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STATE PROCUREMENT OFFICE
STATE OF HAWAII

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

- 1. TO: Chief Procurement Officer
- 2. FROM: Attorney General/Hawaii Criminal Justice Data Center

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:

<p>3. Description of goods, services or construction: This request is for an exemption from Chapter 103D, HRS, to procure a facial recognition system for use by all criminal justice agencies in Hawaii. MorphoTrak is the vendor for the existing MetaMorpho Automated Fingerprint Identification System (AFIS) managed by the Hawaii Criminal Justice Data Center. MorphoTrak is the vendor for MorphoFace Investigate (MFI), a dynamic biometric tool that integrates the latest in facial recognition technology. MFI will be part of an integrated suite of biometric tools along with AFIS. See attached for further details.</p>	
<p>4. Name of Vendor: MorphoTrak Address: 1250 N. Tustin Ave. Anaheim, CA 92807</p>	<p>5. Price: \$507,973.00</p>
<p>6. Term of Contract: From: 03/01/2011 3/15/11 <i>for</i> To: 2/29/2012 3/14/12</p>	<p>7. Prior Exemption Ref. No.</p>
<p>8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: See attached.</p>	
<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: See attached.</p>	
<p>10. A description of the agency's internal controls and approval requirements for the exempted procurement: See attached.</p>	

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	
Liane Moriyama	Administrator	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Laureen Uwaine	Assistant Administrator	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Clay Sato	Data Processing Systems Manager	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Lori Kaneshiro	Criminal ID Supervisor	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Wendy Char	Data Integrity Supervisor	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Attorney General Contact Name: Wendy Char Phone Number: (808) 587-3165 Fax Number: (808) 587-3109
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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.*


3-3-11

 Department Head Date

Reserved for SPO Use Only

15. Date Notice Posted 3/15/2011

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:

In a telephone conversation with SPO staff, Mr. Clay Sato has identified Ms. Wendy Char, Ms. Laureen Uwaine and he as the staff responsible for this procurement, and confirmed that they are aware of the requirements of written delegated procurement authority and mandatory training requirements. Although no written delegated procurement authority is required for a *Request for Exemption from Chapter 103D, HRS*, it is noted that Ms. Char and Mr. Sato have not taken the appropriate required mandatory procurement training. As a reminder, Ms. Char and Mr. Sato cannot participate in procurement activities until the requirements of Procurement Delegation No. 2010-01 and Procurement Circular No. 2010-05 as appropriate have been met. Approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. This award is required to be posted on the Awards Reporting System.

16. APPROVED DISAPPROVED NO ACTION REQUIRED


4/12/2011

 Chief Procurement Officer Date

ATTACHMENT

Request for Exemption from Chapter 103D, HRS

Description of Goods, Services, or Construction

This request is for an exemption from Chapter 103D, HRS, to procure a facial recognition system for use by all criminal justice agencies in Hawaii. Facial recognition has been deemed by the Hawaii criminal justice community as a valuable tool, especially during high-profile events. The Asian Pacific Economic Cooperation (APEC) conference will be held in November 2011 in Honolulu. As this APEC event is designated a National Security Special Event with President Obama and other Heads of State of many countries in the region attending, local law enforcement believes the use of facial recognition will assist them in identifying persons of interest and security public safety.

Explanation Describing How Procurement by Competitive Means is Either Not Practicable or Not Advantageous to the State:

Facial recognition is becoming a more important biometric investigative tool in the criminal justice arena. Acquiring images does not require contact with the subject and can be collected by a number of sources, including closed circuit television (CCTV) cameras located at banks and stores. Many government and private agencies already collect images of clients.

With a camera and a means of transmitting a photo, facial recognition can be used in the field to identify a person of interest. The Hawaii Criminal Justice Data Center (HCJDC) is currently working with the Honolulu Police Department (HPD) to determine how effective facial recognition is in helping to resolve cases where there is a photo of a suspect.

Facial recognition can also be used as a prevention tool. A photo can be used to search a database, such as the FBI's Repository of Individuals of Special Concern (RISC). In civil applications, a photo can be used to check whether one person applied for identification cards under multiple names.

MorphoTrak is the contractor for the Automated Fingerprint Identification System (AFIS) used by the HCJDC and all law enforcement agencies in the State. Recently, the Federal Bureau of Investigation (FBI) awarded a contract for the use of MorphoTrak algorithms for its Next Generation Identification Program, confirming MorphoTrak as the leading provider of fingerprint identification systems.

Given our extremely short timeframe and the complexities involved, dealing with another considerably less qualified contractor or its products would work against the best interests of the state to support this important upcoming major event and the longer-term future of identification in Hawaii and nationally. Working with another vendor introduces significant risks of not implementing the system in time to support APEC, of taxing HCJDC staff resources to train that vendor on HCJDC hardware and software environments, and of requiring considerably more funds to acquire and implement a facial recognition system.

Details of the Process or Procedures to be Followed in Selecting the Vendor to Ensure Maximum Fair and Open Competition as Practicable:

As other vendors make advances in their facial recognition technology, we can expect to see more contractors who will be able to meet our needs. Right now, MorphoTrak is the leading vendor with the most accurate algorithms. MorphoTrak can also integrate their product into the current statewide AFIS environment as it is the state's AFIS vendor and train users within the project timeline.

A description of the Agency's Internal Controls and Approval Requirements for the Exempted Procurement:

HCJDC will follow these general procedures when contracting for facial recognition services:

- Review and confirm service specifications and scope of work for requested services
- Work closely with MorphoTrak staff to define roles and responsibilities
- Jointly develop schedules, work product expectations, and cost estimates
- Jointly test, review, and accept deliverables

We expect MorphoTrak to have these Minimum Qualifications:

- Knowledge of HCJDC hardware and software environment
- Experience working with facial recognition algorithms
- Experience working with users to improve software functionality