



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

12 JUN 27 A8:57

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Health/FHSD/Women, Infants and Children Services Branch  
*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:  
Special infant formulas and medical foods are unique formulations and are prescribed by a licensed health care professional for special needs women, infants and children. These infant formulas are not available at the store, they are ordered by a WIC contracted pharmacy provider who also delivers the formula to the WIC participant's home, to the WIC Local Agency, or approves pick-up at one of their pharmacy locations. Please see attached list of formulas.

2. Vendor/Contractor/Service Provider:	Mead Johnson & Company, LLC	3. Amount of Request:	\$ N/A
4. Term of Contract From:	12/3/2012	To:	8/31/2014
		5. Prior SPO-007, Procurement Exemption (PE): 08-088-C	

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:  
It is anticipated that the WIC Services Branch will be posting a competitive solicitation one year prior to the final extension of our existing contracts with Nestle HealthCare Nutrition, Inc., Ross Products Division, Abbott Laboratories, Inc. and if approved, Mead Johnson & Company, LLC. We expect that this solicitation will result in multiple contract awards with manufacturers of this type of product offered at the best value to the State and available to our contracted distributor of home-delivery pharmacy products.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:  
The State Procurement Office posted RFP No. 07-095-SW on HePS and awarded contracts to Nestle HealthCare Nutrition, Inc. and Ross Products Division, Abbott Laboratories, Inc. For reasons unknown to WIC, Mead Johnson Company, LLC did not respond to the solicitation and WIC requested to purchase items on PE No. 08-088-C and PE No. 08-088-C Amd. 1. The time of performance of this contract is from the State's Notice to Proceed date of December 3, 2008 for a period of four years with two (2) one (1) year extensions. The purpose of this exemption request is to extend the term of the contract so it coincides with the end dates of our two other contracts. Future solicitations will be posted on HePS or on the procurement notices website and conducted by Competitive RFP or IFB, whichever procurement method is determined to be the best method for reviewing and selecting formula manufacturers to award an infant formula contract to. In order to plan this future procurement and with your approval, we will extend this contract so it will coincide with the end dates of our other special infant formula contracts.

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
Andrea Takemoto	FHSD/WIC Branch	586-8190	andrea.takemoto@doh.hawaii.gov
Susan Kanour	FHSD/WIC Branch	586-4774	susan.kanour@doh.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

\_\_\_\_\_  
 Date

6/26/12

**For Chief Procurement Officer Use Only**

Date Notice Posted: \_\_\_\_\_

6/27/12

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:

Pursuant to HAR §3-120-5, request for exemption and amendment shall be requested prior to the procurement. PE 08-088C was approved for the period 02/12/08 to 01/30/12 and SPO received this request to extend the continued services after PE 08-088C expired, therefore the request is disapproved. Department is required to submit form SPO-016, *Report of Procurement Violation: Findings and Corrective Action and/or Request for After-the-Fact Payment*, for any goods or services after 01/30/12.

If there are any questions, please contact Kevin Takaesu at 586-0568, or [kevin.s.takaesu@hawaii.gov](mailto:kevin.s.takaesu@hawaii.gov).

Approved

Disapproved

No Action Required

\_\_\_\_\_  
 Chief Procurement Officer Signature

\_\_\_\_\_  
 Date

7/18/2012

RATE SCHEDULE

Manufacturer/Formula List	Item Number	Case Price	Case Pack	Unit Price (per can)
<b>MEAD JOHNSON</b>				
Pregestimil Pwd., 16 oz. (approved by SPO on P.E. No. 08-088-C)	036721	\$175.26	6	\$29.21
Portagen Pwd., 16 oz. (approved by SPO on P.E. No. 08-088-C)	038721	\$115.50	6	\$19.25
Enfamil EnfaCare RTU, 2 oz.	139001	\$66.16	8(6-2 oz)	\$1.38
Enfamil EnfaCare Pwd., 12.8 fl. oz.	001904	\$89.28	6	\$14.88
Enfamil EnfaCare 32 oz., RTU can	128701	\$40.44	6	\$6.74
Enfamil Gentlease Pwd., 12 oz. can	869302	\$88.56	6	\$14.76
Enfamil Premature w/Iron Nursette 24 cal. RTU., 2 oz. bottle	139301	\$73.44	8(6-2 oz.)	\$1.53
Enfaport 8 oz., RTU	128901	\$69.12	24	\$2.88
Enfamil Human Milk Fortifier Acidified Liquid, 5ml. vial	146301	\$500.00	200	\$2.50
Nutramigen w/ Iron Conc., 13 fl. oz.	049811	\$83.52	12	\$6.96
Nutramigen RTU, 32 fl. oz.	049911	\$53.22	6	\$8.87
Nutramigen AA Pwd., 14.1 oz.	129009	\$152.40	4	\$38.10
Nutramigen with Enflora LGG Pwd., 12.6 oz.	123901	\$134.46	6	\$22.41
Phenyl-Free 1 Pwd., 16 oz.	892601	\$153.12	6	\$25.52
Phenyl-Free 2 Pwd., 16 oz.	891301	\$176.82	6	\$29.47

*PE 12-131K*