



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

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STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Attorney General
Name of Requesting Department

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:

Maintenance services for the hardware and software of the Hawaii Automated Fingerprint Identification System (AFIS) and its associated components. This includes providing a price list off of which components may be purchased.

2. Vendor/Contractor/Service Provider:

MorphoTrak, Inc.
33405 8th Avenue South, Federal Way, WA 98003

3. Amount of Request:

\$ 658,145.02

4. Term of Contract From: 5/1/2012 To: 12/31/2013 5. Prior SPO-007, Procurement Exemption (PE):

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

See attached.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

See attached.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) completed mandatory training; and 2) who may contact for follow up inquiry, if any.
 (Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
Laureen Uwaine	HCJDC	587-3341	luwaine@hcjdc.hawaii.gov

*All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
 I certify that the information provided above is, to the best of my knowledge, true and correct.*

Russell A. Smith

 Department Head Signature

3-7-12

 Date

For Chief Procurement Officer Use Only

Date Notice Posted: 3-14-12

Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

Approval is granted with the understanding that no other vendor can provide maintenance on the current system software and hardware. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply (i.e. vendor is required to be compliant on the Hawaii Compliance Express) and award is required to be posted on the Awards Reporting System.

If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or donna.tsuruda-kashiwabara@hawaii.gov.

Approved Disapproved No Action Required

Donn Tsuruda-Kashiwabara 3/20/2012

 Chief Procurement Officer Signature Date

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

The software provided by MorphoTrak, Inc. for the Hawaii AFIS as well as its components is proprietary.

Although there are various brands of hardware used for the Hawaii AFIS, and while it is possible for individual manufacturers to maintain them, the system is over 5 years old and the Hawaii Criminal Justice Data Center (HCJDC) has found it virtually impossible to obtain quotes from other vendors to maintain the hardware. IBM agreed to give us a quote since the servers making up the system are IBM servers, but they said outright that they will not support the workstations. Over the years, when issues arose with the workstations, MorphoTrak, Inc. had switched out boards and other components in order to resolve the problems. Therefore, IBM (or any other vendor) does not want to support those pieces of equipment. In obtaining quotes for the servers, there are more than 10 servers in the system for which IBM cannot even find on their inventory list and for which IBM is unable to give us a quote.

Therefore, it appears that MorphoTrak, Inc. is the only vendor that can provide the comprehensive necessary maintenance for the Hawaii AFIS and it is imperative that this mission critical system be maintained.

Further, maintenance on this system can cease only when a new system is procured. A new AFIS will cost upwards of \$3-4 million, and we will need to request this money via the legislative budget process. Even after an appropriation is obtained, we will need to go through the procurement process, which would include the issuing of a Request for Proposal (RFP) or similar procurement method, and subsequent award and contract execution. Thus, the earliest that a new system could be in place would be December 2013.

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

See above.

PE 12-0860