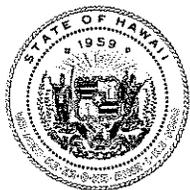


'06 DEC 11 A9:08



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

- 1. TO: Chief Procurement Officer
- 2. FROM: DLNR-Division of Forestry and Wildlife

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:
 Conservation management of Kau Preserve on the island of Hawaii, as outlined in the Kau Preserve Long-Range Management Plan (LRMP), as part of the Natural Area Partnership Program
 A copy of the LRMP (approved by the BLNR on November 17, 2006) is available on-line as an attachment to the Board submittal at <http://www.state.hi.us/dlnr/chair/meetings/submittals/20061117/fw/C%20-%20Forestry%20and%20Wildlife%20-%20Submittals%20C1.pdf> (LRMP starts at page 62).

4. Name of Vendor: The Nature Conservancy
 Address: 923 Nuuanu Avenue
 Honolulu, HI 96814

5. Price:
 \$691,680 *for 4 yr period*

6. Term of Contract: From: upon approval To: ~~6/30/2010~~ *6/30/2012*
 7. Prior Exemption Ref. No. *Per Christen Mitchell on 12/21/2006*

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
 The Natural Area Partnership Program was established in 1991 and provides matching funds (\$2 State to \$1 private) for the management of qualified private lands that have been permanently dedicated to conservation (Hawai'i Revised Statutes (HRS) § 195-6.5). Existing State administrative rules (HAR 13-210) outline the process for inclusion in this program. In short, a private landowner must submit a proposal to manage land that is of natural area reserve quality, prepare a long-term management plan for approval by the Board of Land and Natural Resources, and agree to transfer a conservation easement over the property to the State or an appropriate non-profit. The long-term management plan details the planned conservation actions, identifies who will be doing the conservation actions, and provides the cost associated with the actions. Once approved by the Board, the Department is to enter into a contract with the appropriate managing entity (identified in the plan).

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 The program is continuously open for applications - any private landowner wishing to participate in the NAPP program may submit an application and begin the process at any time. The administrative rules (HAR 13-210) outline the criteria by which the Department (and Board) review the long-term management plan, so that all proposals go through the same process. In the past, the Department has sought (and received) sole-source approvals for the managing entity to implement the approved long-term management plan (see e.g., SS # 04-73-M). Upon reflection, the Department believes that an exemption from procurement may be more appropriate for this program, and so submits this request for consideration.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 As stated above, the proposed long-term management plan must be approved by the Board of Land and Natural Resources. In addition, previous to this step, Division staff and the Natural Area Reserves Commission review a draft management plan and provide comments regarding the scope and adequacy of planned management based on their expertise, knowledge, or experience in managing or conducting research on similar lands. Finally, the long-range management plan must go through the environmental review process (see HRS Chapter 343 and HAR 13-210), which includes a public comment period, before final submission to the Board. This step provides an extra measure of transparency and public accountability before committing State dollars for conservation of the proposed land.

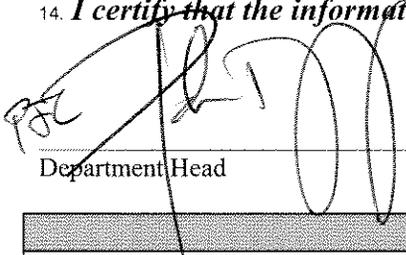
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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
Randy Kennedy	Native Resources Program Manager	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
DOFAW branch staff	Natural Area Reserves Specialist	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
NARS Commission		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
BLNR		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: DLNR-DOFAW Contact Name: Christen Mitchell Phone Number: 587-0051 Fax Number: 587-0064
--------------------------	---

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

12-8-06

Date

Reserved for SPO Use Only

15. Date Notice Posted

12/11/06

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 approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112 shall apply.

16. **APPROVED** **DISAPPROVED** **NO ACTION REQUIRED**



Chief Procurement Officer

12/21/06
Date