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

1. TO: Chief Procurement Officer  
2. FROM: DLNR/DOFAW

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:

This contract is to secure services for tree planting of approximately 36,000 native seedlings in the State of Hawaii's Kula State Forest Reserve on the island of Maui. The "Contractor" shall furnish all labor, equipment, supervision, transportation, lodging, supplies (except those designated as furnished by the State of Hawaii) and incidentals, to perform all work necessary on the areas specified. Contractor shall be responsible for transporting the seedlings from the production site at Native Nursery, LLC, 68 Mano Drive, Kula, Hawaii, to the project site.

4. Name of Vendor: Summit Forests, Inc.  
Address: 1257 Siskiyou Blvd. PMB#218  
Ashland, OR 97520

5. Price:  
\$80,000

6. Term of Contract: From: Nov. 1, 2008 To: Jan. 4, 2008

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: Procurement by competitive means would not be advantageous to the State for a number of reasons. The seedlings that are being grown for outplanting cannot afford to experience any further delay because of its current size and vigor. If the State does not get these seedlings in the ground in the next month or so, there is a good possibility that these seedlings will begin to die. For the success of the project, it is recommended that these seedlings be planted as soon as possible. (also See Attachment from "Native Nursery")

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

Summit Forests, Inc. was initially selected to complete the outplanting for the Kula State Forest Reserve Reforestation Project under the "Governor's emergency proclamation FY'07-'08", therefore not requiring the need to solicit three (3) minimum bids. However, DOFAW solicited three (3) bids; two (2) from Oregon and one (1) from Hawaii. As a result, based on criteria such as bid proposal prices, letters of recommendations, company background checks and other referrals, Summit Forests, Inc. was the company of choice. Because of their familiarity with the job site (nursery personnel, site conditions, etc.), knowledge, experience, proven quality and professionalism and timeliness of work, we feel that this selection would be most advantageous to the State and its project.

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

As mentioned in Item #9, DOFAW has completed a well thought out and fair process to select Summit Forests, Inc. This process and selection has been discussed and reviewed by both District and Administration personnel.

