


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

DATE: September 19, 2008

TO: Clifford P. Lum
Manager and Chief Engineer

VIA: Procurement Office

FROM: Jason Takaki 
Acting Head of Capital Projects - Engineering Branch

RE: Request for Exemption from Chapter 103D to Process a Change Order to the Kapiolani Boulevard Water and Sewer System Improvement Project.

Pursuant to Section 103D-102(b)(4), Hawaii Revised Statutes (HRS) and Subchapter 9, Chapter 3-120 of the Hawaii Administrative Rules (HAR), I am recommending that an exemption be granted from the provisions of Chapter 103D, HRS, to process a change order to the Kapiolani Boulevard Water and Sewer System Improvement Project for curb-to-curb repaving of Kapiolani Boulevard from Kalakaua Avenue to Ward Avenue, which includes, but is not limited to, spot reconstruction along the roadway and intersections, manhole adjustment, striping, traffic loop detectors, and any traffic control related activities.

Vendor Name & address: Frank Coluccio Construction Co.
91-141 Kalaeloa Blvd.
Kapolei, HI 96707

Amount of the Change Order: Approximately \$4,100,000.00

Term of the Change Order: Approximately 270 days.

Prior exemption contract numbers: None

A. Background:

In 2006, the Department of Environmental Services, City and County of Honolulu ("ENV") desired to rehabilitate and repair the Kapiolani Trunk Sewer and its laterals and side sewers along Kalakaua Avenue, Kapiolani Boulevard and Kamakee Street between Kapiolani Boulevard and Auahi

Street, and construct a force main along Kalakaua Avenue between the Ala Wai Pedestrian Bridge and Kapiolani Boulevard. Likewise, the Board of Water Supply, City and County of Honolulu ("BWS") desired to construct a 12-inch Water Main along Kapiolani Boulevard, from Ward Avenue to Kalakaua Avenue, and along Atkinson Drive. Additionally, the Department of Design and Construction ("DDC") desired to construct ADA-compliant curb ramps and associated electrical work along portions of Kapiolani Boulevard and portions of Atkinson Drive to conform to the City's ADA Transition Plan Relating to Curb Ramps. Thus, to minimize construction impacts along Kapiolani Boulevard, Kalakaua Avenue, Kamakee Street, and Atkinson Drive, ENV, BWS and DDC (collectively, the "Parties") combined each of their respective projects into the Kapiolani Boulevard Water and Sewer System Improvement Joint Project ("Project").

The Parties agreed that the BWS would procure, contract for and manage the Project. To that end, the BWS solicited bidders for the Project through a competitive sealed bidding process, in accordance with HRS Chapter 103D. The lowest bid was submitted by Frank Coluccio Construction Co. ("Coluccio"), and the BWS entered into a construction contract with Coluccio on March 29, 2006 to construct the Project.

At the current time, the Project is almost complete. However, the City and County of Honolulu ("City") desires to expand the Project to include curb-to-curb repaving of six lanes along Kapiolani Boulevard from Kalakaua Avenue to Ward Avenue. The City is seeking this expansion because of the expedited deteriorated condition of Kapiolani Boulevard that may have resulted from (1) the funneling of traffic along Kapiolani Boulevard from six lanes to three lanes during the course of the Project, and (2) the constant traversing and storage of heavy construction equipment along Kapiolani Boulevard during the course of the sixteen month Project. Additionally, rehabilitation of the roadway is deemed necessary to provide an acceptable roadway condition and smooth riding surface for the public once the Project is completed.

B. Describe how procurement by competitive means is neither practicable nor advantageous to the Board of Water Supply and the City and County of Honolulu

Kapiolani Boulevard is a heavily traveled roadway that serves as a main thoroughfare between Waikiki and downtown Honolulu. It is six lanes wide and fronts numerous businesses and residential apartments. Thus, when any lane along Kapiolani Boulevard is closed, the motoring public experiences significant inconvenience and delay. Additionally, local businesses suffer from restricted access by their customers.

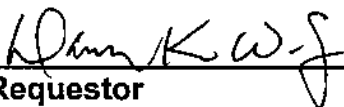
The initial Project scope includes the repaving of one lane and other related repaving activities. To perform this work, at least two lanes along Kapiolani Boulevard would experience closure and traffic flow alterations. Thus, given the deteriorated condition of all six lanes of Kapiolani Boulevard, it is neither practicable nor advantageous for the BWS and/or the City to delay the repaving of the remaining lanes of Kapiolani Boulevard at a later date. The parties all agree that in an effort to continue to minimize the inconvenience to the motoring public, local businesses and residents along Kapiolani Boulevard, the curb-to-curb repaving should be added as a change order to the existing Project.


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

A change order/modification will be processed for the current Kapiolani Boulevard Water and Sewer System Improvement contract with Coluccio (Contract No. C57826) and, as such, all of the terms and conditions of the original contract will apply to the additional work performed.

Accordingly, I recommend your approval to exempt from the provisions of Chapter 103D, HRS, the processing of a change order to the Kapiolani Boulevard Water and Sewer System Improvement Project for curb-to-curb repaving of Kapiolani Boulevard from Kalakaua Avenue to Ward Avenue, which includes but is not limited to, spot reconstruction along the roadway and intersections, manhole adjustment, striping, traffic loop detectors, and any traffic control related activities. 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.


Requestor


Division Head

SEP 19 2008
Date

SEP 19 2008
Date

Direct Questions to: Kathryn Kanemori

Phone: (808) 748-5078

Date of Public Notice posting: September 19, 2008

APPROVED AS RECOMMENDED NOT APPROVED



CLIFFORD PLUM
MANAGER AND CHIEF ENGINEER

9/30/08

Date

APPROVED AS TO AVAILABILITY OF FUNDS
City to fund.



PAUL KIKUCHI
CHIEF FINANCIAL OFFICER

09/30/08

Date

REVIEWED AS TO PROCUREMENT FORM



KATHRYN KANEMORI
PROCUREMENT & SPECIFICATIONS
OFFICER

9/19/08

Date

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

September 19, 2008
(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 to process a change order to the Kapiolani Boulevard Water And Sewer System Improvement Project.

The award shall be made to:

Name of Vendor: Frank Coluccio Construction Co.

Address of Vendor: 91-141 Kalaeloa Blvd.
Kapolei, HI 96707

Cost: Approximately \$4,100,000.00

Term of Contract: Approximately 270 days

Direct any inquiries to: Kathryn Kanemori

Address: Board of Water Supply
Engineering Branch
630 S. Beretania St.
Honolulu, HI 96843

Telephone No.: (808) 748-5078

Fax Telephone No.: (808) 550-9193

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) 748-5078

103D Exemption Reference No.: BWS 09-01