

**Conducting a Feasibility Study and Proposed
Alternatives Requiring Small Commercial Vessel
Owners and Operators to Adopt Salvage and Marine
Firefighting Plans;**

and,

**Completion of a National Fire Protection Association
(NFPA) 1925, Annex B, Determination of Need
Assessment**

BACKGROUND

The Department of Transportation, Harbors Division ("DOTH") amended HRS §266-22 during 2012 removing the requirement that the City and County of Honolulu ("City") maintain and operate the fireboat. Without the assurance that the DOTH will retain the City to provide the service, the City provided advance notice that it would cease operating and maintaining the fireboat effective June 30, 2014. Currently, there is no firefighting service offered by the DOTH.

In exploring alternatives for its firefighting service in DOTH harbors, the DOTH reviewed the United States Coast Guard (USCG) Navigation and Vessel Inspection Circular No. 2-10, Guidance for Implementation and Enforcement of the Salvage for regulated vessels ("NVIC No. 2-10"). NVIC No. 2-10 required owners and operators of regulated vessels (hereinafter "Large Commercial Vessels") to prepare response plans that identify contractors (hereinafter "Responders") who will provide vessel response service without delay to the risks identified in their vessel response plans, such as responses to vessel fires and explosion. The vessel response plans included shipboard spill mitigation procedures, shore-based response activities, vessel specific plans that outlined the vessel's towing capacity requirements, extinguishing agents, pumping capacity, marine firefighting resource provider certifications. On or after February 22, 2011, Hawaii's owners and operators of regulated vessels became compliant when their current plans expired and renewed to include the new measures in order to meet the requirements of NVIC No. 2-10.

NVIC No. 2-10 does not oversee compliance of certain vessels (hereinafter "Small Commercial Vessels") namely closely-packed commercial fishing boat fleets (>125 boats), dinner and excursion vessels, and a limited amount of in-transit recreational yachts that berth at the Harbors Division's nine (9) commercial harbors.

Recently, during February 2015 the F/V Judy K sank at its berth. The owner of the vessel passed and therefore the DOTH assumed responsibility to remove the Judy K from Honolulu Harbor. Costs to dispose of the Judy K ranged from \$130,000 to \$190,000. In light of the cost of disposing of the Judy K, NVIC No. 2-10 may be a model for the DOTH to consider and require owners and operators of Small Commercial Vessels to assume the responsibility and financial means for salvage and marine firefighting response for their vessels.

The DOTH believes that NVIC No. 2-10 created a marketplace for Responders. Responders have to be ready without delay to provide marine firefighting response to Large Commercial Vessels, including salvage. It may be feasible for Responders to respond to risks connected to Small Commercial Vessels and provide vessel response services to the owners and operators.

Scope of Work

I. Conducting a Feasibility Study and Proposed Alternatives Requiring Small Commercial Vessel Owners and Operators to Adopt Salvage and Marine Firefighting Plans.

A. Summary of Work.

The objective of conducting the Study and Proposed Alternatives Requiring Small Commercial Vessel Owners and Operators to Adopt Salvage and Marine Firefighting Plans is to determine the feasibility of owners and operators of Small Commercial Vessels operating in the 9 commercial ports of the Harbors Division to adopt and sustain similar vessel response plans as owners and operators of Large Commercial Vessels for risks that are applicable to Small Commercial Vessels.

The DOTH will provide a list of owners and operators of Small Commercial Vessels and other stakeholders to the Contractor. Small Commercial Vessels are namely closely-packed commercial fishing boat fleets (>125 boats), dinner and excursion vessels, and a limited amount of in-transit large recreational yachts. Additional stakeholders may include the USCG, Hawaii Longline Association, and the Hawaii Firefighters Union.

In conducting the feasibility study, the Contractor shall consider the following during its review, findings, conclusions and recommendations:

- The DOTH requiring owners and operators of Small Commercial Vessels to adopt and sustain similar vessel response plans as owners and operators of Large Commercial Vessels;
- DOTH could require owners and operators of Small Commercial Vessels to obtain insurance or other means to pay for the cost of a vessel response;
- Owners and operators of Small Commercial Vessels participating in an existing cooperative such as the Clean Island Council, if membership is permitted;
- Owners and operators of Small Commercial Vessels could form a separate cooperative to coordinate and provide the vessel response service; or,
- Any combination thereof or other means where owners and operators of Small Commercial Vessels can finance a vessel maritime firefighting response to include salvage.

- B. To accomplish the scope of work for the Conducting a Feasibility Study and Proposed Alternatives Requiring Small Commercial Vessel Owners and Operators to Adopt Salvage and Marine Firefighting Plans, the Contractor shall complete the following:
1. Review NVIC No. 2-10 requirement to understand the purpose, scope, and content of the USCG required vessel response plans of regulated vessels.
 2. Review up to three USCG approved vessel response plans; identify the Responders listed in the vessel response plans who provide salvage and marine firefighting, and other responses including explosion.
 3. The DOTH will provide the Contractor with a list of owners and operators of Small Commercial Vessels. The Contractor shall separate owners and operators of Small Commercial Vessels and group like owners and operators who have similar and compatible vessel operations and risks (e.g. commercial fishing boat fleet, dinner and excursion vessels, and a limited amount of in-transit recreational yachts). The Contractor shall meet with the DOTH for its institutional knowledge and perspective of the Contractor's stakeholders groupings.
 4. Contractor shall engage up to five owners and operators from each group of Small Commercial Vessels to:
 - a. Identify the risks each group of owners and operators of Small Commercial Vessels (e.g. fire, explosion, salvage, etc.) have on the DOTH continuous operations of the flow of commerce (e.g. obstruction to vessel operations in the navigable waters three (3) miles from the entrance and the harbors and within the harbors.)
 - b. Identify the current plans that owners and operators of Small Commercial Vessels have adopted and sustained (including firefighting, salvage response plans, passenger/crew rescue plans) that would reduce the risk that each group may have to DOTH operations to ensure the flow of commerce.
 - c. Identify the current methods that owners and operators of Small Commercial Vessels insure their vessels or other means to protect the value of their vessel (e.g. insurance, type of insurance coverage, etc.).
 - d. Assess and estimate the potential financial risk exposure to the DOTH because owners and operators of Small Commercial Vessels:

- i. Do not have a means to pay for a salvage and marine firefighting response; and,
- ii. May be under financed or under insured to pay for salvage and marine firefighting response.

