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STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 1031, HRS

AIO:42

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: Land and Natural Resources/Forestry and Wildlife
(Department/Division/Agency)

Pursuant to § 103D-102(b)(5), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:
Provide expert services to the State of Hawaii for the construction of two double wide alala aviaries at the Keauhou Bird Conservation Center to support the State's endangered bird captive breeding program. Facilities needed are custom, specialized, non-standard breeding aviaries to house and propagate the critically endangered alala, one of the world's most endangered species. Duties will include administration, planning, oversight, coordination, and supervision of all aspects of construction. The vendor will work closely with specialized architects to produce appropriate plans to meet program needs, order specialized materials, and provide daily inspection of the facilities to ensure cost-effective and safe operation of the program.

Name of Vendor: <u>Zoological Society of San Diego (ZSSD)</u> <u>P.O. Box 120551, San Diego, CA 92112</u>	I Cost: I I <u>\$60,000</u>	I Term of Contract: <u>FY 06 - FY 07</u> I From: <u>July 1 2005</u> <i>2006 UK PL</i> I To: <u>June 30 2007</u> <i>David Leonard</i>
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
See attached explanation on page 3

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

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

A project proposal was developed by DOFAW staff and the Wildlife Program Manager. The proposal was submitted to the U.S. Fish and Wildlife Service, along with other proposals, for consideration for funding. The FWS selected this and other proposals for funding. A purchase order with scope of work and vendor obligations will be written by DOFAW staff and submitted to the Wildlife Program Manager and Administrator for their review and approval. The purchase order will then be submitted to the Department Fiscal Officer and the Department Chair for further review and final approval. The Wildlife staff will monitor project performance and assure compliance with scope of work.

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
Paul J. Conry, DOFAW Administrator
Scott Fretz, Wildlife Program Manager
David Leonard, Wildlife Biologist
Anne Furuuchi, DLNR Fiscal Officer

Direct questions to:

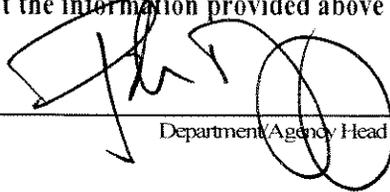
David Leonard

Phone Number:

587-4158

This exemption should be considered for list of exemptions attached to Chapter 3-120, HRS- Yes _____ No

I certify that the information provided above is to the best of my knowledge, true and correct.



Department/Agency Head



Date

Chief Procurement Officer's Comments:

This exemption is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements.

Approved

Denied



Chief Procurement Officer

2/13/06

Date

cc: Administrator
State Procurement Office

Attachment 1. (Continued from page 1)

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

The alala or Hawaiian crow is one of the world's most endangered birds. The entire population consists of 61 captive individuals. The Division of Forestry and Wildlife consults with the U.S. Fish and Wildlife Service to implement this species' recovery. Currently, building additional aviary space is the most important recovery action for this species (Draft Alala five-year recovery work plan – Alala Recovery Team, Draft Revised Recovery Plan of the Alala – U.S. Fish and Wildlife Service). Aviary space is necessary to house the growing captive flock until a release program is implemented.

The Division is a key Partner in the Hawaiian Endangered Bird Conservation Partnership, a public/private collaboration that maintains a successful captive breeding and reintroduction program for the recovery of the State's most critically endangered bird species. The Partnership maintains facilities for this program at the Keauhou Bird Conservation Center (KBCC) on the Big Island which are run by Zoological Society of San Diego (ZSSD). Facilities construction, which began in 1995, is now in its forth phase. In 2004, two new alala aviaries were completed to bring the total to 12. The next phase of construction at the KBCC includes building two double wide alala aviaries. These additions are critical to ensure the survival of the alala, and are a continuous and logical extension to the existing facilities that currently function in an award-winning fashion. This is a request for exemption from HRS 103D to pass-through federal funds to the ZSSD to construct the new aviaries at the KBCC. This request will allow ZSSD to act as a general contractor and select a subcontractor following their procurement process, which includes public posting of request for bids, manage the project, and provide construction supervision for this specialized project. The state received a federal grant to construct the additional aviaries at the KBCC. The ZSSD is providing a 75% match to the funds being provided by the Division of Forestry and Wildlife. The dollar match is being provided by the U.S. Fish and Wildlife Service (\$60,000) and the Moore Family Foundation (\$128,000). The Department lacks the expertise to efficiently carry out this project and it is in the State's best interest to pass the funds through to ZSSD to administer and supervise the construction project. The state will verify job performance and standards.

The aviaries are custom facilities that employ a spectrum of highly specialized features designed to ensure the effective operation of the program and the safety of captive alala. All phases of construction will be carried out under the close oversight, coordination, and supervision of the present operators of the facility, the ZSSD, a world leader in the captive propagation of endangered species for recovery programs. The ZSSD has demonstrated its unique qualifications to design, contract, and supervise this work through its exemplary accomplishments to date, including construction of 12 alala aviaries, two forest bird buildings containing 37 aviaries and service areas.

The ZSSD is uniquely qualified to develop these facilities. Close and scrupulous attention to detail has been the responsibility of the personnel from ZSSD for the past 10 years. Procurement by competitive means would be neither advantageous nor practicable to the State because: (1) State personnel lack the expertise to develop plans, a contract package, and supervise the construction, (2) As the operator of the facilities, ZSSD is uniquely qualified to provide construction oversight. Other contractors would not have the expertise and accumulated experience to design and provide construction oversight to the project. (3) As a key Partner, ZSSD has made a commitment to contribute \$188,000 in matching funds to meet federal grant requirements for this expenditure. No other vendor is expected to provide such a donation.

It is to the State's advantage to select ZSSD to continue its present role in development administration, oversight, coordination, and supervision of captive propagation aviaries.