

STATE OF HAWAII 5 JAN 19 A8:37
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

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:

Legal services to continue project to secure two trademarks for the Hawaii State Foundation on Culture and the Arts and the Hawaii State Art Museum. Two of three trademark applications have not yet been approved by the U.S. Patent and Trademark Office and require appeal before the U.S. Trademark Trial and Appeals Board. Mr. Reiss' services were procured through HRS 103D-304, professional services, and had been selected by the review and selection committees as knowledgeable and experienced in the highly specialized area of trademarks. The trademark applications were expected to be approved without difficulty within the original contract term, however, they were not, and the contract expired before the trademarks were approved. The Department would like to continue working with Mr. Reiss since he was the original one on the project, it would be appropriate and efficient to allow him to complete the project.

Name of Vendor: Seth Reiss, Esq., of Godbey Griffiths Reiss Address: 1001 Bishop Street, Ste. 2300 Honolulu, HI 96813	Cost: approximately \$5,000
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Term of Contract: 18 months	From: as soon as approved	To: 18 months from time of approval	Prior Exemption Ref. No. (If applicable) NA
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Mr. Reiss was the original attorney on the project and is uniquely knowledgeable about the project. It thus would not be advantageous for the Department to select another attorney who would have to relearn the file and understand the history of the project before picking up where Mr. Reiss had left off. Nor would it be practical to go through another procurement selection process when Mr. Reiss is the appropriate attorney to complete the project.

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

The Department would like to continue with Mr. Reiss for the above reasons.

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

The contract for legal services 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. Sugi 1/13/05
Department Head or Designee Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED DISAPPROVED

Alvin P. Fijn 1/26/05
Chief Procurement Officer Date

cc: Administrator,
State Procurement Office

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

STATE PROCUREMENT OFFICE

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

Legal services in connection with securing trademarks for the Hawaii State Foundation on Culture and the Arts.

Vendor: Seth Reiss, Esq.

Address: 1001 Bishop Street, Ste. 2300
Honolulu, Hawaii 96813

Term of Contract:	From: Date of CPO Approval	To: for 18 months	Cost: approx. \$5,000
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Direct any inquiries to:

Department: Attorney General

Phone Number: 586-0618

Contact Name/Title: Pat Ohara

Fax Number: 586-1372

Address: 425 Queen Street
Honolulu, Hawaii 96813



Date Posted: _____

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 _____