation and inspection)
 Richard Rice, Administrator (approval of cost proposal and acceptance of new dock)

Direct questions to:	Phone Number:
Eric Yuasa	(808) 587-0254

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.

 JUL 22 2005
 Department Head or Designee Date

 Title (If other than Department Head)

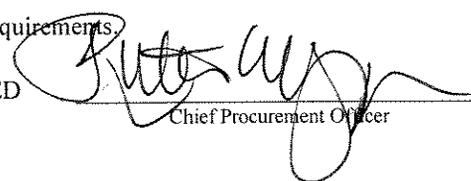
Chief Procurement Officer's Comments: We understand this project was included in the federal solicitation but due to lack of funds, the Federal Government decided not to fund this option. The DLNR would like to fund this project based on the amount (\$526,000) that was submitted as an option in the solicitation.

This approval is for the solicitation process only, chapter 103D, HRS, shall apply.

Please ensure adherence to applicable administrative requirements

APPROVED DISAPPROVED

cc: Administrator, State Procurement Office

 Chief Procurement Officer 8/11/05 Date

Attachment to SPO Form-7

New Accessible Loading Dock and Walkway for Kahului Boat Ramp Facility, Maui

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

It is not practical or advantageous for the State to procure the new ADA accessible loading dock and walkway by competitive means because the State would incur a large mobilization and demobilization cost. The mobilization and demobilization cost for the current Army Corps of Engineers' Kahului Light Draft Navigation Improvement Project is \$612,000. The Kahului Light Draft Navigation Improvement Project, which is cost shared between the Army Corps of Engineers and State DLNR includes the dredging of the entrance channel and turning basin, construction of a new breakwater, three-lane launch ramp and single loading dock.

The new accessible loading dock and walkway would require similar types of equipment to construct, including but not limited to a barge, barge mounted crane, dump truck, crane (landside) and auger. If this exemption is not approved the State would incur an additional \$300,000 to \$600,000 for mobilization and demobilization costs.

It would be expeditious and cost effective to negotiate directly with Army Corps of Engineers' contractor, Healy Tibbitts Builders, as they are presently constructing the Kahului Light Draft Navigation Improvement Project and have the necessary labor and equipment to construct the new accessible loading dock and walkway.

The approval of this exemption will allow the State to construct a much needed loading dock, which is necessary to provide an accessible, complete, safe and fully functional boat ramp facility.

Time is of the essence as Healy Tibbitts Builders is scheduled to complete the Kahului Light Draft Navigation Improvement Project in November 2005.