



07 SEP 28 10:17

BO9:0919003

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

1. TO: Chief Procurement Officer
2. FROM: DBEDT/Hawaii Housing Finance & Development Corporation

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:

Provide additional engineering services for the preparation of Department of Health Permits and extend contract by an additional 24 months to the Contract No. 06-07 between Hawaii Housing Finance and Development Corporation (HHFDC) and Shimabukuro, Endo & Yoshizaki, Inc. (SEY Engineers) to complete work on the applications for the National General Permit coverage (NGPC) and the Municipal Separate Storm Sewer (MS4) permits at Villages of Kapolei (VOK).

4. Name of Vendor: SEY Engineers
Address: 1126 12th Avenue, Room 309
Honolulu, Hawaii 96816-3715

5. Price:
\$51,000.00

6. Term of Contract: From: 12/25/2007 To: 12/25/2009

7. Prior Exemption Ref. No.
0

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

See attachment

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

Selection of SEY Engineers and the request for Exemption to Chapter 103D, HRS is due to the fact of the tremendous time constraints to process the NGPC & MS4 permits.

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

HHFDC internal controls and approval requirements are very rigorous and the approval process for the Exemption to Chapter 103D, HRS is scrutinized very thoroughly by the Executive Director of HHFDC and Director of DBEDT before the Exemption request is provided for the Administrator of State Procurement Office Approval. In Addition, all professional services contracts are subject to the approval of the Governor pursuant to the State's Budget Execution Policy.

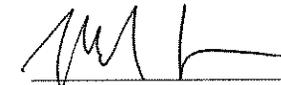
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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	
Richard Mori	Project Engineer	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Leonell Domingo	Housing Development Specialist	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Karen Seddon	Development Branch Chief	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Orlando "Dan" Davidson	Excutive Director, HHFDC	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Theodore E. Liu	Director, DBEDT	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: DBEDT/HHFDC Contact Name: Richard Mori Phone Number: 587-3179 Fax Number: 587-0600

Agency shall ensure adherence to applicable administrative and statutory requirements

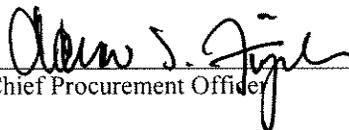
14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*


 Department Head

9/26/07
 Date

Reserved for SPO Use Only
15. Date Notice Posted <u>10/2/07</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>
Chief Procurement Officer's comments: <p align="center"> This approval is given based on the HHFDC's representation that the additional services for the DOH permits were not anticipated and the contractor performed similar services to obtain the prior permits. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. </p>

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer 10/9/07
 Date

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

Due to the very limited time allowed to prepare NGPC and MS4 Permits, and the approximate 3 month time period to process a new Professional Services contract to prepare the NGPC and MS4 Permits, it is requested that this request for exemption from Chapter 103D, HRS be approved. The deadline to apply for the NGPC and MS4 Permits is October 5, 2007 and it is not enough time to process a Professional Service contract. SEY Engineers have previously worked on the NGPC on an HHFDC project and MS4 Permits at the VOK previously and they are intimately familiar with the VOK area and the requirements necessary for the processing the permits in a timely fashion. The current MS4 Permit was prepared by SEY Engineers and is comparable to the contract work that is requested for the procurement exemption. Coordination and effort involved will be more efficiently done than the selection of an Engineering firm which is not familiar with VOK. Disapproval of this exemption will also result in significant impact the VOK as the NGPC Permit and the MS4 Permit will lapse and the State may be in violation of Department of Health, Clean Water Branch (DOH-CWB) regulations. HHFDC affordable housing projects will also come to a stop due to the lack of NGPC and MS4 Permit Coverage. The State may also be liable for any penalties that the DOH-CWB may levy for noncompliance.



SEP 28 10:11

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

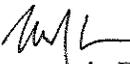
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

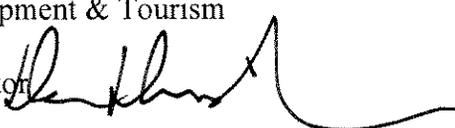
IN REPLY REFER TO:
07:DSS/0189a

B07:0919003

September 19, 2007

To: Aaron S. Fujioka, Administrator
State Procurement Office

Thru: Theodore E. Liu, Director 
Department of Business, Economic Development & Tourism

From: Orlando "Dan" Davidson, Executive Director 

Subject: Request for Approval of a Procurement Exemption for Contract No. DEV 06-07 between the Hawaii Housing Finance and Development Corporation (HHFDC) and Shimabukuro, Endo & Yoshizaki, Inc. (SEY Engineers) for the Application for the Notice of General Permit Coverage (NGPC) Permit and the Municipal Separate Storm Sewer Systems (MS4) at the Villages of Kapolei (VOK).

The Hawaii Housing Finance and Development Corporation (HHFDC) respectfully requests approval for a procurement exemption to execute a contract modification between HHFDC and SEY Engineers for additional services and an extension of time for the above contract in order to complete the NPDES Permits for the VOK due to the following reasons:

- A. Purpose of contract modification is to prepare the permit application and extend the contract time 24 months in order that SEY Engineers may complete the permit applications for the NGPC and the MS4. As they have completed the forms previously and are intimately involved with all aspects of the Storm Sewer Systems at VOK they will be the most efficient means of completing the task of Permit application for approval from the State Department of Health, Clean Water Branch. (DOH-CWB).
- B. The Proposed Cost, Means of Funding, Duration and Any Special Conditions of the Service.

The contract cost increase of \$51,000.00 for the additional engineering services and extension of time to the contract period.

To: Aaron S. Fujioka

Re: Request for Approval of a Procurement Exemption for Contract DEV 06-07

between HHFDC and SEY Engineers for the Permit for the NGPC and MS4 for the VOK

September 19, 2007

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C. Impact of Not Implementing Request

Disapproval of this request will significantly impact the VOK as the NGPC Permit and the MS4 Permit will lapse and the State may be in violation of DOH-CWB regulations. HHFDC affordable housing projects will also come to a stop due to the lack of NPDES permit coverage.

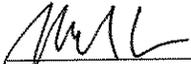
RECOMMENDATION

HHFDC respectfully recommends favorable consideration and approval of the requested extension of time for the consultant engineering services.

If you have any questions, please call Richard Mori, Project Engineer, at 587-3179.

RECOMMEND:

APPROVAL DISAPPROVAL



THEODORE E. LIU

Director of Business, Economic Development & Tourism

9/26/07

Date

APPROVED DISAPPROVED

AARON S. FUJIOKA

Administrator, State Procurement Office

Date

Enclosure: Form SPO-07