

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

January 10, 2020

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE
CHAIRPERSON TO: 1) APPROVE, PROCURE, AWARD, SIGN,
EXECUTE, AMEND, AND EXTEND CONTRACTS VALUED LESS
THAN \$1,000,000 PROCURED THROUGH CHAPTER 103D HAWAII
REVISED STATUTES; 2) DECLARE THESE CONTRACTS EXEMPT
FROM THE PREPARATION OF AN ENVIRONMENTAL
ASSESSMENT (EA) OR APPROVE AN ENVIRONMENTAL
ASSESSMENT AND ISSUE A FINDING OF NO SIGNIFICANT
IMPACT, IF APPROPRIATE**

BACKGROUND:

This submittal requests delegation of authority to the Chairperson to approve contracts procured through the Hawaii Public Procurement Code (Ch. 103D, Hawaii Revised Statutes). On May 14, 2004, a submittal for a broader delegation for all contracts was deferred by the Board, with minutes noting that the Board requested more information on the procurement process. On April 13, 2017, the Board approved a requested delegation for contracts under \$500,000, excluding contracts procured through 103D-303, Hawaii Revised Statutes: Competitive Sealed Proposals. This submittal seeks the inclusion of competitive sealed proposals in the delegation, and increases the threshold for Board review to \$1,000,000. This submittal applies to all Divisions within DLNR.

Under Chapter 171, Hawaii Revised Statutes (HRS), the Board is given the powers and functions granted to the heads of departments for activities such as entering contracts and may delegate those powers and duties to the Chairperson or employees of the Department. The contracting process involves multiple reviews and approval processes including the initial budgeting process, legislative appropriation, administrative release of funds, compliance with Chapter 343, HRS, certification of funds by the Comptroller, approval as to form by the Attorney General, and finally approval by the Chairperson.

Chapter 103D is the standard procurement code for the State which has provisions for ethical, competitive, and public source selection processes that are subject to audits and oversight. The

Department's Divisions and Offices enter into numerous contracts for goods and services, professional services, and construction. Contracts could include rental and purchase of equipment and vehicles, purchase of supplies and materials, repairs and maintenance of facilities and equipment, and construction work. The procurement of these contracts are necessary to implement the natural and cultural resource management activities of the Department or to carry out administrative functions. This submittal requests that contracts under \$1,000,000 be delegated to the Chairperson to sign for procurements under Ch. 103D. In effect, this would streamline the contracting process for procurements. This includes both Invitation For Bid (IFB) projects as well as those procured through the Request for Proposal (RFP) process. The RFP process involves basing an award on other evaluation factors in addition to price.

DISCUSSION:

Exhibit 1 is a list of recommended actions that have received Board approval to delegate authority to the Chairperson to approve contracts in calendar year 2019. Since projects procured by IFBs are already delegated, this list only includes the RFP projects, and excludes projects over \$1,000,000. Authorizing the Chairperson to review and approve contracts at the Department level will increase the efficiency and speed of the procurement process. This will also reduce the volume of routine procurement matters going to the Board. In general, these requests to the Board do not attract testimony and pass unamended.

The Chairperson, Divisions, and Offices would retain the discretion to continue to submit any contract for Board approval to keep the Board informed of program development or provide additional public forum for information and discussion on the project.

It is noted that certain contracts are not covered in the scope of this submittal because they implement programs that statutorily have different source selection processes that require Board approval. Some examples are the Legacy Land Conservation Program (Ch. 173D), the Natural Area Partnership Program (Ch. 195), and the Forest Stewardship Program (Ch. 195F).

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

All projects will comply with applicable provisions of HRS Chapter 343, and Title 11, Chapter 200, Hawaii Administrative Rules (HAR). We ask the Board to delegate to the Chairperson the authority to declare a project exempt from the preparation of an EA, or to approve an EA and issue a FONSI, for projects in which an EA was prepared and resulted in such findings. All projects for which an environmental impact statement (EIS) was prepared will be presented to the Board. Findings of no significant impact as well as declarations of exemptions are publicly disseminated by regularly scheduled filings to the Office of Environmental Quality Control.

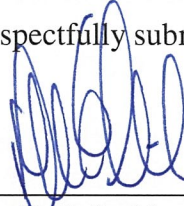
RECOMMENDATION:

That the Board of Land and Natural Resources:

- 1) Delegate authority to the Chairperson to approve, sign, execute, amend, and extend contracts valued less than \$1,000,000 procured through Chapter 103D, Hawaii Revised Statutes.

- 2) Delegate authority to the Chairperson to declare a project covered by this request exempt from the preparation of an EA or to approve an EA and issue a FONSI, if appropriate, and authorize the Chairperson to sign the necessary documents pertaining to the individual project to make such a declaration.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Attachment

Exhibit 1: Request for Proposal (RFP) Contracts Under \$1,000,000 that Sought Board Approval in 2019

March 22, 2019

C4: Request for approval for selection of a competitive sealed proposal process for a forest inventory at the Kapāpala Koa Canoe Management Area, Ka'ū District, Hawai'i County, Tax Map Key: (3) 9-8-001:014

April 12, 2019

C1: Amend Prior Board Action of December 14, 2018, Agenda Item C-6, which Authorizes the Chairperson to Enter into a Contract with Trailhead Labs, Inc. for five years, for the creation, deployment and maintenance of two mobile applications for the State of Hawaii hunting program and for the trails and access program in the amount of \$144,000.

The purpose of the amendment is to reflect the correct Contract amount of \$144,999.00.

April 26, 2019

C4: Request Approval to Negotiate and Sign a Contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

C5: Amend prior Board action of July 13, 2018 Item C-2 Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract(s) to furnish Helicopter Transportation Services for Department of Land and Natural Resources, Division of Forestry and Wildlife

F3: Request for Approval to Enter into a General Funded Contract for Goods and Services based upon Competitive Sealed Bids, not to Exceed \$260,000.00, between the Department of Land and Natural Resources (DLNR) and Hui O Ho'ohonua, to provide Services to Remove and Dispose of Mangrove and other Non-Native vegetation in the Honouliuli Stream in order to Minimize and Mitigate Flooding Impacts, Improve Water Quality by increasing flow and protect and enhance fish and wildlife; Declaration of Exemption for Contract Actions under HRS Chapter 343, and HAR Chapter 11-200.

July 12, 2019

C1: Request Approval for Selection of the Competitive Sealed Proposal Process and Authorize the Chairperson to Award, Execute, and Extend Contracts for the Implementation of Watershed Management Plans and Projects that Support Native Ecosystem Protection and Management for Fiscal Years 2020-2021.

December 13, 2019

C1: 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