

**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:

The Urban and Community Forestry (UCF) program is a U.S. Department of Agriculture Forest Service (USFS) federal assistance program authorized as part of the Forestry Title of the 1996 Farm Bill passed by the 101st Congress. The Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) current administers the Kaulunani UCF program (www.kaulunani.org) for Hawaii with assistance from the USFS. The Hawaii program provides assistance (technical and financial), outreach, and education on preserving and expanding existing urban tree cover, interacting community organizations, implementing tree planting projects, establishing demonstration projects, promoting sound forest and tree maintenance, and expanding research & education efforts of the benefits of trees and forest cover in urban and community environments. To continue to promote program, allow for growth beyond the current program, as well as to better administer the Kaulunani program, DOFAW is seeking proposals to administer, oversee and implement all aspects of the Kaulunani program in conjunction with DOFAW and USFS. The award of the UCF program will include responsibilities currently managed by DOFAW (as detailed in Request for Proposals (RFP)).

4. Name of Vendor: TBD

Address:

5. Price:

\$100,000-\$200,000/yr

6.

Term of Contract:

From: 2009

To: 2011

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: Funds dedicated to Hawaii for this program from USFS will be directed to the awardee yearly; the amount for the program will be variable depending on national budget and competitive grant awards, thus bids will not be awarded funding at a set amount. The program will not be awarded based on bid cost to administered program as detailed in the applicant's proposal. All funds dedicated to the administration of the UCF will be granted to the awarded applicant independent from the proposal. For example if the bid proposal is under the amount allocated for UCF all dedicated funds will still be awarded; and if the proposal bid is over the amount allocated the proposal may still be awarded to the applicant. In the latter case, the applicant will be require to administer the program in its entirety and may need to seek outside funding sources to implement the program. Detailed discussions will need to be conducted with applicants to determine financial capabilities and ability to run the UCF.

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

The UCF program RFP will closely follow the competitive sealed proposal process as described in the State Procurement Code Chapter 103D, HRS. The RFP will be posted on the State Procurement Office and the DOFAW webpage for a minimum of thirty-days. DOFAW will utilize an evaluation committee to evaluate submitted proposals. Discussions may be held with priority-listed applicants to clarify proposal components including financial capabilities, expertise, program implementation plan, and/or projected budget, after which applicants may submit an BAFO.

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 As DOFAW will be closely following the procurement code, an evaluation committee will make a determination on the proposal award and recommend approval of the selected proposal to the DOFAW Administration. The Board of Land and Natural Resources will review and approve the selected proposal and finalize all contractual documents. The awarded applicant will be required to enter into a Memorandum of Understanding with the DOFAW and USFS to allow for review of program implementation by both parties and to clarify responsibilities of partners.

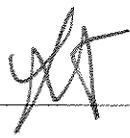
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
M. Irene Sprecher	Forester, DOFAW	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Sheri Mann	Forester, DOFAW	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Evaluation Committee		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Paul Conry	Administrator, DOFAW	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Laura Thielen	Chairperson, BLNR	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Deputy Attorney General	Dept of Attorney General	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: DLNR/DOFAW
 Contact Name: M. Irene Sprecher
 Phone Number: 587-4167
 Fax Number: 587-0160

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.***



Date 1/12/09
 Department Head _____

Reserved for SPO Use Only

15. Date Notice Posted 1-23-09

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

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

Chief Procurement Officer's comments:

The department has withdrawn the request for exemption and will utilize the competitive sealed proposals process pursuant to HRS 103D-303.

16.

APPROVED

DISAPPROVED

NO ACTION REQUIRED

Adam S. Joffe 2/4/09
Chief Procurement Officer Date