

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

5 JAN 26 A8:12

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAIIFROM: Department of Human Services/Office of Youth Services
(Department/Division/Agency)

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:

The Performance-based Standards (PbS) system has been developed by the Council of Juvenile Correctional Administrators (CJCA) based on a set of goals and standards designed by nearly 50 juvenile justice experts and practitioners from across the country, at the request of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, to help youth correction and detention facilities continuously improve conditions of confinement and services provided. PbS is data collection system that is electronic and requires internet access. Data collection requirements include:

- A review of all incident reports during the assessment period;
- Data collection from 30 records of youths leaving the facility during the assessment period;
- Conducting climate interviews with at least 30 youths and 30 staff during the assessment month;
- Conducting exit interviews with all youths leaving the facility to move into lower security or into the community;
- Collection of a wide range of administrative data

Data at all participating sites is simultaneously collected in the spring (April) and fall (October) of each year. Data is entered and results are reported through a web site. PbS collects and reports on 109 outcome measures that are reported back in on-line reports that allow a facility to compare its performance over time. Most of the outcome measures (95) are appropriate for comparison among the group of participants and the outcome report includes the average of the other participating facilities across the country. The outcome measures are designed to meet existing reporting needs, analyze existing deficiencies in detail and increase staff motivation and participation in improving facility operations. The CJCA is the only national organization able to work with state juvenile justice systems to implement PbS.

PbS is a data-driven ongoing quality assurance process that is driven by national best practice in juvenile justice. PbS recognizes that juvenile justice agencies are becoming data-driven organizations interested in using information to manage systems and facilities successfully and efficiently. PbS is a tool that agencies and facilities can integrate into existing operation to develop, monitor and sustain improvement.

Name of Vendor:**Council of Juvenile Correctional Administrators****Address:****170 Forbes Road, Suite 106
Braintree, MA 02184**

| Cost: | \$36,000.00|

Approximately \$17,200 for the first year and \$4,300 for each year thereafter.

Term of Contract: From: Upon CPO Approval

To: 5 years from start date

Anticipated report date: After each 6 month period

Prior Exemption Ref. No. (if applicable)

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

In August 2003, the American Civil Liberties Union (ACLU) issued a report on their findings of the conditions at the Hawaii Youth Correctional Facility (HYCF). Governor Lingle released the report and given the serious nature of the allegations, called for the re-assignment of management at the HYCF. Failure to address operations sited in the ACLU report may result in costly litigation and trigger a federal investigation of the HYCF. The HYCF has applied and been accepted to join and participate in CJCA's PbS project to implement PbS at the facility with the overall objective being to use this tool to improve the conditions of confinement at HYCF through the use of performance measures. A proactive measure to mitigate damages and/or to avoid a possible consent decree is to implement PbS which is a data-driven ongoing quality assurance process that is driven by national best practice in juvenile justice. This may be one way to demonstrate the state's good faith effort to improve conditions at HYCF with PbS documentation.

We believe that implementation of PbS will ensure that the HYCF incorporate quality practices in facets of facility operation, thereby reducing state liability and ensuring the highest quality juvenile justice programming designed to produce

quality outcomes for juvenile offenders. CJCA is the only national organization able to work with state juvenile justice systems to implement PbS. CJCA is the selected vendor by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) for implementation of this nationally recognized ongoing quality assurance process for juvenile justice facilities. There are no other organizations capable of working with Hawaii to implement PbS at the HYCF. CJCA is the only agency that can offer this advantage to the state. We are seeking this exemption because we believe the procurement by competitive means is not practicable or not advantageous to the state for the following reasons:

- 1) The Performance-based Standards (PbS) system has been developed by the Council of Juvenile Correctional Administrators (CJCA), at the request of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, to help youth correction and detention facilities continuously improve conditions of confinement and services provided. The CJCA is the only national organization able to work with state juvenile justice systems to implement PbS.
- 2) Because Hawaii has only one juvenile correctional facility for youth committed by the Family Court there is probably not the expertise in Hawaii to design and implement an assessment tool like PbS or a tool used by facilities across the nation. We believe that CJCA is the only agency that can offer this advantage to the state.
- 3) Since PbS is already being used by youth corrections and detention facilities and the data is being compared, it would be too costly to design and implement another system just for Hawaii.

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

We are seeking this procurement exception because the CJCA can provide the most appropriate assessment tool in a timely manner. HYCF has submitted its application to the PbS Candidacy program and has received formal acceptance. HYCF needs to obtain approval for this Request for Exemption from Chapter 103D, HRS and the Governor's approval to proceed.

No other national or specific data collection system for youth correction and detention facilities could be identified by the HYCF. Because of the specialized nature of youth correction and detention facilities and the lack of good data at HYCF and the threat to State posed by the ACLU report, Hawaii should implement a proven PbS system.

CJCA has developed an assessment tool developed by nearly 50 juvenile justice experts and practitioners from across the country and has implemented this PbS system across the nation. The benefit of implementing PbS in Hawaii is that it is a demonstrated and nationally recognized successful program that emphasizes positive outcomes and promotion of accountability in juvenile institutions. The first year is for the purposes of completing a required candidacy program, which involves on-site training on PbS requirements, outcome measures, data collection and reporting requirements, and development of facility improvement plans based on the results of the data collection and information obtained, including review of the facility by a professional PbS team.

