

'07 FEB -2 P12:35



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

- 1. TO: Chief Procurement Officer
- 2. FROM: Ronald R. Baird, CEO, NELHA

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:

Professional design engineering services to update a small portion of existing potable water main construction plans and obtain Hawaii County Department of Water Supply (DWS) approval.

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|---|----------------------------------|
| 4. Name of Vendor: Witcher Engineering, LLP Address: 75-5751 Kuakini Highway, Suite 106 Kailua-Kona, HI 96740 | 5. Price: \$7,000.00 |
| 6. Term of Contract: <i>CPO</i> From: On approval To: 12/31/07 | 7. Prior Exemption Ref. No. 0 |

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:

Vendor produced the potable water main construction plans and obtained DWS approval for the STATE in 2004. During construction of the main in 2005, the DWS required changes to the plans that exceeded funding for the project at that time. Most of the construction was completed in 2005, except for two tie-ins to an existing water main. Funding to complete the construction has been obtained, but the DWS requires resubmission and approval of the construction plans for the tie-ins. By using this vendor to update a small portion of the construction plans and obtain approval from the DWS, the STATE will save a considerable amount of money and the work will be completed much more quickly.

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

Open competition is not practicable because vendor created and possesses the construction plans required for the project.

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

Other than the method of contract procurement, the standard contract review and approval process will be followed. DBEDT will review and approve the contract and it will be signed by the 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 |
| Ted Liu | DBEDT Director | <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration |
| Ronald N. Baird | NELHA Chief Executive Officer | <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration |
| Eileen Harada | DBEDT Contracts Specialist | <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration |
| Laurence Sombardier | NELHA Revenue Specialist | <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration |
| Jeff Nichols | NELHA Engineering Projects Coord | <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration |
| | | <input type="checkbox"/> Approval <input type="checkbox"/> Administration |

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| 13. Direct inquiries to: | Department: DBEDT/NELHA Contact Name: Ronald N. Baird Phone Number: 808-329-7341, x225 Fax Number: 808-326-3262 |
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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.*



FEB 01 2007

Department Head

Date

| Reserved for SPO Use Only | |
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| | 15. Date Notice Posted <u>2/5/07</u> |
| 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 Date 2/12/07