



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

1. TO: Chief Procurement Officer
2. FROM: Health/Environmental Management/Safe Drinking Water

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:

The Safe Drinking Water Branch is seeking qualified applicants (public water systems) to apply for Wellhead Protection - Financial Assistance Program funding to conduct wellhead protection planning and implementation activities. Protection planning and implementation activities include (but is not limited to: creating local wellhead protection workgroups; preparing wellhead protection programs and plans; prioritizing land for protection/control; preparing county water and planning documents that incorporate drinking water source protection; educating public officials, businesses, students, and residents; removing leaking underground storage tanks and cesspools/septic systems in protection areas; posting protection signs/markers around protection areas; providing technical assistance to small businesses, industries, and farmers; funding local staff to conduct wellhead protection activities; and other protection activities. Land acquisition, infrastructures, and construction are not eligible for funding under this financial assistance program.

4. Name of Vendor: SEE ATTACHED LIST OF QUALIFIED APPLICANTS

Address:

5. Price:

\$

6.

Term of Contract: From: Notice to Proceed To: Not to Exceed 3 year

7. Prior Exemption Ref. No.

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

The Safe Drinking Water Branch has developed and implemented a Wellhead Protection - Financial Assistance Program (WHP-FAP) utilizing the Drinking Water State Revolving Fund - 15% set-aside. The WHP-FAP is to be used to fund public water systems' (as defined by drinking water regulations) efforts in protecting their drinking water source(s) from contamination by pollutants. The eligibility requirement for obtaining funding under this program is that the applicant must be a Community or Nontransient, noncommunity public water system which utilizes groundwater as a source of water, exclusive of federally owned public water supplies. Therefore, the list of potential applicants is limited to public water systems regulated by the Safe Drinking Water - list is attached).

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

Potential applicants will be mailed information and an application on the availability of the WHP-FAP funds for protection planning and implementation activities. Notice to potential applicants (public water systems') will also be given through "The WaterSpot", the Safe Drinking Water Branch newsletter, be placed on the SDWB website, and announced at Source Water Protection training being held in May 2008. Project applicants will submit a "Proposed Project for Hawaii Wellhead Protection - Financial Assistance Program Funding" application (See attached). The application identifies the project title and description, information related to its status as a public water system, project function and funding requested. The proposed projects are selected based on selection criteria using the "Application, Evaluation, and Selection Process" (See attached).

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

A Contractual Agreement or Memorandum of Agreement will be prepared for all projects selected for funding. The Agreement will contain a detailed Scope of Work/Services that specifies the activities to be conducted under this project. The Safe Drinking Water Branch will oversee the project, conduct periodic review of the project, and ensure completion of the project using the "Project Oversight, Review, and Completion Process" (See attached).

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	
Stuart Yamada	Branch Chief	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Daniel Chang	Environmental Health Specialist	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Melvin Hamano	Engineer	<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: Health
 Contact Name: Stuart Yamada/Daniel Chang
 Phone Number: (808) 586-4258
 Fax Number: (808) 586-4351

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

MAY 12 2008

Date

Reserved for SPO Use Only

15. Date Notice Posted 5/14/08

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 approval is based on DOH's representation that there are a limited number of qualified applicants and that the DOH shall invite all qualified applicants to apply for the funding under this program.

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

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date 5/23/08