

06 JUN -5 P426

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

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources/Div. of Aquatic Resources/Commission on Water Res. Management  
(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:**  
The Bishop Museum, Dr. James Parham (PI), will design and develop a method for linking the storage, access, reporting, and integration of the important components of hydrological, geomorphological, ecological modeling data from CWRM and DAR. Inclusive in this method will be report generating queries for to aid CWRM and DAR with EIS, planning, environmental management, and disaster response with respect to state streams. In addition, a report generating template for the creation of a publication series covering the state of the knowledge on various hydrologic, geomorphologic, and ecologic components for each stream watershed will be created. This will aid DAR and CWRM in the publication of literature on the status of all streams in the State of Hawaii.

<b>Name of Vendor:</b> Bishop Museum	<b>Cost:</b>
<b>Address:</b> 1525 Bernice Street Honolulu, HI 96817	\$97,000.00

<b>Term of Contract:</b>	<b>From:</b> <del>June 15, 2006</del>	<b>To:</b> December 31, 2006	<b>Prior Exemption Ref. No. (if applicable)</b>
	<i>upm CPO Approved</i>		

**Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:**  
The Division contracted Dr. Parham in the past to design, develop and test Geographic Information System (GIS) based habitat and hydrology models for native fishes in Hawaiian Streams. In addition, Dr. Parham has created the DAR Aquatic Surveys Database to store aquatic biota and stream surveys to be used with spatial (GIS-based) and non-spatial (MS Access) queries. The new effort to store the hydrological data is intended to be compatible with the DAR Aquatic Surveys Database. Over \$690,000 has been invested to develop Dr. Parham's habitat models to the present point and the integration of the modeling results with CWRM and DAR data will assist State water resource managers in predicting instream flow, ecological data integration, and model confidence assessment. It is not advantageous to the State to solicit or procure another investigator what with DLNR and Dr. Parham's past investment of money and time; it would require starting all over from scratch. Due to the exigencies of this project mandated by Hawaii State Supreme Court (Waiahole Ditch Decision and Order 2000) for CWRM to develop instream flow standards for the streams in the State of Hawaii, it is not practicable to hire another Principal Investigator. If a new principal investigator were to be hired, the monetary and time requirements needed to get the habitat and hydrology models integrated with CWRM and DAR data needs to the present status would more than double.

**Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:**  
This vendor was selected based on the fact that Dr. Parham previously designed and developed a GIS habitat model for CWRM and DAR that will be integrated with his GIS hydrology model in the development of statewide instream flow standards; therefore, sole source. Dr. Parham is the sole designer of both the GIS habitat and GIS hydrology models and there is no one in Hawaii or on the mainland that is knowledgeable of Dr. Parham's model designs. In addition, Dr. Parham has created a database to store aquatic biota and stream surveys to be used with spatial (GIS-based) and non-spatial (MS Access) queries. The new effort to store the hydrological data is intended to be compatible with the DAR Aquatic Surveys Database version 1.3.

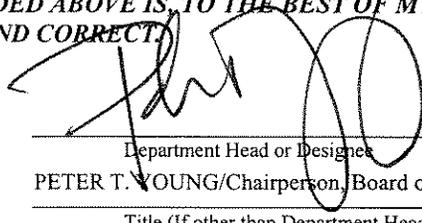
A description of the agency's internal controls and approval requirements for the exempted procurement:  
 The DLNRs Fiscal Officer oversees and regulates DAR spending involving Federal and State funds. Approval for obtaining services will be obtained from the Governors Office, DLNR Board, CWRM Deputy, and Program Administration. Tracking of costs is monitored by the Fiscal Office as well as DAR Administrator, Program Manager, Budget Analyst, and Project leader.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:  
 Peter Young, DLNR Chairperson  
 Juliet Kazanjian, DLNR Fiscal Officer  
 Dean Nakano, CWRM Deputy  
 Dan Polhemus, DAR Administrator  
 Francis Oishi, Program Manager  
 Robert Nishimoto, Acting Program Manager  
 Brian Kanenaka, Aquatic Biologist/Budget Analyst  
 Katharine Hind, Administrative Assistant  
 Glenn Higashi, Aquatic Biologist/Project Leader

Direct questions to: Dean Nakano, CWRM Deputy Dan Polhemus, DAR Administrator	Phone Number: 587-0240, 587-0100
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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.**



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 Department Head or Designee Date  
 PETER T. YOUNG/Chairperson, Board of Land & Natural Res.  
 Title (If other than Department Head)

Chief Procurement Officer's Comments: This approval is based on the DLNR's determination that no other vendor would have the understanding of the proprietary GIS habitat model and have the capability to provide the integration of the data in providing more accurate predictions of instream flow and its relation to aquatic biota. This approval is for the solicitation process only, section 103D-310(c), HRS, and section 3-122-112, HAR, shall apply.

Please ensure adherence to applicable administrative requirements.

APPROVED       DISAPPROVED

  
 Chief Procurement Officer      Date 6/20/06

cc: Administrator,  
State Procurement Office