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STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

STATE PROCUREMENT ADMINISTRATION
STATE OF HAWAII PROCUREMENT OFFICE
STATE OF HAWAII
7018-04

TO: Chief Procurement Officer
THRU: PPB CON
FROM: TRANSPORTATION/HARBORS
(Department/Division/Agency)

Memorandum

May 12, 2004

Pursuant to § 103D-102(b)(5), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:
Consultant and contractor services required to undertake emergency measures in response to orders issued by the Department of Health to prevent petroleum product migration into the waters of Honolulu Harbor. Additional services are required to study, investigate, plan, remediate, monitor and manage the subsurface petroleum contamination problem in the Iwilei district of Honolulu, in the vicinity of Honolulu Harbor. This effort is expected to take at least another two years of work. These services are funded by means of cost-sharing between the Iwilei District Participating Parties (IDPP) LLC of which the DOT is a member. The LLC has hired an accounting firm to manage its finances. Occasional cash calls are to be issued by the financial manager based on the estimated expenditures that the IDPP LLC is expected to incur. DOT, as a member of the LLC, is required to contribute its share of funds as the need arises, usually on a quarterly basis.

Name of Vendor: Oceanit, Unitek, Clayton Group, TRC, CH2MHill, Philips Services, Levine Fricke, LECG, Kagami, Inc., RBZ, URS, EarthTech, Project Navigator, Oceanic Analytical Lab and others	Cost: Undetermined at this time.	Term of Contract: From: Date of Approval To: June 30, 2006
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
The DOT along with ten other entities have formed the Iwilei District Participating Parties (IDPP) LLC. Under the administrative oversight of the Department of Health (DOH), six original entities of the IDPP LLC executed a voluntary agreement with the DOH on February 1, 1998. Based on this agreement, emergency response orders were issued by the DOH to address potential violations to the Clean Water Act. Several contractors were selected to carry out these orders. On February 1, 2001, an expanded group of entities executed an Environmental Response Agreement (ERA) with the DOH for the next phase of work that includes studies, investigations, planning, monitoring and remediation. The IDPP LLC was created on July 15, 2002 to meet the objectives outlined in the ERA. Additional contractors and consultants, other than those named above, may be required in the future to complete the requirements of the ERA. Since DOT is only one of eleven parties, it is difficult, if not impossible, for DOT to require that IDPP LLC consultants and contractors be hired in compliance with Chapter 103D procedures. This request updates P.E. Number 03-39-J, approved by the Chief Procurement Officer on November 14, 2002.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The IDPP LLC usually selects contractors and consultants based on their qualifications and pricing, and often seeks proposals from several sources before making a selection. In the cases where responses were required to address emergency orders directed by the DOH, the IDPP also selects contractors and consultants based on their ability to meet time constraints.

A description of the agency's internal controls and approval requirements for the exempted procurement:
As described in the attached memorandum PPB 12.0451 and CON 5.5984

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:
Jamie Ho – Contracts Engineer
Glenn Okimoto – Harbors Administrator
Fred Nunes – Engineering Program Manager

Direct questions to:	Phone Number:
Randal Leong	587-1887
Fred Nunes	587-1862

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes _____ No _____

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

B. W. Ho

JUN 29 2004

Department/Agency Head

Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

_____ Approved

_____ Denied

Chief Procurement Officer

Date

cc: Administrator
State Procurement Office

HIGHWAY DIVISION
STAFF SERVICES
OFFICE

State of Hawaii
Department of Transportation
MEMORANDUM

RECEIVED

DEC 2 7 27 AM '97

NOV 24 8 04 AM '97

DEPT. OF TRANSPORTATION
HIGHWAYS DIVISION

CON 5.5984

TO: AIR, HAR, HWY, STAFF OFFICES DATE: November 18, 1997

FROM: DIR *K.J.*

SUBJECT: Revision to Purchasing Memo PPB 12.0451 dated November 12, 1997

Effective immediately, all requests being made to the Chief Procurement Officer (CPO) at the State Procurement Office (SPO) for review or approval shall be routed to CON (if necessary, to PPB), then to me for final approval. These requests include but are not limited to the following:

Request for Sole Source w/Notice of Sole Source
Notice of amendment to Sole Source Contract
Request for Emergency Procurement
Request for Extension of Contract Time
Prior Approval to Contract for Professional Services - other than competitive
After-the-fact Approval to contract for Professional Services - other than competitive
Authorization to Purchase outside of the Price List
Exemption from Chapter 103D, HRS

An original plus two copies shall be signed by me or by DEP-G and shall include proper documentation (staff studies as needed), funding approvals (budgeted or not) and/or other authorizations.

Divisions are advised to receive approval from their fiscal procurement sections before routing to CON. Administration Staff Offices should send their requests directly to CON. The Departmental Staff Manual (DPS) is being updated and will be distributed in the near future.

Divisions are also advised to manage their sole source procurements to eliminate "after-the-fact" approvals. The CPO may not approve of any "after-the-fact" approvals.

If there are any questions or concerns, please contact LaVerne Hokama of my PPB Office at 587-2211.

c: DEP-B
DEP-G

DOT-

NOV 16 1997

DEPARTMENT OF
TRANSPORTATION
DEPUTY DIRECTOR

State of Hawaii
Department of Transportation
MEMORANDUM

Nov 12 9 54 AM '97

PPB 12.0451 -

TO: AIR, HAR, HWY, STAFF OFFICES DATE: NOVEMBER 12, 1997
FROM: DIR
SUBJECT: PURCHASING



Effective immediately, all requests being made to the State Procurement Office (CPO) for review or approval shall be routed to CON (if necessary, to PPB), then to me for final approval. These requests include but are not limited to the following:

- Request for Sole Source w/ notice of Sole Source
- Notice of amendment to Sole Source Contract
- Request for Emergency Procurement
- Request for extension of Contract time
- Prior Approval to contract for Professional Svcs.-other than competitive
- After-the-fact Approval to contract for Professional Svcs.-other than competitive
- Authorization to Purchase outside of the Price List
- Hawaii Products etc.
- Exemption from Chapter 103D, HRS

An original plus two copies shall be signed by me or by Dep-G and shall include proper documentation (staff studies as needed), funding approvals (budgeted or not) and/or other authorizations.

Divisions are advised to check with their fiscal procurement sections for further guidance. The Departmental Staff Manual (DSM) is being updated and will be distributed in the near future.

If there are any questions or concerns, please contact LaVerne Hokama of my PPB Office at 587-2211.

c: DEP-B
DEP-G