



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

13 APR -3 P2:19

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of the Attorney General/Tort Litigation Division/D. K. Ferm
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 services of an experienced medical malpractice defense attorney are required as soon as possible to defend the State in Lauro v. State of Hawaii, et al., a major medical malpractice lawsuit against the State of Hawaii, the Department of Public Safety and three of the physicians employed by the Department of Public Safety.

2. Vendor/Contractor/Service Provider:	Lyons Brandt Cook & Hiramatsu -[Thomas Cook, Esq.]	3. Amount of Request:	\$ 150,000.00
4. Term of Contract From:	1-May-13	To:	1-May-15
		5. Prior SPO-007, Procurement Exemption (PE): None	

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:
A Special Deputy Attorney General is required to be retained in addition to the Deputy Attorney General that has been assigned to represent the State and the individual physicians due to potential conflicts between these defendants. The list of attorneys available for retention as Special Deputies that is maintained, and recently updated, by the Department of the Attorney General who are qualified to represent the State in this major malpractice case has been reviewed and the several attorneys deemed qualified have been contacted to determine their availability. None of those attorneys expressed their willingness or availability for this endeavor. Several other attorneys not on the list of attorneys have also been contacted with only Thomas Cook expressing his willingness to be retained for the State's defense. This procurement must be accomplished as soon as possible due to the schedule established by the federal court in which this case is pending. The Attorney General's office does not have expertise in major medical malpractice cases as it is a specialized area of the law.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:
Numerous telephone calls were made to qualified medical malpractice attorneys on the updated list of qualified possible special deputy attorneys general. When no one on the current list who was deemed experienced indicated their availability or willingness to be retained on this case, several other attorneys known to be experienced in medical malpractice defense who are not on the list were contacted. Thomas Cook agreed to represent the State of Hawaii in this matter. He is very qualified and experienced in medical malpractice defense work.

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
David T. Moore	Office of the Attorney General	586-1289	david.t.moore@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

APR - 1 2013
Date

For Chief Procurement Officer Use Only

Date Notice Posted: 4/4/2013

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:

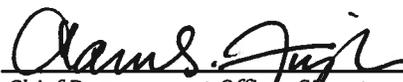
Approval is based on the department's representation that the current list of attorneys available for retention as special deputies to represent the State are unavailable and time is of the essence in responding to the Federal court. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply (i.e. vendor is required to be compliant on the Hawaii Compliance Express) and award is required to be posted on the Awards Reporting System.

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

4/29/2013
Date