



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

*12 MAR 13 A9:04

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

Department of the 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: Legal services to represent the State of Hawai'i in <u>Brem v. State of Hawai'i, et al</u> , Civil No. 07-1-0176.		
2. Vendor/Contractor/Service Provider: <p align="center">James Kawashima, Esq.</p>	3. Amount of Request: \$170.00/hour <i>est. \$40,000</i> <i>per Ross</i>	
4. Term of Contract From: February 29, 2012 To: Conclusion of Trial	5. Prior SPO-007, Procurement Exemption (PE): None	
6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means: <p>The Court has already found the State to be responsible for the deaths of two women who fell to their deaths while hiking on a state trail in Kauai. Now the Court will determine the amount of damages the State owes to the estates of these two women. The trial on the damages is set to begin on March 19, 2012. The plaintiffs are claiming damages in the range of \$30,000,000. The State was only notified last week by its insurance carrier that the carrier is refusing to defend the State in the trial despite, as the State believes, being required to do so under its policy with the State. The insurance carrier had retained James Kawashima to represent the State, and Mr. Kawashima has been preparing for this damage portion of the trial for the last year. Unfortunately, Mr. Kawashima is not on the Department's list of candidates for professional services. However, due to the last minute notice by the insurance carrier, the imminent start of the trial, and Mr. Kawashima's knowledge and preparation of the case, the Department respectfully requests it be allowed to retain Mr. Kawashima to continue the work he had been doing on this case for the past year and to represent the State in the upcoming damage portion of the trial.</p>		
7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider: Please refer to explanation for #6 above.		

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
Russell A. Suzuki	Attorney General	586-1292	Russell.A.Suzuki@hawaii.gov
<i>David Moore</i>	<i>" "</i>	<i>586-1287</i>	<i>work in per Russell Suzuki</i>

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.

*Phone call
3/14/12
11:25 am*

Russell A. Suzuki
Department Head Signature

3-12-12
Date

For Chief Procurement Officer Use Only

Date Notice Posted: *3/14/11*

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:

This approval is contingent upon contractor being compliant with HRS §103D-310(c) and HAR §3-122-112 (i.e. required to be compliant on the Hawaii Compliance Express) and award is required to be posted on the Awards Reporting System. When processing payment to contractor the department shall attach a current compliant HCE compliance certificate with the invoice for payment.

If there are any questions, please contact Kevin Takaesu at 586-0568, or kevin.s.takaesu@hawaii.gov.

Approved Disapproved No Action Required

Clayton J. J. J. *3/19/2012*
Chief Procurement Officer Signature Date