



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

NOV 24 P2 23

TO: Chief Procurement Officer
FROM: Department of Hawaiian Home Lands
Name of Requesting Department

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

Pursuant to HRS §103D-102(b)(4) and HAR section 3-120-5(d), the Department requests to amend an exempt contract as follows:

1. SPO-007, Exemption Reference (PE) Number: PE-08-078J/D/Ba6	9/6 PE-08-078J/D/Ba6
2. Vendor/Contractor/Service Provider Name: Watanabe Ing LLP	

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, 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 LLP from January ¹⁵14, 2015 to January 14, 2016 or until Case No. 07-1-1163.08, Richard Nelson III et al. v. Hawaiian Homes Commission, et al. is decided or resolved. To add \$100,000 to the Contract for a total of \$375,000 to cover the legal expenses expected in 2015.

5. Amended contract price for this request: \$ \$375,000.00

6. Explain in detail why the amendment(s) are necessary:
See Attachment A

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.



Department Head Signature

11/24/14

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 11/25/14

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:

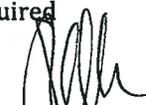
state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period 1/15/2015 to 1/14/2016 or until case no. 07-1-1163.08 is settled, whichever is sooner. 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. Copies of the HCE certificate and awards posting are required to be documented in the procurement/contract file.

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

12/15/14

Date

Attachment A

Procurement Exemptions 08-078-J/D a1-5 and 08-078J/D/Ba7/Ba8 was approved by the State Procurement Office to allow DHHL and the Commission 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 2012, the Hawaii Supreme Court issued its decision, and remanded the case to the Circuit Court for further proceedings. The Circuit Court is expected to conduct further proceedings in the case in May 2015, which will likely involve further discovery, motions practice and a trial if issues remain. The Circuit Court heard motions for summary judgment filed by the Plaintiffs and DHHL on November 12, 2014. As of the date of this submission, a decision from the Court on the motions is pending. If the case is not fully resolved on the motions, it is expected that counsel will need to conduct further work on the case in preparation for the trial scheduled for May 2015, which will likely involve further discovery, motions practice and preparation for the trial on the remaining issues. DHHL also expects to seek further legal advice in 2015 regarding the impact of the Hawaii Supreme Court decision on DHHL's budget request and testimony to the state administration and the 2015 legislature to comply with the Hawaii Supreme Court decision relating to "sufficient sums" for DHHL's administrative and operating expenses

PE08-078J/D/Ba9