

**BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU
REQUEST FOR EXEMPTION FROM
CHAPTER 103D**

DATE: July 1, 2020

TO: ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer

VIA: Procurement Office *YH*

FROM: ERWIN KAWATA
Program Administrator
Water Quality Division

RE: REQUEST FOR EXEMPTION FROM CHAPTER 103D TO
PROVIDE SANITARY SURVEY INSPECTION OF WATER
SYSTEM AND FACILITIES SERVICES

Pursuant to §103D-102(b)(4)(L), Hawaii Revised Statutes (HRS) and §3-120-5, Hawaii Administrative Rules (HAR), I am recommending that an exemption be granted from the solicitation process under the provisions of Chapter 103D, HRS, to select a contractor to award a contract to provide Sanitary Survey Inspection of Water System and Facilities Services to the Board of Water Supply (BWS).

Vendor Name & address: Brown and Caldwell
737 Bishop Street
Pacific Guardian Center – Mauka Tower
Honolulu, HI 96813-4020

Amount of the contract: \$5,000,000.00 (Initial term of 5 years, \$1,000,000 per year. Years 2 through 5 are subject to appropriation and availability of funding.)

Prior exemption contract numbers: None

A. Background:

The BWS is establishing a sanitary survey inspection program to annually inspect its water facilities beyond the surveys conducted by the Hawaii Department of Health (DOH). The purpose is to complement and enhance current department practices to ensure optimum performance and operating condition of all BWS water production, treatment and storage facilities.

Federal regulations require the DOH to conduct sanitary surveys of water systems (40 CFR §141.401). Groundwater systems, like BWS, must provide access and information to enable the DOH to conduct sanitary surveys (40 CFR §141.401). This project is to augment the regulatory surveys performed by DOH and ensure BWS sources, treatment, storage and water distribution system is continually compliant with all sanitary survey requirements and protects public health and welfare through the delivery of safe drinking water.

The BWS operates over 400 facilities. To annually inspect each one the vendor must have extensive experience, knowledge and capacity to conduct inspections of potable water utility systems; implement and comply with federal and state drinking water and sanitary survey regulations; expertise with the design and operation of public drinking water systems and; expertise with all Occupational Health and Safety Administration (OSHA) and Hawaii Occupational Safety and Health Division (HIOSH) regulations and requirements including the use of safety equipment, personal protective equipment, fall protection, and the operation of heavy equipment.

B. Describe how procurement by competitive means is neither practicable nor advantageous to the Board of Water Supply (BWS)

On January 2, 2020, BWS posted a notice for professional services pursuant to §103D-304, HRS, to procure a vendor to perform the work. BWS received two responses by the February 7, 2020 due date.

Given the project complexity, knowledge and resources required, the continued solicitation pursuant to §103D-304, HRS, is not expected to produce the required three qualified vendor submittals. It is highly unlikely that the use of a request for competitive proposals pursuant to §103D-303, HRS, would yield more responses than was received when the BWS posted the request for qualifications pursuant to §103D-304, HRS. Additionally, qualifications and experience are the main determining factors in selecting a vendor rather than price and as such, the use of the competitive sealed bid selection process pursuant to §103D-302, HRS is not practicable.

Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable

BWS will engage in direct negotiations with qualified vendors to define the scope of work and a reasonable cost proposal for the services required.

Accordingly, I recommend your approval to award a contract to Brown and Caldwell to provide Sanitary Survey Inspection of Water System and Facilities Services to the Board of Water Supply which will be exempt from the solicitation process of Chapter 103D, HRS. §103D-310(c), HRS, and §3-122-12, HAR (Responsibility of Offerors) shall apply. The

application of this exemption will be limited to these facts and circumstances and may not be used as precedence to award any other contracts.

I certify that the information provided above is to the best of my knowledge, true, correct.

Erwin Kawata
Requestor

Erwin Kawata
Division Head

July 1, 2020
Date

July 1, 2020
Date

Direct Questions to: Erwin Kawata

Phone: (808) 748-[REDACTED]

Date of Public Notice posting: JUL 2 2020

JUL 1 0 2020

APPROVED AS RECOMMENDED / NOT APPROVED

[Signature]
ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer RN

07/10/2020
Date

APPROVED AS TO AVAILABILITY OF FUNDS

2021-820-3021 (C21525001)
(5250.4270)

[Signature]
FINANCE M. T. [Signature]

7/2/20
Date

REVIEWED AS TO PROCUREMENT FORM

[Signature]
PROCUREMENT OFFICE

7/6/2020
Date [Signature]

**BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU**

July 2, 2020
(Date Notice Posted)

**NOTICE OF REQUEST FOR EXEMPTION FROM CHAPTER 103D HAWAII REVISED
STATUTES**

The Manager and Chief Engineer is reviewing a request for exemption from Chapter 103D, Hawaii Revised Statutes (HRS), to award a contract to Provide Sanitary Survey Inspection of Water System and Facilities Services.

The award shall be made to:

Name of Vendor: Brown and Caldwell

Address of Vendor: 737 Bishop Street, Suite 3000
Pacifica Guardian Center – Mauka Tower
Honolulu, Hawaii 96813-4020

Cost: Estimated \$5,000,000.00

Term of Contract: 5 years

Direct any inquiries to: Kathryn Hoffman

Address: Board of Water Supply
Procurement Office
630 S. Beretania St.
Honolulu, HI 96843

Telephone No.: (808) 748-5071

Submit written objection(s) to this Notice of Intent to Issue an Exemption from Chapter 103D, HRS within seven (7) calendar days from the date this notice was posted to:

Manager and Chief Engineer
Board of Water Supply
630 S. Beretania St.
Honolulu, HI 96843

Telephone No. (808) 748-5071