

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

STATE PROCUREMENT BOARD
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Dept of Land and Natural Resources / Division of Aquatic Resources / HIHWNMS
(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 Hawaiian Islands for the State Office (Department of Land and Natural Resources) of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS). This is the final season of a three-year, international research initiative - SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks) in the north Pacific. This project is federally funded by the National Oceanic and Atmospheric Administration (NOAA), National Marine Sanctuary Program.

Note: Federal and state endangered species research permits are required to perform service.

Name of Vendor:	Please see attached list.	Cost:
Address:		Please see attached list.

Term of Contract:	From:	To:	Prior Exemption Ref. No. (if applicable)
	Upon approval	December 31, 2006	05-62-C

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

Procurement of these services from a single vendor is not practical or advantageous because of the following:

- 1.) It is a priority of the DLNR and NOAA to encourage collaboration among humpback whale researchers by awarding research funds to a variety of qualified research organizations so they may work on similar activities together, share data, etc.
- 2.) It is important to reduce the risk of non-performance by awarding the work to several qualified organizations. If a single organization was awarded all the work and could not perform, irreparable damage would be caused to the 3-year SPLASH research initiative.
- 3.) Future federal funding for DLNR would be in jeopardy if the state can not demonstrate its ability to administer NOAA funds in a technically sound manner as described above.

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

All interested and permitted research organizations that have participated in previous SPLASH related research in Hawaii will again be offered research duties for this final season. These researchers were previously selected based on SPLASH related research performance in order to achieve the best balance of value, collaboration and abilities to perform the work effectively. The science and rescue coordinator for NOAA-HIHWNMS (funding source) as well as sanctuary staff within DLNR reviewed interested research organizations and offered recommendations on the selections.

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

Once the 103D exemption is obtained, the purchase order will be prepared for the selected vendors. These POs are reviewed and initialed by the Division Administrator and subsequently reviewed by the DLNR Procurement Officer and DLNR Chairperson prior to approval. This proposed procurement has already been extensively reviewed by the DLNR Procurement Officer and the DLNR Chairperson in preceding years.

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

Peter T. Young, DLNR Chairperson
 Juliet Kazanjian, DLNR Procurement Officer
 Dan A. Polhemus, DLNR-DAR Administrator
 Jeffrey Walters, Ph.D., Co-Manager, DLNR-DAR-HIHWNMS

Direct questions to: David Nichols, DLNR - DAR - HIHWNMS	Phone Number: 587-0437
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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.

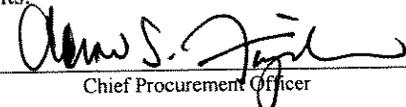

 Department Head or Designee
 12/14/2005
 Date
 Deputy to the Chairperson, DLNR
 Title (If other than Department Head)

Chief Procurement Officer's Comments:

This approval is given based on the DLNR's representation that these researchers possess the necessary experience and permits to provide the final year of research. This approval is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements

APPROVED DISAPPROVED


 Chief Procurement Officer
 12/27/05
 Date

cc: Administrator,
 State Procurement Office

Attachment to SPO Form 7
 DLNR-DAR, Humpback Whale Field Research 2006 Season

VENDOR NAME	CONTACT NAME	MAILING ADDRESS	PHONE NUMBER	TERM OF CONTRACT	COST (\$)
The Dolphin Institute	Adam Pack, Ph.D.	1129 Ala Moana Blvd. Honolulu, HI 96814	(808) 591-2121	ASAP - December 31, 2006	18000
Hawaii Whale Research Foundation	Dan R. Salden, Ph.D.	PO Box 1296 Lahaina, HI 96767	(808)-661-3386	ASAP - December 31, 2006	6000
Whale Trust	Meagan Jones	300 Paani Place Paia, HI 96779	(808) 873-9600	ASAP - December 31, 2006	6000
Oceanwide Science Institute	Marc Lammers	P.O. Box 61692 Honolulu, HI 96839	(808) 988-0445	ASAP - December 31, 2006	6000
Hawaii Marine Mammal Consortium	Chris Gabriele	P.O. Box 6107 Kamuela, HI 96743	(808) 640-1161	ASAP - December 31, 2006	22000
Hawaii Association for Marine Education and Research, Inc.	Mark Deakos	5095 Napilihau St. 109B Lahaina, HI 96761	(808) 280-6448	ASAP - December 31, 2006	30900
Center for Whale Studies	Mark Ferrari (or Debbie)	P.O. Box 1539 Lahaina, HI 96767-1539	(985) 893-8965 (LA)	ASAP - December 31, 2006	6000

\$94,900.00

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

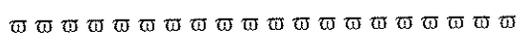
The Chief Procurement Officer is in the process of reviewing the request from the Department of Land and Natural Resources for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

[Empty box for listing goods, services, or construction items]

Vendor: Various
Address:

Term of Contract: From: Upon CPO Approval To: 12/31/2006 | **Cost:** 94,900

Direct any inquiries to:
Department: DNLR
Contact Name/Title: David Nichols
Address:
Phone Number: 587-0437
Fax Number:



Date Posted: 12/19/05

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 _____
