

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

June 8, 2012

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 Implementation of Watershed Partnership Management Plans Statewide for FY 2013

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 watershed management for FY 2013 under RFP WP13.

BACKGROUND

As authorized by HRS Section 247-7, the Natural Area Reserve Fund provides funds for the implementation of projects undertaken in accordance with watershed management plans negotiated with private landowners. The 2012 State Legislature authorized the expenditure of funding to implement DLNR's Watershed Initiative utilizing departmental Special Funds as outlined in HB2012:

"Section 134. Provided that of the special fund and general obligation bond fund appropriations for the department of land and natural resources, natural area reserves and watershed management (LNR 407), the sum of \$2,500,000 in special funds and the sum of \$2,500,000 in general obligation bonds or so much as may be necessary for fiscal year 2012-2013 shall be expended for watershed initiatives statewide to encourage public and private partnerships that enhances both public and private interests; and provided further that the department of land and natural resources shall submit a report to the legislature detailing the expenditure plan for watershed related appropriations no later than September 1, 2012; and provided further that the department of land and natural resources shall prepare a report detailing the implementation of the watershed initiative to include the following:

- (1) Progress on the implementation of the program with the use of state funds, including general obligation bond funds and special funds;
- (2) Information on obtaining and using other available funding sources and efforts to obtain additional
- (3) An updated expenditure and implementation plan;

- (4) Contributions from private landowners, both financial and in-kind, for the current fiscal year and a schedule of future commitments made by private landowners; and
- (5) Discussion of achievements and challenges encountered in advancing the initiative; and provided further that the department shall submit the report to the legislature no later than thirty days prior to the convening of the 2013 regular session."

Proposals will be due by mid-July, allowing DOFAW to complete the evaluation process and post notices of awards to meet the Legislature's deadline of September 1, 2012 for a detailed expenditure report. Contracts will be awarded to the proposals that provide protection for important watershed forests, based on evaluation criteria specified in the RFP. Managed by DOFAW's Watershed Partnership Program, these projects have been funded annually since 2005.

Projects to be implemented with the additional \$2.5 million in general obligation bond (C.I.P.) funding will be contracted through a separate process. A list of projects has been compiled by Department staff and a request to the Governor for release of those funds is being drafted. Procurement will proceed once the funds are released.

DISCUSSION

Funding will be provided for the following management actions that will affect areas identified as priority watersheds by DLNR's "Rain Follows the Forest" Plan:

1. Construction of watershed protection fences.
2. Maintenance and inspection of existing watershed protection fences.
3. Ungulate control within fenced areas according to an ungulate control plan with a timeline approved by the Division of Forestry and Wildlife.
4. Control of priority invasive weed species in core and buffer areas identified by management plans approved by the Division of Forestry and Wildlife.
5. Prevention and control of incipient invasive species that have a high potential to spread into priority watershed areas.
6. Development of biocontrol agents for targeted habitat modifying weeds.
7. Interagency coordination and infrastructure for priority areas threatened by fire.
8. Revegetation with native plants within fenced areas.
9. Completion of compliance documents necessary to implement ungulate management, weed control and/or fence construction.
10. Outreach and education focused on watershed improvement, including internships and training
11. Coordination of watershed management activities.
12. Other activities prioritized by watershed management plans.

Evaluation criteria will include the following:

1. Number of acres to be fenced in areas identified as priority watersheds by DLNR's "Rain Follows the Forest" Plan (hereafter referred to as "priority watersheds").
2. Number of acres in priority watersheds affected by proposed management actions such as fence maintenance, fire infrastructure, feral animal removal and invasive species control.
3. Number of people affected by outreach and educational activities.

4. Evidence of inclusion of public and private partners in management actions and proposal writing.
5. Evidence of support from the local Division of Forestry and Wildlife's Branch Manager, the Invasive Species Committee Coordinator, and the Watershed Partnership Coordinator
6. Percentage of funding obtained from Federal, County, or Private sources
7. Leveraging efforts of multiple programs or agencies (in-kind contributions).
8. Demonstrated method for monitoring, analyzing and reporting outcomes to direct future management strategies
9. Ability to complete proposed actions by June 30, 2014

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 which will allow for an objective review, evaluation, ranking and selection of the most qualified proposal 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:

Lisa Ferentinos, DOFAW Watershed Planner
Robert Hauff, DOFAW Forest Health Coordinator
Joshua Atwood, Hawaii Invasive Species Committees Coordinator
Melissa Sprecher, DOFAW Forester
Scott Fretz, DOFAW Wildlife Biologist
Gordon Tribble, US Geological Survey
John Price, UH Hilo and Natural Area Reserves Commission
Jennifer Higashino, US Fish and Wildlife Service
William Tam (or delegate), Commission on Water Resource Management

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, the committee will be reduced in size or 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 Compliance

At its July 22, 2011 meeting, the Board authorized the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements, including approval of declarations of exemptions, as applicable, for Watershed Partnership Program projects.

RECOMMENDATIONS:

That the Board:


- 1) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for FY 2013 Watershed Management (RFP WP13).
 - 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.

Respectfully submitted,



PAUL J. CONRY,
Administrator

APPROVED FOR SUBMITTAL:



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