

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

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

FROM: Public Safety  
(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 confinement, care and custody of a multi-custody level out-of-state correctional facility for female offenders.

Name of Vendor: To be determined by the RFP's evaluation committee	Cost: To be determined
Address:	

Term of Contract:	From:	To:	Prior Exemption Ref. No. (if applicable)
	The commencement date on the Notice to Proceed	Twelve month period with the option to extend for two add'l twelve month periods or portions thereof.	

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:  
  
The Department of Public Safety is asking to place female offenders in an out-of-state correctional facility. There are no private correctional facilities in the State of Hawaii. Therefore, there are no in-state providers for the services required by the Department of Public Safety. A requirement that the offerors be either incorporated in the State of Hawaii or be licensed to do business in the State of Hawaii is unreasonable in the context of services that are to be entirely performed outside the State of Hawaii. The issuance of a request for proposals with the requirement that any contract awarded shall comply with ACT 52/SLH 2003 and ACT 216/SLH2004 will severely limit the number of respondents because of their inability to comply with the statute.  
  
This exemption request is only for the compliance requirements of Chapter 103D-310 (c)(1) and (2).

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:  
  
The Department of Public Safety is currently developing the scope of services, and evaluation criteria for the issuance of a request for proposals (RFP). The RFP is tentatively schedule to be released April 1, 2005 and will follow Chapter 103D-303, HRS and Section 3-122, Subchapter 6, HAR.

A description of the agency's internal controls and approval requirements for the exempted procurement:

The Department of Public Safety shall issue a request for proposals in conformance with Chapter 103D-303, HRS and Section 3-122, Subchapter 6, HAR. The Director of the Department of Public Safety shall approve the list of members on the evaluation committee. The evaluation committee members shall review and score the proposals received in accordance with the evaluation criteria listed in the RFP. The award shall be made to the offeror with the highest scoring proposal.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Procurement Officer: Richard T. Bissen, Jr., Interim Director  
Evaluation Committee members: To be determined.  
Contract Administrator: Shari Kimoto, Mainland Branch Administrator  
Solicitation and contract documents: Marc Yamamoto, Procurement and Supply Specialist IV

Direct questions to:  
Marc Yamamoto

Phone Number:  
587-1215

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes  No

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.**

*Richard T. Bissen Jr.*  
Department Head or Designee

MAR 23 2005

Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

To the extent possible, we require every vendor to comply with state statutes, including chapter 103D-310, HRS, when responding to a solicitation. It is not unreasonable to subject this solicitation to the requirements of chapter 103D-310, HRS.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

*[Signature]*  
Chief Procurement Officer

4/6/05  
Date

cc: Administrator,  
State Procurement Office