



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

JUL 25 P12:07

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer
FROM: Department of Attorney General
Name of Requesting Department
SUBJECT: Request for Exemption

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

1. Describe the goods, services or construction.

Legal and consultant services to assist the State in Prohibited Practice Complaint HSTA and Abercrombie, et al., Case No. CE-05-781; Hawaii Labor Relations Board: MI No. 11-12243, including expertise with public sector "last best and final" offer principle in collective bargaining and related negotiations with other unions relating to the "last best and final" principle.

2. Vendor/Contractor Name :

Robert S. Katz, Esq.

3. Amount of Request:

\$ 50,000.00

4. Term of Contract: From: approval date To: completion of final appeal

5. Prior Exemption Reference No.:

N/A

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

This is an exceedingly specialized practice area and there are very few attorneys in the State with expertise in the area described herein. It is beyond the scope of the general area specified in the Department's notice requesting expressions of interest. Thus, under HRS section 103D-304, the State would have to advertise and request expressions of interest. Mr. Katz is uniquely qualified to provide legal and consultant services required by the State in the above-referenced proceedings because he has expertise with public sector "last, best and final" offer principle in collective bargaining from the employer perspective. In our Department's memory, the only other time this issue was the center of a controversy was when UHPA sued the State (UH) and in that case Mr. Katz was the lead attorney representing the State. Because the case has already commenced and the public school year is set to start in early August, there is not adequate time for the State to advertise for attorneys to submit expressions of interest and select an attorney through the 103D-304 process. It is urgent that an attorney of Mr. Katz' qualifications and ability be engaged as soon as possible.

7. In selecting the vendor/contractor, explain in detail, the process the department will utilize to maximize fair and open competition:

The Department has reviewed all of the relevant expressions of interest submitted in response to its notice; it has reviewed the qualifications of all known attorneys with labor law experience in the State, particularly reviewing for a high level of expertise in the public sector "last, best and final" offer principle in collective bargaining from the employer perspective. It is our understanding that Mr. Katz, who participated on behalf of the University of Hawaii (employer) during the collective bargaining challenges by the University of Hawaii Professional Assembly, possesses requisite level of experience and expertise.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process and has completed mandatory training. (Type over "example" and delete cells not used)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
James Halverson David Moore <i>dfk</i>	ELD/AG	587-2900	james.e.halverson@hawaii.gov

9. The department shall ensure adherence to applicable administrative and statutory requirements, and all requirements, approvals, and internal controls for this request are the responsibility of the department.

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


 Department Head Signature

July 25, 2011
 Date

For Chief Procurement Officer Use Only

Date Notice Posted 7/25/11

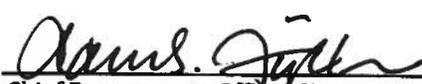
Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from date notice posted to:

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

10. Chief Procurement Officer (CPO) Comments:

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.

Approved Disapproved No Action Required


 Chief Procurement Officer Signature

8/2/2011
 Date