

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

December 13, 2019

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 REDUCING BARN OWL AND OTHER PREDATOR PRESENCE IN AND AROUND ENDANGERED SEABIRD COLONIES ACROSS THE ISLANDS OF KAUAI AND LEHUA

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION FROM CHAPTER 343, HAWAI'I REVISED STATUTES, ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE SUBJECT PROJECT

BACKGROUND

The islands of Kauai and Lehua are the last refuges for many rare species of endangered seabirds, which are threatened by extinction due to invasive predators like barn owls. The National Fish and Wildlife Federation has awarded the Division of Forestry and Wildlife (DOFAW) a grant to form a "Rapid Response Unit" to respond to episodic predator activity in and around nesting areas, reduce predation impacts by other predators on Laysan albatross, and use nest monitoring data to assess the efficacy of control efforts. This project is unique due to the evolving and myriad technologies available for predator control, and the requirements for trained and experienced animal removal staff. DOFAW requires contractual assistance to fulfill these grant deliverables and seeks approval to use the competitive sealed proposal process for this unique project.

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 (RFP) 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 Hawaii Administrative Rules (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. DOFAW recommends the use of an evaluation committee for the selection of the proposals which will allow for an objective review, evaluation, ranking and selection of the most qualified proposals for the program. 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:

Sheri Mann, DOFAW Kauai Branch Manager
Emma Yuen, DOFAW NEPM Program Manager
Christopher Mottley, DOFAW Kauai Natural Area Reserves Specialist

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, HAWAII REVISED STATUTES – ENVIRONMENTAL ASSESSMENT

DOFAW activities conducted under the terms of this RFP include minor actions that will probably have minimal or no significant effects on the environment and are exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS and Chapter 11-200-8, Hawai'i Administrative Rules, under the Department's following exemption class (Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the

Environmental Council on June 5, 2015):

Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation.

RECOMMENDATION:

That the Board:

1) Approve the use of:

- a. A competitive sealed proposal for solicitation of a qualified contractor to reduce barn owl and other predator presence in and around endangered seabird colonies across the islands of Kauai and Lehua.
- b. An evaluation committee comprised of the individuals identified above (or alternates with similar knowledge) to serve, evaluate and select the competitive sealed proposals.

2) Delegate authority to the Chairperson to:

- a. Award, execute and extend contracts for goods and services, subject to annual availability of funding, annual budget procedures and approvals, and approval as to form by the Department of the Attorney General.

3) Approve a declaration of exemption from the requirement of Chapter 343, Hawai'i Revised Statutes to prepare an environmental assessment for the actions proposed in this RFP.

Respectfully submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources