

NOTICE OF REQUEST FOR EXEMPTION FROM HRS 103D
COUNTY OF KAUAI

The Director of Finance has received a Request For Exemption from Chapter 103D, HRS, in accordance with Hawaii Administrative Rule 3-120-5. A preliminary review has been conducted and approved for posting of this Notice.

Accordingly, by posting of this Notice, constructive notice is provided to permit interested parties an opportunity to review a copy of the Request For Exemption from Chapter 103D, HRS, attached and posted herewith, and to submit written objections within seven (7) days from the date this Notice was posted. Objections shall be submitted to:

COKPurchasing@kauai.gov

Questions may be directed to the Division of Purchasing at phone: (808) 241-4288, or Email: COKPurchasing@kauai.gov.

A summary of the Request For Exemption from Chapter 103D, HRS, follows:

Proposed Vendor's Name and Address:

Kauai Concrete and Rock
PO Box 269
Lawai, HI 96765

Proposed Procurement Item:

Purchase Toxicity Characteristic Leaching Procedure (TCLP) tested soil for pickup. Cost includes loading of material for the Kekaha landfill from Kaua'i Concrete.
(See Attached)

BY: Cienna Barretto
Division of Purchasing

Date Notice Posted: October 20, 2025

SPACE BELOW IS RESERVED FOR RESPONSE TO REQUESTING AGENCY

TO: Public Works / Solid Waste

☒ Exemption # _____ is assigned. This Notice was posted for seven (7) days. No objections were received. Please proceed with (1) processing of a requisition for a purchase order, or (2) contract preparation with the County Attorney's Office.

☐ Objection(s) were received. Please contact the Division of Purchasing.

Division of Purchasing

Date

DIVISION OF PURCHASING
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: DIVISION OF PURCHASING

FROM: Public Works / Solid Waste
(Dept or Agency) (Div)

10/14/2025
Date

Pursuant to Chapter 3-120-5, HAR, the Department requests a procurement exemption to purchase the following:

I. DESCRIPTION OF PROPOSED PROCUREMENT:

Purchase Toxicity Characteristic Leaching Procedure (TCLP) tested soil for pickup. Cost includes loading of material for the Kekaha landfill from Kaua'i Concrete.

\$20 per ton.

II. NAME/ADDRESS OF VENDOR:

Kaua'i Concrete and Rock
PO Box 269
Lāwa'i, HI 96765

III. ESTIMATED COST: \$75,000.00
Anticipating a ☐ Contract or ☒ PO.

IV. ESTIMATED TERM OF CONTRACT OR DELIVERY TIME:

One year on a as needed basis.

V. Explanation describing how procurement by competitive means is either not practical or not advantageous to the County:

The vendor is HCE compliant and has TCLP tested product available for pickup now. Other sources of soil would need to be tested to be accepted for use at the Kekaha landfill. The quarry operation is also set up to load soil into County trucks on a continuous basis during business hours.

VI. PROCUREMENT METHOD.

☒ Justification for vendor selection:

Vendor can provide TCLP tested material now and for a long term ongoing basis as part of their operations.

- ☒ Details of the **procurement method** to be followed in selecting the vendor to ensure maximum fair and open competition:

Multiple soil vendors on island have been contacted, and no one has tested material available for purchase at this time.

VII. If a recommendation of award is to be made by an evaluation committee, to include contract negotiation, who will conduct and manage the process:

- (1) Name, Title, and relevant experience or qualifications:

Allison Fraley, Solid Waste Division Chief, 25 years experience

- (2) Name, Title, and relevant experience or qualifications:

Keola Aki, Solid Waste Manager

- (3) Name, Title, and relevant experience or qualifications:

VIII. The vendor was/will be notified prior to soliciting or negotiating a price, that the applicable County General Terms and Conditions, or General Provisions for Construction Contracts, is applicable to this purchase: Yes ☐ No ☒.

Direct question to: Keola Aki Ph: 808-652-7548

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

Troy Tanigawa

Troy Tanigawa (Oct 17, 2025 11:30:50 HST)

(Department/Agency Head Signature)

Date

SPACE BELOW RESERVED FOR FINANCE DIRECTOR OR DESIGNEE:

APPROVED ☒ DENIED ☐

If approved, the following ☒ conditions apply:

- ☒ The furnishing and delivery of the items and/or services specified herein shall comply with this Request for Exemption in its entirety and with the General Terms and Conditions for Goods and Services, dated July 2016, which by reference is incorporated herein as though it were physically an integral part of this notice.

- ☒ The names of the persons recommended in Sections VII shall not be disclosed until after award of a contract.
- ☒ Seven (7) day internet posting by **Purchasing Division** required.
- ☒ Prior CPO approval is required for any contract amendment(s) that would change the scope of work of the original contract. (amendments are also subject to 7 day Internet posting by **Purchasing Division**)
- ☒ A copy of the approved request must accompany any solicitation and contract document submitted to the Purchasing Division for processing.
- ☒ Final approval of the negotiated contract by the Director of Finance is required.
- ☒ Tax clearance compliance is required as a pre-requisite to contract and for final payment (HRS 103-53)
- ☒ The contractor shall be informed of the requirements of **HRS 11-355 relating to the prohibition of campaign contributions by State and County Contractors during the term of the contract (Contact State Campaign Spending Commission: 808 586-0285; www.hawaii.gov/campaign).**

Ernest Barreira

Ernest Barreira (Oct 20, 2025 09:08:33 HST)

DIRECTOR OF FINANCE or Designee

Date

DIRECTOR OF FINANCE'S COMMENTS: