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

1. TO: Chief Procurement Officer  
2. FROM: Department of Health/Tobacco Settlement Project

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:

The Department of Health requires training and facilitator services pursuant to HRS Exemption Number 3. Services of lecturers, speakers, trainers, facilitators and scriptwriters, when the provider possess specialized training methods, techniques or expertise in the subject matter.

This project is funded by the Centers for Disease Control (CDC) through an award issued under the American Recovery and Reinvestment Act of 2009 (ARRA).

The purpose of the project is to change Hawaii hospital policies on breastfeeding and will work with hospitals Statewide to obtain Baby-Friendly Hospital Certification.

Please see Attachment to SPO-7 DOH/TSP 5-10-10 description of Scope of Services.

4. Name of Vendor: Carolyn L. Melcher  
Address: 234 South Eureka Street  
Redlands, CA 92373

5. Price:  
\$33,000

6. Term of Contract: From: 6/01/10 To: 2/01/2012

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: Please see attachment to SPO-7 DOH/TSP 5-10-10 Explanation describing how procurement by competitive means is either not practicable or not advantageous to the state. The ARRA application submitted by the State included the selection of Carolyn Melcher as trainer, and the grant was awarded. The budget has been approved by the Centers for Disease Control and Prevention to contract Ms. Melcher as part of the overall work plan.

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

A review of the consultants experience and expertise in the subject matter and training methods developed for Baby-Friendly Hospital certification was conducted. Recommendations for Carolyn Melcher were provided by the Director of the Hawaii Breastfeeding Coalition, Dr. Sylvia Pager, Honolulu Pediatrics, and other local breastfeeding experts.

Online searches were conducted to assess other possibilities for Baby-Friendly Hospital consultant services that might have similar subject matter expertise, curriculum, and training skills. No other trainers/facilitators could be identified.

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:  
 The Department of Health has sought guidance from the State Procurement Office in meeting the exempted procurement process. The Community Program Coordinator is working under the guidance of the Tobacco Settlement Project Manager. The Tobacco Settlement Project is also relying on the guidance from the Office of the Attorney General. The State and Carolyn Melcher will enter into a contractual agreement. This contract will be in line with the scope contained in the CDC ARRA Notice of Award.

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	
Lola Irvin	Tobacco Settlement Project manag	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Nalani Aki	Community Programs Coordinator	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Heidi Hansen Smith	Community Outreach Coordinator	<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

13. Direct inquiries to: Department: Tobacco Settlement Project  
 Contact Name: Lola Irvin  
 Phone Number: 586-4481  
 Fax Number: 586-4491

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.

*Susan Jackson*  
 Department Head

**MAY 28 2010**  
 Date

**Reserved for SPO Use Only**

15. Date Notice Posted 6/3/10

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

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

Chief Procurement Officer's comments:

Request is disapproved as department should have utilized HAR Chapter 3-122, subchapter 4.5 source selection for federal grants, to select a provider or providers for a federal grant. The department shall resubmit as a procurement violation explaining why the department did not comply with the procurement code.

16.

APPROVED

DISAPPROVED

NO ACTION REQUIRED

*Arund. J. J. [Signature]* 6/24/2010  
Chief Procurement Officer Date

**Attachment to SPO-7  
Request for Exemption from Chapter 103D, HRS**

**To:** Chief Procurement Officer

**From:** Department of Health/Tobacco Settlement Project (DOH/TSP)

The Department provides this document as an attachment to the Form SPO-7, "Notice Of And Request For Exemption from Chapter 103D, HRS," to provide a more detailed explanation of request.

**Section 3. Description of goods, services, or construction:**

Title: Baby-Friendly Hospital Project

Scope of Work:

- Conduct 6 hospital summits to assist member hospitals through the process of becoming Baby-Friendly
- Provide didactic training for hospital staff in five 2-day trainings to improve staff ability to participate in Baby-Friendly practices
- Assist hospital teams to identify ten in-hospital trainers, and conduct 2 full-day train the trainer workshops
- Conduct 6 hospital site visits, that include consultation, policy review, and staff interviews
- Conduct one "Data collection and review" workshop for hospital teams who need assistance to collect in-hospital data
- Conduct one "Preparing for Baby-Friendly" workshop for hospital teams who are ready to make the final preparations

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

Procurement by a competitive process would not be practicable to the State because there is no other trainer with a similar curriculum and the unique qualifications designed to take hospitals through the rigors of Baby-Friendly Hospital Certification. There is not another trainer/facilitator with the same skills, experience, curriculum, and subject matter expertise as Carolyn Melcher. She was recommended to us by the Project Officer, from the Centers for Disease Control, who monitors the DOH/HHI ARRA award.

Carolyn Melcher has had the unique opportunity to work with 10 hospitals in San Bernardino as they achieved the Baby-Friendly Hospital award. This rare opportunity was supported by a grant from First 5 San Bernardino that spanned a 10-year period. Carol has trained over 4,000 nurses in the practices that support Baby-Friendly. Having 10 years of newborn intensive care experience, plus 10-years of experience with a California State grant to improve maternal-child hospital practices, she has a rich background that spans 30 years. Her experience with Baby-Friendly policy and practice

is matched by few professionals. Carol has been invited to participate in multiple California roundtables and will be participating in a Center for Disease Control workgroup who will be designing programs to improve breastfeeding rates in the United States. Carol has had the opportunity to present and network with leading maternal-child specialists around the world as a result of her work in California. She brings an international perspective to her work and uses the "SOFT Approach" when presenting and convincing staff of practice change. She has worked with over 25 hospitals throughout California as they journey toward Baby-Friendly, conceived of and authored the "10 Steps, 10 Years, 10 Hospitals- The San Bernardino County Baby-Friendly Story" documentary video and has co-authored several articles that are currently under review.

Carolyn is uniquely suited to consult with hospitals and help them efficiently move toward the Baby-Friendly award.

Going through a competitive process would not be advantageous to the State. As stated above, there is no trainer with similar curriculum and the unique qualifications necessary to take hospitals through the rigors of Baby-Friendly Hospital Certification.