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PROCUREMENT OFFICE OF HAWAII

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

1. TO: Chief Procurement Officer

2. FROM: DBEDT/SID/State Energy Office

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 purpose of the grant and MOA are to create an important new Hawaii County Clean Energy E-initiative website presence; and broaden the outreach and content of the Hawaii County Agricultural web portal. Both initiatives are in-line with the legislative intent of Act 73 (Session Laws of Hawaii 2010; "Act 73(10)") and the purposes of the Hawaii Economic Development Task Force.

4. Name of Vendor: Hawaii Island Economic Development Board Address: 117 Keawe Street Hilo HI 96720	5. Price: $75,000.00
6. Term of Contract: From: 7/1/11 To: 6/30/12	7. Prior Exemption Ref. No.

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

There are no other county-level Econmic Development Boards specific to the County in which to seek competitive procurement from; and therefore is not practicable or advantageous of the State to pursue. Also, the proposed grants to the Economic Development Boards are perscribed by Act 73(10) and specific to energy and food security issues.

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

The vendor has been selected based on legislative mandate to provide grants to the County 'Economic Development Boards' as perscribed by Act 73(10) (p. 10, Section 3(b)(3), lines 1-7); as follows: "grants-in-aid to the economic development boards of each county." These Economic Development Boards also are identifiable representatives of the Hawaii Economic Development Task Force mandated by the Legislature.

11. P.E. No. 11-100-B

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 procurement was reviewed by the SID Contracts Office, then routed to the SID Administrator for approval. It was then routed to the DBEDT Director for approval. Director approved on 4/19/11, and a "Request for Approval to Expend Appropriated Energy Security Special Funds via Grants to the County Economic Development Boards" was routed to B&F. The request for Governor's approval thru B&F was deemed not necessary per B&F. B&F felt the MOA's nature of the services, which DBEDT would be entering into with the EDBs were not consultative or personnel services. SID'S understanding of the EDB grants per Act 73(10) and Chap. 42F is that the EDB grants are defined in 42F-101 and grants were appropriated by the Legislature to specific recipients (County EDBs). However, at the recommendation of DBEDT's ASO, SID seeks the approval of the CPO for this exemption request.

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	
Richard C. Lim	Director, DBEDT	☒ Approval	☐ Administration
Ken N. Kitamura	Administrative Services Officer	☒ Approval	☐ Administration
Estrella A. Seese	Acting Energy Pgm Administrator	☒ Approval	☐ Administration
Jeffrey Pang	Research Statistician	☐ Approval	☒ Administration
Susan Gray-Ellis	Contracting Specialist	☐ Approval	☒ Administration
James Bac	Energy Conservation Analyst	☐ Approval	☒ Administration

13. Direct inquiries to:
Department: DBEDT/SID
Contact Name: James Bac
Phone Number: 587-3876
Fax Number: 586-2536

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.***

for Mary Alice Evans — 6-9-11

Department Head — Date

Reserved for SPO Use Only

15. Date Notice Posted 6/14/2011

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

11. P.E. No. 11-100-B

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

Chief Procurement Officer's comments:

Approval is granted for the period 07/01/11 to 06/30/12. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply and award is required to be posted on the Awards Reporting System.

16.

☒ **APPROVED** ☐ **DISAPPROVED** ☐ **NO ACTION REQUIRED**

Chief Procurement Officer Date 6/28/2011