

**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:
Implement obligations of the Landowner Incentive Program (LIP) project under federal grant I-5-HM (expires June 30, 2011): Control invasive tree species (silk oak, Grevillea robusta, wattle, Acacia mearnsii, Bocconia frutescena and various types of pines) on `Ulupalakua Ranch and Nu`u Mauka Ranch lands: 1) conduct a minimum of 4 days of aerial herbicide application; 2) monitor and follow-up spray herbicide as necessary; 3) coordinate and document a minimum of 1,984 hours of volunteer labor through the Maui Restoration Group restoring sprayed areas with native plants; 4) submit annual reports covering period July 1 through June 30 on or before September 1 of each year.

4. Name of Vendor: Tri-Isle Res. Conserv. and Development Council Inc Address: 210 Imi Kala St. Suite 208 Wailuku, HI 96793	5. Price: \$26,750.00
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6. Term of Contract: From: on approval To: 6/30/11	7. Prior Exemption Ref. No.
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
This facilitates the pass-through of LIP grant funds awarded by the U.S. Fish and Wildlife Service specifically to implement the proposed project proposed by the Leeward Haleakala Watershed Restoration Partnership (LHWRP). Because the Leeward Haleakala Watershed Restoration Partnership does not have a legal status, it is using the non-profit organization Tri-Isle Resource Conservation and Development Council, Inc. as their fiscal agent. As the pass-through agent for these federal funds, DLNR does not have the authority to direct LHWRP who to hire to implement the work described in the project proposal. Further, the Tri-Isle RC&D Council is donating a portion of the in-kind match required by the grant.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The original Request for Proposals (which may have been more accurately referred to as a Request for Information) for LIP was posted on the State procurement web site and proposals were ranked according to the established LIP guidelines. The highest ranking projects were submitted to the U.S. Fish and Wildlife Service and they selected which proposals would receive awards after a competitive national process. As the pass-through agent for these federal funds, DLNR does not have the authority to direct the Leeward Haleakala Watershed Restoration Partnership as to the approach they choose to use to implement the work described in the project proposal.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The project will be coordinated by DOFAW's Conservation Initiatives Coordinator. Funds will be encumbered upon approval of the DLNR Chairperson. Site inspections will be made at least once per year by DOFAW staff to monitor progress in implementing the project. An annual report will be required, detailing accomplishments over the previous year and providing accounting for funds spent and documenting the required match. Approved invoices will be processed by the DLNR Fiscal Office.

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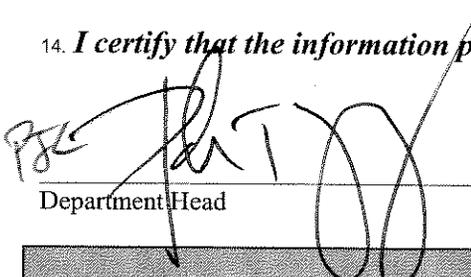
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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
William Standley	Conservation Initiatives Coord.	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Paul Conry	Adminstrator, DOFAW	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Peter Young	Chairperon, DLNR	<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
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: DLNR/DOFAW Contact Name: William Standley Phone Number: 587-4171 Fax Number: 587-0160
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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

3/30/07

Date

Reserved for SPO Use Only

15. Date Notice Posted 4/02/07

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:

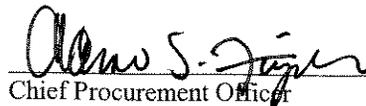
Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's comments:

This request is approved based on the DLNR's representation that the non-profit vendor will be responsible to implement the original proposer's (Leeward Haleakala Watershed Restoration Partnership) project as submitted through the DLNR to the U.S. Fish and Wildlife Service. The DLNR's request incorrectly identified the procurement process used as a Request For Proposals but should have called it a Request for Interest under HAR Section 3-122-16.31, Source Selection for Federal Grants.

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

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


 Chief Procurement Officer

4/9/07
 Date

DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR)

LANDOWNER INCENTIVE PROGRAM (LIP) PROJECTS - 2005

GRANT PERIOD: 7/1/06 – 6/30/11

Issue: Compliance with procurement process

Background:

In February 2005, federal funds became available through DLNR, to support conservation efforts on private lands, through the Landowner Incentive Program (LIP). The U.S. Fish and Wildlife Service issued a request for proposals (February 16, 2005) providing competitive grant funds for State and territorial fish and wildlife agencies to supplement their own landowner assistance programs. The deadline for applications was April 18, 2005.

In anticipation of the request for proposals, DLNR developed a procurement notice calling for proposals from private landowners with a deadline of October 31, 2004. The notice was posted via the State and County Procurement Notice System on September 28, 2004 and a press release was issued by DLNR and information was made available on the DOFAW web site.

Various criteria were developed to assist in ranking the 13 proposals received (e.g., cost-share, habitat impacts, types of species, etc.). Based on the ranking, DLNR submitted an application and on August 11, 2005, was awarded federal funds totaling \$314,446. A grant agreement (Grant #I-5-HM) was finalized on July 28, 2006 that provides funding to 5 projects.