



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

1 TO: Chief Procurement Officer
2 FROM: Department of Transportation

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:
Environmental Engineering services to undertake an expedited environmental assessment in accordance with chapter 343, Hawaii Revised Statutes and order by the state supreme court for Kahului Harbor to address operation by the Superferry. Work will involve preparation of an environmental assessment (EA) document, through data gathering and review, interviews, assessment of relevant supporting studies, reports and data that will aid in formulating a determination on the impact of ferry operation at the harbor and whether the use of the state facility will necessitate further study and mitigation measures. The contractor will be required to conduct public sessions to explain the scope of the study and receive and evaluate public testimony in developing their report and recommendations to the State. If the environmental assessment concludes that an EIS is required, the State would have the option to retain the contractor to assist in preparation of the EIS. Due to the public sentiment and desire for ferry service and resolution on environmental impact, Kawaihae, Honolulu and Nawiliwili Harbors will also be included.

4. Name of Vendor: Belt-Collins Address: 2153 North King Street, Suite 200 Honolulu, Hawaii	5. Price: \$1,000,000
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6. Term of Contract: From: September 2007 To: Sept 2008 w/ 2yr opt	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:
An environmental assessment (EA) by the DOT is required by a ruling of the Hawaii Supreme Court. The need for an EA under the circumstances is unprecedented, but must be met as a condition to allow Superferry service to commence. The State required expeditious completion of the EA to comply with the Supreme Court's decision and avoid termination of business by the Superferry operator due to delayed implementation of the study. Belt-Collins is under contract with the State to develop the Kahului Harbor Master Plan. The contractor is thus intimately familiar with the current activities and plans for Kahului harbor and is in the best position to begin this effort in the shortest time possible. Although the Supreme Court ruling is limited to Kahului Harbor, due to high public interest for a ferry service, the DOT believes it is in the best interest of the State to extend evaluation to other harbors that will be served to avoid future legal challenges and acquire broader community input.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
Belt-Collins is conducting an EIS for the Kahului Harbor master plan. The information and data gathered from that project will be used in the court required EA. Based on experience and other prior work, the contractor is knowledgeable with DOT Harbors operation, its personnel, procedures and will have not have to spend time in gaining start up familiarity. The ferry service is highly desired and environmental review is needed to enable its operation, the DOT must accomplish the EA in the shortest time possible to avoid the loss of the ferry operator. Due to the limited time frame, the contractor's familiarity of the DOT Harbors development program, the Kahului Harbor planned improvements are critical aspects that will allow the immediate mobilization and commencement of study needed by the DOT. These attributes are also expected to allow the DOT obtain the desired study completion at a lower cost and a minimum of delay.

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 Work to be performed and monitored through the Harbors Division Planning Office under the oversight of Planning staff Engineers and inspectors. Approvals on all adjustments to work scope and price will be subject to prior approval and authorization by the Director as the Procurement Officer for the Department and following review and recommendation by the Deputy Director for the Harbors Division.

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	
Barry Fukunaga	Director	<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
Michael Formby	Deputy Director	<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
Fred Pascua	Planning Engineer	<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
Deane Watase	Planning Engineer	<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: Transportation
 Contact Name: Barry Fukunaga
 Phone Number: 587-3650
 Fax Number: 587-2167

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 

9/6/07
Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>08/06/07</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: <p align="center"> Chief Procurement Officer State Procurement Office P.O. Box 119 Honolulu, Hawaii 96810-0119 </p>	

Jfo 9/10/07

