



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

12 DEC 31 12:06

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Hawaiian Home Lands
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:

- | |
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| 1. SPO-007, Exemption Reference (PE) Number: 08-078]/Da5 |
| 2. Vendor/Contractor/Service Provider Name: Watanabe Ing, LLC |

3. Describe the goods, services, or construction:
Legal counsel to represent the Hawaiian Homes Commission, its individual Commissioners, including its Chairman, and the Department of Hawaiian Home Lands in Richard Nelson III, et al. v. Hawaiian Homes Commission, et al. originally filed on October 19, 2007.

4. Explain in detail what is being amended:
To amend the ending date of the contract between DHHL and Watanabe Ing LLC from January 14, 2013 to January 14, 2014 or until Case No. 07-1-1163.08, Richard Nelson III, et al. v. Hawaiian Homes Commission, et al. is settled.

5. Amended contract price for this request: \$ 0.00

6. Explain in detail why the amendment(s) are necessary:
Procurement Exemption 08-078-J/D a1-5 was approved by the State Procurement Office to allow DHHL to retain legal counsel for a lawsuit against the above referenced parties. Procurement by competitive means would not be advantageous to the State as the current Contractor (Watanabe Ing, LLP) is in the best position to coordinate legal activities for which the contractor was originally retained. The litigation is ongoing. On May 9, 2012, the Hawaii Supreme Court issued its decision, and remanded the case to the Circuit Court for further proceedings. The case has not yet been formally remanded because the Hawaii Supreme Court is considering a pending motion filed by the Plaintiffs. The Supreme Court does not have a deadline to consider the motion, but a decision on the motion (and the remand to Circuit Court for further proceedings and possibly a trial) is expected sometime in 2013. DHHL also expects to seek further legal advice in 2013 regarding the impact of the Hawaii Supreme Court decision on DHHL's budget request and testimony to the state administration and the 2013 legislature to comply with the Hawaii Supreme Court decision relating to "sufficient sums."

7. Identify the primary responsible staff person(s) conducting and managing this procurement. Appropriate delegated procurement authority and completion of mandatory training required.)

*Point of contact (Place asterisk after name of person to contact for additional information.)

Name	Division/Agency	Phone Number	Email address
Kamana'o Mills	OCH	620-9508	kamanao.mills@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.

Mark Mills

12/31/12

Department Head Signature

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 12/31/12

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:

Request is disapproved as vendor is not compliant with HRS 1§03D-310(c) and HAR §3-122-112 (i.e. vendor is required to be compliant on the Hawaii Compliance Express[HCE]). Upon verification of vendor compliance, department may attach a memo to this request, along with a copy of a compliant HCE certificate requesting CPO approval.

If there are any questions, please contact Bonnie Kahakui at 587-4702, or bonnie.a.kahakui@hawaii.gov.

Approved Disapproved No Action Required

James J. [Signature] 1/23/2013
 Chief Procurement Officer Date