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

PROCUREMENT OFFICE
STATE OF HAWAII

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 islands of Oahu, Maui County and the Big Island 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: Address: Please see attached list	Cost: Pls see attached list
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Term of Contract: From: ASAP To: March 31, 2004	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:

Procurement by competitive means is neither practical nor advantageous because all legally qualified vendors (state and federally permitted whale research organizations) have agreed to work together as a team on this project with funding allocated for each as indicated on the attached list. In addition, the source of all funding for this project (NOAA's National Marine Sanctuary Program) has determined that the best and fairest use and allocation of the federal funds is as indicated on the attached list.

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

In summary, the selection will be based on 1. legal eligibility, 2. physical capabilities, and 3. geographic availability, with every eligible organization expected to be awarded funding to the maximum extent possible considering the these constraints. Staff or representatives from every eligible (permitted) research organization were notified and/or met at least once with sanctuary staff regarding the availability and requirements of the research funding allotted for this humpback whale season (winter 2003-2004). An agreement was made between the sanctuary management and all of these organizations regarding the allocation of work and associated funds. If granted the exemption, every eligible research organization will receive sanctuary funding for research in the island area in which the organization has decided to conduct research during this season.

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, discussions facilitated by Justin Fo of SPO indicated that the exemption should be sought given the federal funding source requirements, the unique nature of the services desired, and the specialized permits necessary to conduct the activities.

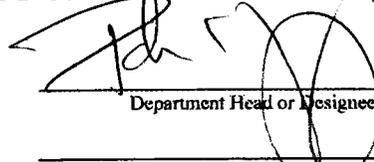
A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

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

Direct questions to: Jeff 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

 1/10/04

 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

 2/19/04

 Chief Procurement Officer Date

cc: Administrator,
State Procurement Office

Attachment to SPO Form-7, DLNR-DAR, Humpback whale field research - REVISED FEB 9, 2004

VENDOR NAME	ADDRESS	TERM OF CONTRACT	COST	
The Dolphin Institute	1129 Ala Moana Blvd. Honolulu, HI 96814	ASAP to March 31, 2004	\$12,000.00	Maui County
Hawaii Whale Research Foundation	P.O. Box 1296 Lahaina, HI 96767	ASAP to March 31, 2004	\$6,000.00	Penguin Bank
Hawaii Marine Mammal Consortium	P.O. Box 6107 Kamuela, Hawaii 96743	ASAP to March 31, 2004	\$22,000.00	Big Island
Oceanwide Science Institute	P.O. Box 61692 Honolulu, HI 96839	ASAP to March 31, 2004	\$6,000.00	Oahu
Whale Trust	300 Paani Place Paia, HI 96779	ASAP to March 31, 2004	\$6,000.00	Maui County
Center for Whale Studies	P.O. Box 1539 Lahaina, HI 96767-1539	ASAP to March 31, 2004	\$6,000.00	Maui County

STATE OF HAWAII
NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Land and Natural Resources for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Humpback whale field research activities (fluke photo-identification and biopsy sampling) around the islands of Oahu, Maui County and the Big Island 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.

Vendor: Please see attached list.
Address:

Term of Contract: From: ASAP To: March 31, 2004 **Cost:** Pls see attached list

<p>Direct any inquiries to: Department: Department of Land and Natural Resources Contact Name/Title: Jeff Walters, Co-Manager, HIHWNMS Address: 1151 Punchbowl St., Rm. 330 Honolulu, HI 96813</p>	<p>Phone Number: 587-0106 Fax Number: 587-0115</p>
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Date Posted: JAN 14, 2004

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer
 Office/Agency _____
 Address _____

Russ K. Saito
Comptroller
Department of Accounting and General Services
1151 Punchbowl
Honolulu, HI 976813

Subject: Request for exemption from Chapter, 103D, HRS from DLNR -
humpback whale field research procurement

Dear Mr. Saito:

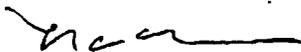
This letter is to express support for the procurement of research services on a non-competitive basis as described in the SPO Form-7 exemption request from the Department of Land and Natural Resources, in which the following research organizations are identified for funding: The Dolphin Institute, Hawaii Whale Research Foundation, Hawaii Marine Mammal Consortium, Oceanwide Science Institute, Whale Trust, and Center for Whale Studies.

This procurement is in support of the SPLASH research project of the 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.

As explained in the exemption request from the Department of Land and Natural Resources (our state agency partner and contractor), the proposed allocation of research funds has been determined by our technical and administrative staff as the best and fairest use of our federal sanctuary funds, given geographical availability, permitting requirements and other constraints.

Thank you for your favorable consideration of this request. Should any additional information be needed, please feel free to contact me at 397-2651. We look forward to continued collaboration with the State of Hawaii in our marine science and conservation activities.

Sincerely,



Naomi McIntosh
Sanctuary Manager

cc: Jeff Walters, DLNR

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Maui Office
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Kihei, Hawaii 96753
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Fax (808) 874-3615
luhumpbackwhale@noaa.gov

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6700 Kalaniana'ole Highway
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Honolulu, Hawaii 96825
Voice (808) 397-2651
Fax (808) 397-2650

Kauai Office
Kukui Grove Executive Center
4370 Kukui Grove Street
Suite 206
Lihue, Hawaii 96766
Voice (808) 246-2860
Fax (808) 246-2862

State of Hawaii
Department of Land and
Natural Resources
1151 Punchbowl Street
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