

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, HI 96813

July 8, 2022

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

Delegation of Authority to the Chairperson to: (1) Procure, Award and Enter Into Professional Service Consultant Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds; (2) Declare a Construction Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and (3) Approve, Procure and Enter Construction Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds

The Engineering Division and other Departmental Divisions desire to implement and execute operating budget and/or Capital Improvements Program (CIP) projects by engaging consultants to provide various professional services and contractors to provide construction services for such projects. Operating budget projects, include, but are not limited to, repair and maintenance, emergency response, hazard mitigation, or other types of work necessary for program or land management purposes. CIP projects are indicated and described, but not limited to, those listed in Exhibit 1. The list is arranged by Division and the Program ID in which the funds were appropriated.

DISCUSSION:

The General Appropriations Act of 2021 and Supplemental Appropriations Act of 2022, and other appropriations for which funds have not lapsed, authorize the expenditure of funds for the various projects.

The implementation of projects will comply with Budget Execution Policies issued by the Governor through the Department of Budget and Finance.

All procurements will be made in accordance with the State Procurement Code, Hawaii Revised Statutes (HRS) Chapter 103D. Professional service consultants will be procured in accordance with HRS Chapter 103D-304, and contracted to perform feasibility or planning studies, or other services. We request the Board to delegate authority to the Chairperson to approve, procure and enter contracts for such professional services.

All projects will comply with applicable provisions of HRS Chapter 343, and Title 11, Chapter 200.1, Hawaii Administrative Rules (HAR), regarding environmental impact statements. We request the Board to delegate to the Chairperson the authority to declare applicable projects exempt from the preparation of an environmental assessment (EA), or to approve an EA and issue a Finding of No Significant Impact (FONSI), for projects in which an environmental assessment is prepared and result in such findings. As provided in the HAR, there are requirements for each agency to submit its exemption notices and EA/FONSIs to the State of Hawaii Office of Planning and Sustainable

Development's Environmental Review Program for publication in its periodic bulletin. All projects for which an environmental impact statement (EIS) is prepared will be presented to the Board.

To move projects into the construction phase, we request that the Board delegate authority to the Chairperson to approve, procure and enter contracts for construction projects that do not require an EIS.

We also request the Board to authorize the Chairperson to sign supplemental agreements for professional services or construction contracts, and to enter into and execute any other documents or agreements, including but not limited to rights of entry or permit applications, related to the implementation of the projects, if necessary and appropriate.

RECOMMENDATION:

1. That the Board delegate authority to the Chairperson to procure, award and enter into professional service consultant contracts and, if necessary, supplemental agreements, in accordance with HRS Chapter 103D for various projects that are funded with CIP funds as listed in Exhibit 1, or operating budget funds, and to enter into and execute any other documents or agreements to implement the approved projects, subject to available funding, release of funds by the Governor, and review and approval as to form by the Department of the Attorney General.
2. That the Board delegate authority to the Chairperson to declare a construction project covered by this request exempt from the preparation of an EA or to approve an EA and issue a FONSI, if appropriate.
3. That the Board delegate authority to the Chairperson to approve, procure, award and enter construction contracts and, if necessary, supplemental agreements, in accordance with HRS Chapter 103D for the various construction projects that are funded with CIP funds as listed in Exhibit 1, or operating budget funds, and to enter into and execute any other documents or agreements to implement the approved projects, subject to available funding, release of funds by the Governor, and review and approval as to form by the Department of the Attorney General.

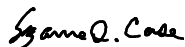
Respectfully Submitted,



CARTY S. CHANG
Chief Engineer

Attachment: Exhibit 1

APPROVED FOR SUBMITTAL:



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