

NOV -3 10:24



# STATE PROCUREMENT OFFICE NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

- 1. TO: Chief Procurement Officer
- 2. FROM: DLNR - Kaho'olawe Island Reserve Commission

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:

3. Description of goods, services or construction:  
 The Kaho'olawe Island Reserve Commission (KIRC) wishes to extend its existing Boat House, situated on KIRC land adjacent to the Kihei Small Boat Ramp, to accommodate one additional vessel. The extension shall be approximately 20'x50'; situated on the mauka side of the existing structure; and designed for drive-through use with concrete aprons like the existing structure. The extension shall also include electrical lighting and outlets, shall not include plumbing, and may modify but shall not disrupt the functions of the existing structure. The services required are to: (1) prepare sections, elevations and a rendering for County of Maui Special Management Area permit (exemption or minor) entitlement purposes (KIRC to obtain SMA permit); (2) prepare construction plans and obtain all necessary building permits for the extension (KIRC to pay for all permit fees); and (3) work with the KIRC and selected building contractor as necessary to oversee construction.

4. Name of Vendor: Maui Architectural Group Address: 2331 West Main Street Wailuku, Hawai'i 96793	5. Price: \$17,437.85
6. Term of Contract: From: CPO approval To: 10/31/07	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: Procuring these services would typically follow the Section 103D-304, HRS, procurement process for Design Professionals. However, this process is not practicable nor advantageous to the State for several reasons. First, the project is quite minor in scope (an extension of an existing structure). Second, the desired vendor is the architectural firm that designed the original boat house and, therefore, already has familiarity with the site and layout, an understanding of the drive-through design, knowledge of the existing boat house's construction, and exclusive ability to "hit the ground running" with the extension. Third, the new KIRC vessel will be delivered in the fall of 2007, at which time the extension should be finished, meaning the building permit process should begin as soon as possible. Fourth, the 103D-304 process would likely result in this vendor eventually being chosen, as this firm was chosen for the existing boat house project through the 103D-304 process.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
 Because the contract amount falls within the dollar threshold for small purchases, written quotes were solicited from three other firms. One provided a quote that was nearly double that of the desired vendor; one responded that their workload precludes them from bidding; and one did not respond. (Quotes and e-mails attached.) Additional written quotes can be requested from other architectural firms if the CPO so requests.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:  
 The contract will be executed by KIRC's Executive Director, and will be processed (and funds encumbered) upon approval of the DLNR Chairperson. The project will be managed by KIRC's Reserve Manager and Policy Advisor for Special Projects, who will approve invoices for payment. Approved invoices will be processed by KIRC's Administrative Specialist III. Overall contract administration is the responsibility of KIRC's Policy Advisor for Special Projects, reporting to the Executive Director.

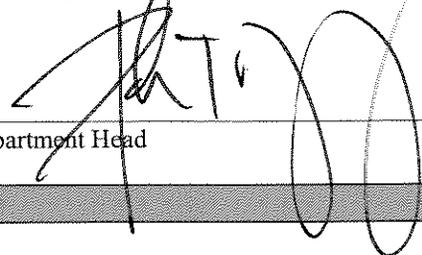
**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:		
Name	Position	Involvement in Process
Sol P. Kaho'ohalahala	Executive Director	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Michele McLean	Policy Advisor-Special Projects	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Stephen Fulton	Reserve Manager	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
David DeMark	Administrative Specialist III	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: KIRC Contact Name: Michele McLean Phone Number: 808-243-5891 Fax Number: 808-243-5885
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Agency shall ensure adherence to applicable administrative and statutory requirements

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

  
 \_\_\_\_\_  
 Department Head

\_\_\_\_\_ Date

**Reserved for SPO Use Only**

15. Date Notice Posted 11/06/06

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer  
 State Procurement Office  
 P.O. Box 119  
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's comments:  
**This exemption request is disapproved for the following reasons:**

- Whether the project is considered minor or not, HRS section 103D-304, states that all design professional services furnished by licensees under HRS chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects) shall be procured pursuant to the 103D-304 professional services process.
- All the factors specified by KIRC for the exemption (i.e. desired vendor is familiar with the site and layout, is knowledgeable of existing boat house's construction, can hit the ground running, building permit process needs to begin as soon as possible, following the 103D-304 procurement process would probably result in the desired vendor anyway, etc.) are not justification for an exemption, and can be addressed as criteria in the 103D-304 procurement process.

16.  APPROVED  DISAPPROVED  NO ACTION REQUIRED

  
 \_\_\_\_\_  
 Chief Procurement Officer

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 Date 11/13/06