

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

5 JAN 14 P3:25

TO: Chief Procurement Officer
 FROM: Attorney General
 (Department/Division/Agency)

STATE PROCUREMENT OFFICE
STATE OF HAWAII

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:			
Make photocopies and/or CD-ROMs with pdf computer files of approximately 80 bankers boxes of records produced in litigation.			
Name of Vendor: New Tech Imaging			Cost: \$45,000.
Address: 333 Queen Street Honolulu, HI 96813			
Term of Contract: 90 days	From: Date of CPO approval	To:	Prior Exemption Ref. No. (If applicable)
Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:			
<p>1. The First Circuit Court has scheduled a status conference in <i>Bennett v. HGEA</i>, for March 9, 2005, by which time we must be able to show progress towards analyzing records that have been produced in discovery by one of the parties at the request of the State. We have retained forensic accountants in Los Angeles to analyze the records, but given the complexity of the issues, they will need a substantial amount of time to make even a partial review. It is not practicable or advantageous for the State to procure copying services by competitive means because that would make it impossible to make progress in analyzing the records in time for the March status conference.</p> <p>2. In order to obtain a reliable estimate of copying and scanning costs, the vendor must inspect the records to determine what labor costs are involved. For example, there are 42 boxes of cancelled checks and statements with irregular stapling, appended notes, and 1 or 2-sided copies that the vendor would have to assess. There are also 38 boxes of computer printouts that must be separated prior to copying. Procurement by competitive means would require that numerous bidders have access to the records in order to prepare their bids. It is in the State's interest to limit access, however, both to maintain the integrity of the files and because this case involves allegations of fraud and misconduct that could conceivably lead to criminal charges.</p>			

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The Attorney General has obtained copying services from this vendor in the past at rates that have been more favorable than those charged by competitors. We intend to ask other attorneys in Honolulu whether the price quoted in this case – 17 cents per page for scanning plus 3 cents per page for numbering plus 3 cents per page for separating computer printouts – is competitive.

A description of the agency's internal controls and approval requirements for the exemption procurement:

The contract will be conducted under the supervision of the Attorney General and subject to his final approval.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Attorney General

Direct questions to:

Mark J. Bennett, Attorney General

Phone Number:

(808) 586-1500

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes: No:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

Russell A. Singhi 11/14/05
Department Head or Designee Date

Acting First Deputy Attorney General
Title (If other than Department Head)

Chief Procurement Officer's Comments:

This approval is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements.

APPROVED DISAPPROVED

Adam S. Jaffe 11/21/05
Chief Procurement Officer Date

cc: Administrator,
State Procurement Office

**STATE OF HAWAII
NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS**

The Chief Procurement Officer is in the process of reviewing the request from the Department of Attorney General for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Make photocopies and/or CD-ROMs with pdf computer files of approximately 80 bankers boxes of records produced in litigation.

Vendor: New Tech Imaging

Address: 333 Queen Street
Honolulu, HI 96813

Term of Contract: 90 days	From: Date of CPO Approval	To:	Cost: \$45,000
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Direct any inquiries to:	
Department: Attorney General	Phone Number: (808) 586-0618
Contact Name/Title: John P. Deller Deputy Attorney General	Fax Number: (808) 586-1372
Address: 425 Queen Street Honolulu, HI 96813	



Date Posted: 1/14/05

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval actions.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer
Office/Agency _____
Address _____