

**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 CONTRACTS FOR THE WAIANAE KAI FOREST RESERVE FENCE REPAIR PROJECT

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION TO CHAPTER 343, HRS ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE WAIANAE KAI FOREST RESERVE FENCE REPAIR PROJECT

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 contracts for the Waianae Kai Forest Reserve Fence Repair Project. Additionally, the Division requests approval of a Declaration of Exemption to Chapter 343 HRS requirements for this project.

BACKGROUND

Feral cattle are destroying vegetation and water sources in the Waianae Kai Forest Reserve. The Division proposes to repair a dilapidated fence on the forest reserve. This will allow Division staff to efficiently remove the feral cattle in the forest reserve and prevent the entry of additional animals in the future. Funds from DOFAW ARRA projects are available (S-232-X19 and S-232-X07). The estimated length of fence repair is approximately 1.33 miles. Fence line repairs shall follow the existing fence alignment.

DISCUSSION

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:

David Smith, DOFAW Oahu Branch Manager
Ryan Peralta, DOFAW Oahu Forestry Manager
Steven Seiler, DOFAW (RCUH) NARS Field Technician
Lisa Ferentinos, DOFAW Watershed Partnerships Planner

In order to expedite the contracts for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award, execute and extend contracts 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 contracts 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.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Division also requests that the Board approve a Declaration of Exemption to the Chapter 343, HRS environmental compliance requirements for this project as it falls under DOFAW's Exemption Class 1, No. 3:

“Repair and maintenance of existing DOFAW program area fences; includes boundary, enclosure and exclosure fences, wildlife water units, checking stations, water pumps, nesting areas, aviaries and yards.”

RECOMMENDATIONS:

That the Board:

- 1) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for the Waianae Kai Forest Reserve Fence Repair project.
 - 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 contracts for goods and services, subject to the availability of funds and approval by the Department of the Attorney General.

- 3) Approves:
 - a. A Declaration of Exemption to Chapter 343, HRS environmental compliance requirements for the Waianae Kai Forest Reserve Fence Repair project.

Respectfully submitted,



PAUL J. CONRY,
Administrator

APPROVED FOR SUBMITTAL:



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