



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

12 MAY 24 P1:01

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

**TO:** Chief Procurement Officer

**FROM:** Department of Accounting and General Services  
*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:**  
This request for exemption is for the installation (construction) of retrofit kits & technical services required but not included in the Sole Source award to Federal Signal Corporation (11-004-D for purchase of sirens & associated equipment items) required to convert 284 outdoor warning sirens not being upgraded in the initial stages of the ongoing project, from VHF/800 MHz radio control systems to a redundant satellite/cellular control system. The construction involves removing old radio control equip. & installing a satellite modem, cellular antenna & modem, and siren control equipment that will vary depending on the siren model. The technical services includes evaluating each site and customizing one of four basic retrofit kits to each siren, connecting the kit to the siren control mechanism, and activating/testing the new communications/control components. These retrofit installations are necessary to continue to reliably control the Statewide Outdoor Warning System, which is essential to the protection of the population of Hawaii. Note: This request is not for the installation of new sirens.

<b>2. Vendor/Contractor/Service Provider:</b>	Federal Signal Corporation	<b>3. Amount of Request:</b>
<b>4. Term of Contract From:</b>	June 1, 2012	<b>To:</b> Oct. 31, 2014
<b>5. Prior SPO-007, Procurement Exemption (PE):</b>		

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

**7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:**  
State Civil Defense began the process of developing siren "retrofit kits" in 2009 with a DOD approved Sole Source award to Federal Signal Corporation (FSC) to develop Satellite and wireless (cellular) retrofit kits for use with UV, MCP/MC, EOWS, and Mechanical sirens. Statewide siren control had become a technical challenge with disparate radio control systems in each County requiring custom contract specifications and the radio control systems in each County area were all being considered for replacement, making it impossible to develop contract specifications for siren control of new sirens as well as retrofit of older sirens not being upgraded. The DOD State Civil Defense analyzed the project requirements and the issues confronted and resolved during prototype design and testing, and concluded that only FSC, the designer/manufacturer of the 284 sirens and the designer/manufacturer of the retrofit kits, had the knowledge, skill, and experience required to retrofit the sirens. To limit the cost and risk to the State, FSC was selected as the installation contractor and technical service provider for this retrofit portion of the project.

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
Eric K. Nishimoto	PWD/DAGS	586-0460	eric.k.nishimoto@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.**



Department Head Signature

5/24/12

Date

**For Chief Procurement Officer Use Only**

Date Notice Posted: 5.24.12

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](mailto:state.procurement.office@hawaii.gov)

Chief Procurement Officer (CPO) Comments:

In situations where retrofit kit installations are necessary, the department has stated that only Federal Signal Corporation (FSC) would be able to evaluate, customize and install the system because the existing systems are proprietary to FSC and they have the specifications, manuals and expertise to install the retrofit kits to the existing system.

This exemption does not include purchases of new siren systems and associated ancillary items including 1) automated control console hardware and software; 2) radio, satellite, and commercial wireless signaling sub systems to include radio transceivers, modems and encoder/decoder assemblies.

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

 5/29/2012  
Chief Procurement Officer Signature Date

Attachment – Request for Exemption for Siren Retrofits

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

Up to 284 outdoor warning sirens will need to be retrofitted statewide. These sirens fall into four major categories, and each category is comprised of sirens of various revisions that were installed by various contractors. Each version may have slight differences, and each contractor installed conduits and cables differently. Federal Signal Corporation (FSC) is the designer and manufacturer of the existing sirens throughout the State and is also the designer and manufacturer of the retrofit kits. FSC, including its local contractor and authorized manufacturer's representative for the State of Hawaii, has the knowledge, ability, and experience to evaluate each individual siren and customize the retrofit kit installation to that siren.

Not Practicable:

- It would not be practical for the State to bid the installation of the retrofit kits for this individualized and customized work, because an evaluation/assessment of each of the 284 existing siren job sites statewide would need to be completed to determine the scope of work.
- Without a detailed scope of work, any other contractor, upon bid award, would need to assess the existing condition of each siren and contact FSC for installation advice. Without FSC support, the contractor would lack the knowledge and experience to properly install and test each retrofit kit and quickly/effectively address any unique problems as they occur.

Not Advantageous:

- It would be more costly (potentially double the cost) for the State to have its design consultant and FSC attempt to provide individualized instructions/specifications with sufficient detail for each siren in order to provide for a fair, open, and competitive bid.
- As these retrofits involve existing sirens of various types and versions, performance issues during the warranty period may be difficult to identify. Using an independent contractor that would be responsible for the installation of the retrofit kit would put the State at a disadvantage. Should there be a problem with the siren, the State may not be able to determine which party (the contractor or FSC) is responsible for the problem and the problem may not get resolved quickly, efficiently, and effectively. As the installer, FSC would ensure that each retrofit kit is properly installed and tested and would be solely responsible for any problems during and after installation within the initial warranty period. FSC direct involvement will limit siren outages, which can expose the population in a siren's coverage area to a risk of loss of life or property damage.