



STATE PROCUREMENT OFFICE
NOTICE OF REQUEST TO AMEND AN EXEMPTION
FROM HRS CHAPTER 103D CONTRACT

12 MAR 27 P2:28

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of the Attorney General, Education Division
Name of Requesting Department

Pursuant to HRS §103D-102(b)(4) and HAR section 3-120-5(d), the Department requests to amend an exempt contract as follows:

1. SPO-007, Exemption Reference (PE) Number: 09-038-C

2. Vendor/Contractor/Service Provider Name: Robbins & Associates

3. Describe the goods, services, or construction:

See attached.

4. Explain in detail what is being amended:

See attached.

5. Amended contract price for this request: ~~\$ 1,000,000.00~~ per Attachment \$ 500,000
 + David Moore 3/20/12 9:15 am 3/27/12

6. Explain in detail why the amendment(s) are necessary:

See attached.

7. 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 be contacted for follow up inquiry, if any.

(Type over "example" and delete cells not used.)

Department Personnel Name	Division/Agency	Phone Number	Email address
David Moore	AG	586-1289	David.T.Moore@hawaii.gov

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



Department Head Signature

MAR 21 2012

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 3/29/12

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

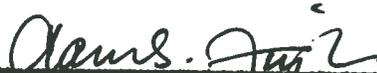
state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

This approval is 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. Department is reminded to use the form available on the SPO website.

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

Approved Disapproved No Action Required


Chief Procurement Officer

4/10/2012
Date

NOTICE OF AMENDMENT TO EXEMPTION FROM
CHAPTER 103D, HRS, CONTRACT

Attachment

3. Describe the goods, services, or construction:

Contractor, more particularly, Kenneth S. Robbins, the principal attorney, shall serve as special deputy attorney general to represent and defend the State of Hawaii, Department of Education ("DOE") in the case of Mark H., et al. v. Hamamoto, et al., Civil No. 00-00282 LEK/RLP (the "Case"). The Contractor shall prepare, coordinate and supervise the defense of the State Defendants; appear at all meetings, briefings, and hearings held in conjunction with the Case; to the greatest extent possible, utilize deputy attorneys general and legal assistants of the Department of the Attorney General to assist; provide reports on the progress of the litigation to the Attorney General, as requested; and provide any and all other legal or related services requested to complete all proceedings in the Case in USDC.

4. Explain in detail what is being amended:

The amendment is to: (1) amend the contract to reflect the change in the name of the law firm from Robbins & Associates to Robbins Meyer & Rufo and (2) to supplement the contract in the amount of \$500,000.00.

6. Explain in detail why the amendment(s) are necessary:

The amendment regarding the Contractor name change is to update the contract to reflect the change in the name of the law firm from Robbins & Associates to Robbins Meyer & Rufo. The other amendments are necessary for the following reasons. The State's potential exposure in this Case is in the millions of dollars per child. The DOE prevailed twice on summary judgment. Both times the cases were overturned on appeal. The Case is currently set for trial in November 2012. Additionally, based on the appeals and other motions filed in the Case, issues have been changed and/or have become more defined. Costs will be incurred in preparing witnesses, again, as the Case had previously been close to trial. Moreover, the State has mainland experts in the Case who will have to be brought to Oahu to testify at trial. The parties have engaged in settlement negotiations and a further settlement conference is set for August; however, with a trial date of November, the Contractor must continue to prepare for trial in the event the Case does not settle. To wait until after the August settlement conference to begin trial preparation would be detrimental to the State Defendants.

09-038dk92