The Contractor is not limited in the method to quantify the potential financial risk exposure. Contractor could quantify the potential financial risk by estimating the number of vessels that do not have the means to provide a vessel response times the range of costs (\$130,000 to \$190,000). Another example is to estimate the number of vessels that may be under financed or under insured vessels times the DOTH range of costs less the limit of the insurance. Estimates of the potential financial risk could also be estimated on Contractor's engagement with stakeholders in each grouping.

- 5. Determine the feasibility of owners and operators of Small Commercial Vessels adopting and sustaining similar vessel response plans as owners and operators of Large Commercial Vessels by:
 - a. Identifying and preparing a list of available contractors that provide marine firefighting and salvage services pursuant to NVIC No. 2-10;
 - b. Engage "Responders" identified in the vessel approved vessel response plans to determine whether the "Responders" are able to provide marine firefighting and salvage services to owners and operators of Small Commercial Vessels;
 - c. Determine the limits, if any, that "Responders" will provide response services to owners and operators of Small Commercial Vessels - the Contractor shall identify the type of risks and/or responses the "Responders" will provide to the owners and operators of Small Commercial Vessels, if any.
- 6. Develop, evaluate, and prepare alternatives that address the feasibility of owners and operators of Small Commercial Vessels adopting and sustaining similar vessel response plans as owners and operators of Large Commercial Vessel. The alternatives could include recommendations that the:
 - a. DOTH adopt rules similar to NVIC 2-10 requiring owners and operators of Small Commercial Vessels to prepare vessel response plans for risks associated with Small Commercial Vessels.

- b. Owners and operators of Small Commercial Vessels seek membership into an existing cooperative, or form a new cooperative to provide the salvage and marine firefighting response.
 - c. Owners and operators of Small Commercial Vessels arrange for salvage and firefighting protection through private, not-for-profit, or other non-public sector providers.
7. Report. The Contractor shall address the above and report its findings and the requirements of NVIC No. 2-10; identify the Responders listed in the vessel response plans who provide salvage and marine firefighting, and other responses including explosion; the grouping of like owners and operators who have similar and compatible vessel operations and risks; the risks that each group of owners and operators of Small Commercial Vessels have to DOTH continuous operations to ensure the flow of commerce; identify the current plans that owners and operators of Small Commercial Vessels have adopted and sustained to protect the value of their vessel and the means of protection such as insurance coverage, etc.; determine and provide its findings and conclusions regarding the feasibility of owners and operators of Small Commercial Vessels adopting and sustaining similar vessel response plans as owners and operators of Large Commercial Vessels.

Contractor shall prepare a draft report for DOTH review and approval. DOTH may request up to two reviews and two (2) revisions to the draft before the Contractor finalizes the report.

II. Completion of a National Fire Protection Association (NFPA) 1925, Annex B, Determination of Need Assessment.

A. Summary of Work.

The DOTH may provide firefighting capability limited to "above the deck" response to large and small commercial vessels that berth at Honolulu and Kalaeloa Barbers Point Harbor.

B. To accomplish the scope of work for the Completion of a National Fire Protection Association (NFPA) 1925, Annex B, Determination of Need Assessment, the Contractor shall:

1. Conduct a fireboat needs assessment pursuant to the National Fire Protection Association (NFPA) requirement 1925, Annex B, the Contractor shall Conduct a Fireboat Needs

Assessment to include paragraphs B.1, Determination of Needs Study; B.2, Vessel Requirements Specifications; and B.3. Mission of the Marine Fire-Fighting Vessel.

2. Report. The Contractor shall prepare a report of its findings, conclusions and recommendations of the fireboat needs assessment as stated above. The report should include Contractors' review of the lines of responsibility between various fire response and salvage entities, and prepare findings and recommendations; address the NFPA issues, to include: identification of hazards, characterization of the operating environment, and response/regulatory framework; provide recommendations on characteristics of an appropriate fireboat for Honolulu and response to Kalaeloa Barbers Point Harbor.

Contractor shall prepare a draft report for DOTH review and approval. DOTH may request up to two reviews and two (2) revisions to the draft before the Contractor finalizes the report.

SUBMITTAL DEADLINE TO SUBMIT A COMPETITIVE SEALED BID shall be through the State of Hawaii procurement system (HiePro). For more information regarding HiePRO, see <http://spo.hawaii.gov/hiepro/>: Responses to this solicitation is 2:00 p.m., Thursday, June 18, 2015.

Responses to questions or concerns should be addressed to:

PROJECT MANAGER:
Mr. Davis K. Yogi
Harbors Administrator
Department of Transportation, Harbors Division
79 South Nimitz Highway, Room 310
Honolulu, Hawaii 96813
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Additional Information Copy of NFPA 1925, Standard on Marine Firefighting vessels

Completion of Work Date of All work described and to the criteria stated above shall be completed within 180 calendar days from the date of written Notice to Proceed.