

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813**

August 12, 2011

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

**SUBJECT: REQUEST APPROVAL FOR SELECTION OF THE COMPETITIVE
SEALED PROPOSAL PROCESS AND AUTHORIZE THE
CHAIRPERSON TO AWARD, EXECUTE, AND EXTEND
CONTRACT(S) TO INSTALL UNGULATE-PROOF PANEL FENCING
WITHIN THE KUIA NATURAL AREA RESERVE, KAUAI**

This Board Submittal requests approval to issue a Request for Proposals (RFP) under the competitive sealed proposal process, and authorize the Chairperson to award, execute, and extend contract(s) to install ungulate-proof panel fencing within the Kuia Natural Area Reserve.

BACKGROUND

This fence project is proposed to protect the native mesic forest of Kuia Natural Area Reserve from damage from feral ungulates. An Environmental Assessment for this project declared a Finding of No Significant Impact in June 2004. A previous contract for this project was defaulted and terminated in June 2011, requiring DOFAW to pursue a new contract to finalize the project. Contract(s) will be awarded to the most qualified proposals, based on evaluation criteria specified in the RFP.

DISCUSSION

Evaluation criteria for the proposed fencing project include the following:

- Technical capability and approach for meeting performance requirements
- Managerial capability: Previous experience and expertise
- Pricing
- Best value factors: Understanding of project as outlined

Based on the requirements and special conditions of this procurement, DOFAW recommends that a competitive sealed proposal process be used for source selection. Such an approach will be the most advantageous procurement process for the solicitation because:

- 1) The primary consideration for the determination of the awards for this Request For Proposals is not price.
- 2) Oral or written discussion may need to be conducted with the Applicants concerning technical and price aspects of their proposals.
- 3) Applicants may need to be afforded the opportunity to revise their proposals, including price.
- 4) Awards may need to be based upon a comparative evaluation as stated in the request for proposals of differing price, quality, services and other contractual factors in order to determine the most advantageous offering to the State.

Pursuant to HAR 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State. Additionally pursuant to HAR § 3-122-45, a determination must be made by the procurement officer that an evaluation committee, selected in writing by the procurement officer, shall evaluate the competitive sealed proposals. The Division recommends the use of an evaluation committee for the selection of the proposals as an evaluation committee will allow for an objective review, evaluation, ranking and selection of the most qualified proposal for the program. Further the evaluation committee must consist of at least three government employees with sufficient qualification in the area of the goods or services to be procured; DOFAW recommends the following individuals:

Michael Wysong, Kauai NARS Program Manager
Christopher Mottley, NARS Specialist
Vickie Caraway, DOFAW Botanist

In order to expedite the contract(s) for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award, execute and extend contract(s) for goods and services based on the recommendations of the evaluation committee and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State including extending contract(s) as appropriate. Should any of the committee members be unable to serve, alternates with similar knowledge will be substituted and any changes and final make-up of the evaluation committee kept in the contract file.

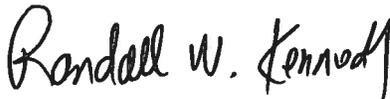
RECOMMENDATIONS:

That the Board:

- 1) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for the installation of ungulate-proof panel fencing within the Kuia Natural Area Reserve, Kauai.
 - b. An evaluation committee comprised of the individuals identified above to serve, evaluate and select the competitive sealed proposals.

- 2) Delegates authority to the Chairperson to:
- a. Award, execute and extend contract(s) for goods and services, subject to the availability of funds and approval by the Department of the Attorney General.

Respectfully submitted,



for PAUL J. CONRY,
Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson
for Board of Land and Natural Resources