



07-106-5

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

1. TO: Chief Procurement Officer  
2. FROM: DLNR / Div. of Conservation and Resources Enforcement

Department/Division/Agency

Pursuant to §103D-102(h)(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 Division Of Conservation And Resources Enforcement (DOCARE) was mandated by the Hawaii State Legislature in the 2006 budget proviso to develop a Strategic Plan for the division. Due to this mandate, DOCARE will need to hire a consultant to assist with the planning and development of this strategic plan. The strategic plan will include a mission statement, goals, prioritization of goals, vision for the future, timelines for implementation, action plan with measurable objectives. The consultants will also be required to develop and initiate an internal and public survey to gather data for the strategic plan process. Analysis of the data collected will also be made by the consultants and presented to the strategic planning committee members.

4. Name of Vendor: Hawaii Alliance of Nonprofit Organizations (HANO) Address: 33 S. King St., Suite 501, Honolulu, Hawaii 96813	5. Price: \$33,800
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6. Term of Contract: From: May, 2007 To: April, 2008,	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: DOCARE has met with four consultants for this project, Miki Lee of Lee Way Enterprises, Linda Colburn of Where Talk Works, Darrin Kawazoe and Lily Bloom Domingo of HANO. The budget proviso stipulated that the planning committee will consist of various DLNR managers and various state, county, federal agencies and, various community stakeholders which could total 70+ individuals. Upon learning the full scope of services needed for this project, both Ms. Lee and Ms. Colburn retracted their proposals and declined to participate. Ms. Lily Bloom Domingo and Mr. Darrin Kawazoe both agreed that they could not do this project independently but could accomplish this task if they jointly did it. DOCARE received a proposal from Ms. Domingo which incorporates a partnership with Mr. Kawazoe.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
Four consultants were contacted, interviewed and given the scope of services needed. All consultants stated that they could not provide the services requested due to the large number of people involved in the project. Two consultants declined; while the remaining two were willing to combine their expertise and work together to complete this project. *planning committee*

10. A description of the agency's internal controls and approval requirements for the exempted procurement:  
DOCARE Administrator Gary Moniz and Deputy Administrator David Gaud will be part of the DOCARE Strategic Plan Committee and will monitor all activities to ensure that contractual requirements/obligations are met.

**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	
Gary D. Moniz <i>G. Moniz</i>	DOCARE Administrator	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
David Gaud <i>D. Gaud</i>	DOCARE Deputy Administrator	<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
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:

Department: DLNR  
 Contact Name: David Gaud  
 Phone Number: 808-587-0070  
 Fax Number: 808-587-0080

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.

*Allen A. Smith* \_\_\_\_\_ *05/08/07*  
 Department Head Date

**Reserved for SPO Use Only**

15. Date Notice Posted 5/9/07

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:

Because DOCARE met with four potential consultants and two of the consultants indicate that they are willing to combine their expertise to develop a strategic plan for the agency, is not adequate justification for an exemption from HRS Chapter 103D.

The competitive procurement processes of HRS chapter 103D are to insure that all potential providers are afforded the opportunity to compete for the required services. It is recommended that the agency either solicit the required services through the Hawaii Electronic Procurement Systems (HePS) or HRS section 103D-303, Competitive Sealed Proposal process.

16.  APPROVED  DISAPPROVED  NO ACTION REQUIRED

*Allen S. Figueira* \_\_\_\_\_ *5/11/07*  
 Chief Procurement Officer Date