

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

1. TO: Chief Procurement Officer  
2. FROM: Department of Transportation/Highways Division

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:

<p>3. Description of goods, services or construction: Structural Engineering, Electrical Engineering, Geotechnical Engineering, Civil Engineering (including pavement design), Hydraulic Engineering, Landscape Architecture, Construction Management ("CM"), Construction Support ("CS") and Surveying services to support the Highways Division in-house engineering staff. (CM services is the monitoring of a construction contractor's schedule, the recommendations (approval/disapproval) of requests from the construction contractor, the review of submittals and the preparation of responses to requests for information. CS is also the inspection of construction projects. Examples of Project Assignments issued under these contracts include: 1) Kauai District Bridge Inspection &amp; Appraisal \$320,000, 2) Kamehameha Highway, Kawela Stream Bridge Replacement environmental assessment \$135,000 and 3) Ala Moana Blvd Resurfacing design of undergrounding of overhead utilities from Cooke St. to Kalakaua Blvd. (about 2.5 miles) \$500,000.</p>	
<p>4. Name of Vendor: Various Address:</p>	<p>5. Price: \$Varies</p>
<p>6. Term of Contract: From: CPO approval To: December 31, <del>2011</del> <sup>2009</sup> APR</p>	<p>7. Prior Exemption Ref. No.</p>
<p>8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: See attached.</p>	
<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: The DOT Highways Division will follow the Section 103D-304, HRS process to procure consultants to perform services on an as-needed basis. These services are to supplement our existing in-house staff work, and the contracts will be based on agreed rates for either one-year term with 3 one-year options to renew or two-year term with 2 one-year options to renew. Attached is a list of services along with the funding caps that will be used for each contract.</p>	
<p>10. A description of the agency's internal controls and approval requirements for the exempted procurement: The Deputy Director will approve each Project Assignment that is issued under these open-ended contracts.</p>	

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

The Highways Division requires engineering, landscape architecture, construction management and surveying services to support our in-house staff. During the design of our projects, there are occasionally unanticipated needs for professional services to supplement or complete our in-house designs. An example would be the relocation of a highway light, a topographic survey to correct drainage issues, etc. In these cases, a consultant would be needed to complete a portion of the design so that the project would still be able to be advertised by June 30 to avoid lapsing funds. Another example would be to provide timely engineering services for unplanned work to cope with natural disasters or similar events. By having an open-ended contract, the Highways Division would be able to meet project and funding deadlines. As for the CM or CS services, there are times where the Highways Division plans to perform these services with our in-house staff, but due to the dynamic nature of construction, and the ever changing size of our in-house staff, Highways Division staff are suddenly unable to provide these services.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: (List of services along with funding caps that will be used for each contract.)

- A. Statewide Structural Engineering – primary and alternate each with a \$1,000,000 cap per year.
- B. Statewide Electrical Engineering – primary and alternate each with a \$1,000,000 cap per year.
- C. Statewide Geotechnical Engineering – primary and alternate each with a \$1,000,000 cap per year.
- D. Statewide Civil Engineering – primary and alternate each with a \$1,000,000 cap per year.
- E. Statewide Pavement Design - \$1,000,000 cap per year.
- F. Statewide Hydraulic Engineering – primary and alternate each with a \$500,000 cap per year.
- G. Statewide Landscape Architecture - \$1,000,000 cap per year.
- H. Construction Management and Support – primary and alternate for Oahu, Kauai, Maui and Hawaii Districts each with a \$1,500,000 cap per year.
- I. Statewide Surveying - \$500,000 cap per year.
- J. Statewide Environmental Engineering – primary and alternate each with a \$1,000,000 cap per year.
- K. Oahu District Environmental Engineering for EPA Compliance - \$500,000 cap per year.

**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
Gerald Dang	Administrative Services Officer	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Glenn Yasui	Highway Administrator	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Brennon Morioka	Acting Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Scot Urada	Design Branch Head	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Varies	District Engineers	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Transportation Contact Name: Jamie Ho Phone Number: 587-2185 Fax Number: 587-2340
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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.*


12/17/07  
 \_\_\_\_\_  
 Department Head Date

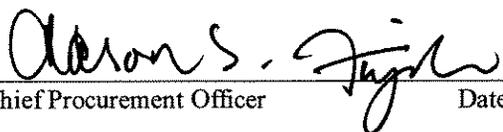
Reserved for SPO Use Only	
	15. Date Notice Posted <u>12/24/07</u>
The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise 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:

The DOT proposal to enter into indefinite quantity contracts for professional services is granted for this pilot period, and limited to a maximum of a two-year contract term. This type of fixed price contract for an indefinite amount of services for the specified contract term should include provisions such as minimum or maximum quantity the state is obligated to order, limits to the state's obligation to place order for services, and clarify how agency will use this contract. Reference HAR 3-122-143. Indefinite quantity contracts should be used only on a limited and case-by-case basis. For instance, during unforeseen urgent work that needed to be completed immediately, and although not qualified as an emergency procurement or appropriate for an emergency proclamation, could be justified to address that particular situation. As a condition of this approval, DOT shall establish guidelines, procedures and protocols approved by the Attorney General's Office on the use of these types of contracts.

After the end of the first year of the contract, the DOT shall provide to the SPO a status of results of the outcomes and effectiveness, for consideration of amendments to the HAR, if warranted.

16.  APPROVED  DISAPPROVED  NO ACTION REQUIRED


12/28/07  
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 Chief Procurement Officer Date