



10 MAR 18 P3:14

STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS

- 1. TO: Chief Procurement Officer
2. FROM: Kaulana H.R. Park, Chairman, Hawaiian Homes Commission

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:
To provide legal services for drafting, reviewing, and revising terms and conditions of the general lease document or other forms of agreement leading to the lease for commercial uses of Hawaiian home lands, particularly for the the 67.7-acre parcel located at Kapolei, Oahu, currenting in discussion with Hawaii Debartolo LLC for the development of a retail/commercial project.

4. Name of Vendor: Ashford & Wriston
Address: 1099 Alakea Street, 14th Floor, Honolulu, Hawaii 96813
5. Price: \$50,000

6. Term of Contract: From: March 2010 To: March 2011
7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
See attached Page 3

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The Department of Hawaiian Home Lands will hire Ashford & Wriston to perform the work as Ashford & Wriston has assisted in the completion of two of three projects and has started negotiations on the third project.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
DHHL will require that outside counsel confer with a Deputy Attorney General on any relevant issue that may substantially affect the State's interest and obtain approval as to form on any contract.
Internal controls and approval requirements as listed:
1. Exemption procurement approved by the Chief Procurement Officer
2. Contract awarded to Ashford & Wriston
3. Contracted drafted and approved by AG
4. Contract signed by Contractor
5. Contract signed by DHHL Chair

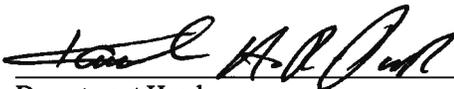
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

| 12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract: | | | |
|---|-----------------------------------|--|--|
| Name | Position | Involvement in Process | |
| Kaulana H.R.Park | Chairman | <input checked="" type="checkbox"/> Approval | <input type="checkbox"/> Administration |
| Kamano Mills | Special Assistant to Chairman | <input type="checkbox"/> Approval | <input checked="" type="checkbox"/> Administration |
| Linda Chinn | Administrator, Land Management Di | <input type="checkbox"/> Approval | <input checked="" type="checkbox"/> Administration |
| | | <input type="checkbox"/> Approval | <input type="checkbox"/> Administration |
| | | <input type="checkbox"/> Approval | <input type="checkbox"/> Administration |
| | | <input type="checkbox"/> Approval | <input type="checkbox"/> Administration |

| | |
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| 13. Direct inquiries to: | Department: Department of Hawaiian Home Lands Contact Name: Linda Chinn, Administrator, Phone Number: 808.620.9451 Fax Number: 808.620.9479 |
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Agency shall ensure adherence to applicable administrative and statutory requirements

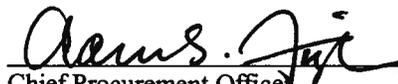
14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*


 Department Head

Mar 17, 2010
 Date

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|---|--|
| 15. Date Notice Posted _____ | |
| The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to: <p align="center"> Chief Procurement Officer State Procurement Office P.O. Box 119 Honolulu, Hawaii 96810-0119 </p> | |
| Chief Procurement Officer's comments: <p align="center" style="margin-top: 50px;">Request has been withdrawn by the department.</p> | |

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date *4/15/2010*

STATE PROCURMENT OFFICE
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To: Chief Procurement Officer

From: Kaulana H.R. Park, Chairman. Hawaiian Homes Commission

Date: March 17, 2010

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:

The Department of Hawaiian Home Lands (DHHL) has requested an amendment to the August 7, 2008 waiver of section 28-8.3m Hawaii Revised Statutes, Employment of Attorney to allow the department to hire outside legal counsel, to assist in the finalization of the general lease with Hawaii DeBartolo LLC for the 67.7-acre parcel in Kapolei (See attached). Due to the urgent need for outside counsel for the on-going negotiations with the developer, the department is requesting a procurement exemption form the State Procurement Office in order to retain an existing outside legal counsel for this project.

DHHL posted a procurement notice for professional services, including legal counsel and business consultants on June 13, 2008. A waiver was requested on August 7, 2008 and approved on September 11, 2008 to allow to use outside counsel. DHHL followed the procurement process pursuant to HRS, Section 103D-304, Procurement of Professional Services, in selecting Ashford & Wriston to provide legal services on three projects on Hawaiian Home Lands. Mr. Cuyler Shaw has assisted in the completion of two of the three projects and has started the negotiation on the third project.

An amendment to the approved waiver granted September 11, 2008 has been submitted to the Governor for approval on March 16, 2010 to allow Ashford & Wriston to assist in this fourth project at Kapolei.