



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

13 JAN 14 P1:49

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Health/Developmental Disabilities
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:
The Department of Health (DOH)/Developmental Disabilities Division (DDD) has a previously approved exemption that will expire on February 2, 2013 (Attachment A). The DOH/DDD is submitting this new exemption as the DDD still requires purchasing through the Department of Accounting and General Services (DAGS) as a mechanism to pay providers or vendors for approved services and/or equipment through June 30, 2016. Services are performed and supplies/equipment are purchased for DDD participants through approved providers or vendors pursuant to the Developmental Disabilities/Intellectual Disabilities (DD/ID) Home and Community Based Services (HCBS) Medicaid waiver program authorized in Title XIX, section 1915(c) of the Social Security Act (42 USC § 1915 (c)) and provided and approved by the Centers for Medicare and Medicaid Services (CMS) through 2016 (Attachment B).

2. Vendor/Contractor/Service Provider:	Multiple Medicaid Providers	3. Amount of Request:	
		\$ 100,000.00	
4. Term of Contract	From: 2/3/2013 To: 2/2/2014	5. Prior SPO-007, Procurement Exemption (PE): 12-071B	

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:
All approved providers are able to participate. Due to the unique nature of a DOH/DDD participant and in accordance with Hawaii Revised Statutes (HRS) Chapter 333F, the DDD participant can choose which provider he or she seeks for services and/or supplies or equipment and cannot be generalized. Each DDD participant's plan is tailored to fit his/her individual needs and thus, competitive procurement is not appropriate in these instances. Examples include but are not limited to the following types of services or purchase of supplies or equipment: environmental adaptations to home or vehicles, the purchase of food supplements, security alarm systems, and help devices in case of an emergency.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:
All eligible providers are able to participate. In order for providers to become active service providers of the Medicaid program, they must apply with the State's Medicaid Agency, the Department of Human Services, and meet all requirements imposed. Selection of a provider is also by client choice based on the list of eligible Medicaid approved providers. This is necessary in order for the State of Hawaii to be able to recoup federal funds from Medicaid.

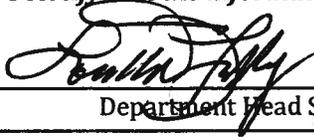
8187

8. 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	e-mail address
Jean Luka	DDD/DOH	733-9198	jean.luka@doh.hawaii.gov
Christie Ferreira	DDD/DOH	587-6043	christie.ferreira@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

1/10/13
Date

For Chief Procurement Officer Use Only

Date Notice Posted: 1/15/2013

Inquiries about this request shall be directed to the contact named in No. 8. 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

Chief Procurement Officer (CPO) Comments:

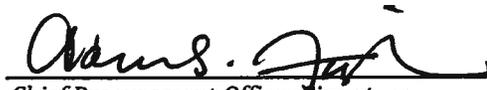
This request is disapproved as department failed to comply with the CPO requirements provided in PE-12-071B. Failing to comply with CPO requirements, procurement circulars and directives, the Hawaii Public Procurement Code and its administrative rules are procurement violations. Department shall submit form SPO-016, *Report of Procurement Violation: Findings and Corrective Actions and/or Request for After-the-Face Payment Approval*, to explain why the department failed to place a notice on the PNS on a quarterly basis as required by the CPO comments of PE-12-071B.

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

Approved

Disapproved

No Action Required


Chief Procurement Officer Signature

1/30/2013
Date