

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

DATE: APRIL 30, 2021

TO: Ernest Y.W. Lau, P.E.
Manager and Chief Engineer

FROM: Raelynn Nakabayashi
Executive Assistant I
Executive Support Office



RE: REQUEST FOR EXEMPTION FROM CHAPTER 103D FOR
ENVIRONMENTAL LAW LEGAL SERVICES

Pursuant to §103D-102(b)(4)(L), Hawaii Revised Statutes (HRS) and §3-120-5, Hawaii Administrative Rules (HAR), I recommend that an exemption be granted from the source selection process under the provisions of Chapter 103D, HRS, to select a law firm with expertise in environmental law matters to provide environmental law services to the Board of Water Supply (BWS).

Vendor Name & address: Kobayashi Sugita Goda, LLP
999 Bishop Street, Suite 2600
Honolulu, Hawaii

Amount of the contract: Time and Materials not to exceed \$50,000

Prior exemption contract numbers: None

A. Background:

The BWS desires to retain a qualified law firm with expertise in the area of Environmental Law to provide legal services to the BWS including but not limited to representing the BWS in legal and administrative proceedings, assist with research, filings and other related services as they relate to water rights.

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

On April 30, 2020, pursuant to §103D-304(b), HRS, the BWS posted its Annual Notice to Providers of Professional Services inviting professional firms to submit statements of qualification to provide services to the BWS for its anticipated professional service needs for Fiscal Year 2021 (Annual Notice). The BWS received six (6) responses to its Annual Notice for Project Category 21-33ES Legal Services. On April 14, 2021 the BWS requested that all six (6) qualified firms submit supplemental information demonstrating their expertise in Environmental Law. As of April 19, 2021, the deadline to respond, only one of the firms, Kobayashi Sugita Goda LLP submitted supplemental information for consideration. With only one firm demonstrating experience in Environmental Law, the BWS lacks the minimum number of submittals to be able to award a contract for legal services pursuant to §103D-304, HRS.


The current water rights issue may involve complex legal research and filings and as such, the BWS requires the services of an experienced Environmental Law attorney to assist with the matter and timely comply with the rules and filing deadlines. Given the potential complexity of the matters, the knowledge and resources required, and the immediate need for services, it is not in the BWS's best interest to post a special professional service solicitation for Environmental Law services pursuant to §103D-304, HRS. Additionally, it is not practicable select a firm to represent the BWS in this matter using a competitive sealed bidding, small purchase, or competitive sealed proposal source selection methods.

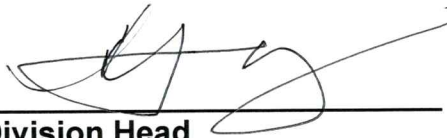
Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable

Kobayashi, Sugita & Goda, LLP (KSG), is one of six (6) law firms that submitted qualifications in response to the BWS Annual Notice for professional services and was the only firm that responded to BWS's request for supplemental information demonstrating Environmental Law expertise.

Accordingly, I recommend your approval to award a contract to Kobayashi, Sugita & Goda, LLP, to provide Environmental Law services and represent the Board of Water Supply in future hearings, meetings and litigation that may arise in this matter. The exemption is only from applying the source selection provisions of Chapter 103D, HRS. §103D-310(c), HRS, and §3-122-12, HAR (Responsibility of Offerors) shall apply to the contract awarded. 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
4/30/21


Division Head
4/30/21

Date

Date

Direct Questions to: Raelynn Nakabayashi Phone: (808) 748-5177


Date of Public Notice posting: APRIL 30, 2021 to MAY 11, 2021

APPROVED AS RECOMMENDED / NOT APPROVED


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

5/11/2021
Date RN

APPROVED AS TO AVAILABILITY OF FUNDS 2021-820-3021 (C21511006)


FINANCE

4/30/21
Date
MHL
4/30/21

REVIEWED AS TO PROCUREMENT FORM


PROCUREMENT OFFICE

5/10/2021
Date

PROCUREMENT
FORM
2021
3



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

CERTIFICATE OF VENDOR COMPLIANCE

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer Affairs

Vendor Name: KOBAYASHI, SUGITA & GODA

DBA/Trade Name: KOBAYASHI, SUGITA & GODA, LLP

Issue Date: 05/14/2021

Status: Compliant

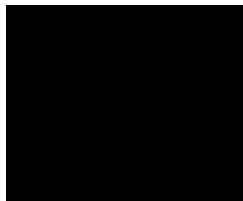
Hawaii Tax#:

New Hawaii Tax#:

FEIN/SSN#:

UI#:

DCCA FILE#:



Status of Compliance for this Vendor on issue date:

Form	Department(s)	Status
A-6	Hawaii Department of Taxation	Compliant
8821	Internal Revenue Service	Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Compliant
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

Status Legend:

Status	Description
Exempt	The entity is exempt from this requirement
Compliant	The entity is compliant with this requirement or the entity is in agreement with agency and actively working towards compliance
Pending	A status determination has not yet been made
Submitted	The entity has applied for the certificate but it is awaiting approval
Not Compliant	The entity is not in compliance with the requirement and should contact the issuing agency for more information