



'10 APR 12 A8:49

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

1. TO: Chief Procurement Officer

2.FROM: HPHA/CPO [Signature]

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:
Furnish accounting services to assist the Hawaii Public Housing Authority (HPHA) in preparing and submitting the audited 2009 Financial Data Schedule (FDS) to the U.S. Department of Housing and Urban Development (HUD) by April 2010. The data must be submitted in a specific format as prescribed by HUD.

4. Name of Vendor: Philippe T. Lindsay, CPA
Address: 136 Dugdale Street
Chattanooga, TN 37405
5. Price: \$9,000.00

6. Term of Contract: From: Upon approval To: 4/30/10
7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
See attached.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The HPHA is requesting exemption from §103D, HRS to hire Philippe T. Lindsay, CPA in an amount not to exceed \$9,000.00. The selection is based on the fact that Mr. Lindsay has assisted with the HPHA's audited and unaudited FDS submission for the last two years and his assistance with the 2009 unaudited FDS submission. With the 4/30/10 deadline for the FDS submission nearing, it would not be practicable for the HPHA's Fiscal Management Officer (FMO) to work with someone unfamiliar with the audited 2009 FDS.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
This exempted procurement requires the approval of the HPHA's Office of the Executive Director, Contract and Procurement Office, and Fiscal Management Office. The FMO will be responsible to monitor the contractor's performance. Except for the requirement to engage in a competitive selection process, the HPHA does not intend to waive any other established controls. HRS Section 103D-31(c) and HAR Section 3-122-112 shall continue to apply.

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
Mark Buflo	Acting CFMA	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Rick T. Sogawa	Acting Procurement Officer	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Barbara E. Arashiro	Executive Assistant	<input checked="" type="checkbox"/> Approval <input 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

13. Direct inquiries to:	Department: DHS / HPHA Contact Name: Rick T. Sogawa Phone Number: 832-6038 Fax Number: 832-6039
--------------------------	----------------------------------------------------------------------------------------------------------

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

4/8/10
 Date

Reserved for SPO Use Only

15. Date Notice Posted 4-12-10

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:

Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's comments:

Request has been withdrawn by the department.

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date 6/30/2010

Attachment (SPO-07)
Request for Exemption from Chapter 103D, HRS

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

In August 2009, the HPHA hired Rector, Moffitt, Lindsay P.C. to assist the HPHA's Fiscal Management Office (FMO) in preparing and submitting its unaudited 2009 FDS to HUD. As part of Rector, Moffitt, Lindsay P.C.'s scope, the FMO's Fiscal Officer (FO) was to receive training in preparing and submitting in the future. In December 2009, the FO left the HPHA which has led to a loss of knowledge in preparing and submitting the FDS. Vacancies in other key positions in FMO, such as the Chief Financial Management Advisor, prevented the FO from training another staff person in the preparation and submission of the FDS. Due to the State's current financial crisis, the positions remain vacant.

Mr. Philippe Lindsay has assisted the HPHA with the submission of the unaudited FDS to HUD for the past two years and with his familiarity of the unaudited 2009 FDS submission, the HPHA finds that it is not practicable to competitively procure services for the 2009 audited FDS submission to HUD. With the April 2010 FDS submission deadline nearing, the HPHA is requesting a procurement exemption to contract with Philippe T. Lindsay, CPA, in an amount no greater than \$9,000. Failure to submit the FDS by the required deadline will result in the HPHA being designated a "troubled agency" by HUD.