



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

TO: Chief Procurement Officer

FROM: Department of Public Safety, Sheriff Division
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:

<p>1. Describe the goods, services or construction:</p> <p>2 Dual trained (detection and bite) law enforcement canines.</p>

<p>2. Vendor/Contractor/Service Provider: Vohne Liche Kennels</p>	<p>3. Amount of Request: \$ APPX: 36,000.00</p>
<p>4. Term of Contract From: Aug-15 To: Dec-15</p>	<p>5. Prior SPO-007, Procurement Exemption (PE): 13-017B</p>

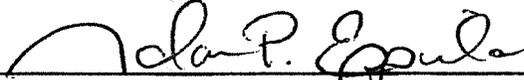
<p>6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:</p> <p>The training the canines requested receive are proprietary to the program this vendor provides. In addition, the canine handlers for the division use the training methods and techniques developed by Vohne Liche to perform their duties in protecting critical infrastructure and detection of illegal or dangerous items. Canines are also checked by the vendor to be in sound health and able to perform law enforcement duties within the structure of their training program. The training the canine receive is vital for the canine to perform their required task. Any deviation or contradiction in training on how to perform complex commands or detection notifications could hinder their ability to perform their duties. The handlers to which these canines will be assigned to have been trained by Vohne Liche certified trainers to maximize the ability of the canines and handlers. Failure to use the same training developed by Vohne Liche may also place the handler, the general public, and critical infrastructure at increased risk. The prevention and deterrence of illegal activities these canines are being trained for may be limited if the canine is exposed to another training program that conflicts with it's primary training. Please see attached Request for Reconsideration for more information.</p>

<p>7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:</p> <p>Currently, the Division uses Vohne Liche Kennels as the provider of training certifications for the division's canine program. The canine program in the past has found the canines available from this vendor to be highly capable in the performance of their duties. In addition, the Honolulu Police Department also uses this sole vendor to provide the canine program with pretrained canines. We have attached a copy of the previous approved SPO-7 Notice of Request for Exemption from HRS Chapter 103D that the Sheriff Division received in September of 2012. If approved, the Sheriff Division is looking to complete this purchase by the end of December 2014 due to training and canine availability. The program from Vohne Liche Kennels continues to be the basis for the training and certification program in use by the Sheriff Division. Please see attached Request for Reconsideration for more information.</p>

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) completed mandatory training; and 2) who may contact for follow up inquiry, if any.
 (Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	e-mail address
Bruce Yonesaki	PSD/SD/Admin	223-1703	Bruce.M.Yonesaki@hawaii.gov
Marc Yamamoto	PSD/SD/Admin	587-1215	Marc.S.Yamamoto@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

9-1-15
 Date

For Chief Procurement Officer Use Only

Date Notice Posted: 8/14/15

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:

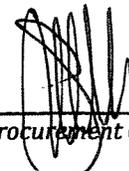
Approval is granted for the period 08/24/15 to 12/31/15 based on the department's determination that it is not practical or advantageous to the State to competitively solicit for dual trained detection and bite law enforcement canines. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112 shall apply (i.e., the vendor is required to provide proof of compliance and may use the Hawaii Compliance Express) and the award is required to be posted on the Awards Reporting System. Copies of the compliance and the award 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 Signature

9/9/15
 Date

DAVID Y. IGE
GOVERNOR



RECEIVED BY STATE
PROCUREMENT OFFICE
08/13/2015

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

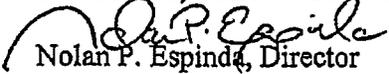
Alan Asato
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. 2015-1331

June 26, 2015

TO: Sarah Allen, Chief Procurement Officer

FROM:  Nolan P. Espinda, Director

SUBJECT: **REQUEST FOR RECONSIDERATION - EXEMPTION FROM HRS
CHAPTER 103D TO SUPPORT SHERIFF DIVISION K9 SECTION**

The Department of Public Safety (PSD) asks for your reconsideration of the request made by the Sheriff Division (SD) for an exemption from HRS Chapter 103D to support the purchase of replacement canines (PE15-009B).

JUSTIFICATION

The canines we are requesting reconsideration for are to replace serving canines suffering from health ailments, which are affecting the ability of these canines to perform their needed duties/functions. One canine provides the ability to detect explosive materials and commonly patrols areas such as the Governor's Residence, Washington Place, State Capitol Building, State Court Buildings (Circuit, District, and Kapolei), Supreme Court and the Intermediate Court of Appeals, the Honolulu International Airport (HIA) and other State of Hawaii facilities. The other canine is tasked with the detection of narcotics and is assigned to the Narcotics Vice Airport Detail (NVAD) with a focus on reducing the amount of illegal narcotics coming through HIA and delivery services. NVAD cases reduce the amount of illegal narcotics flowing into the state by detecting parcels prior to delivery that contain illegal substances. Cases are then generated and developed based on the detection of the narcotics. These canines are vital to the reduction of illegal narcotics flowing into the state. State Law Enforcement (LE) will be severely disadvantaged should the replacement of these canines be delayed further due to training and/or certification issues.

CURRENT SELECTION AND TRAINING PROGRAM

The SD currently utilizes the training program developed by Vohne Liche Kennels to certify the two trainers in the division. The program for the trainers, handlers, and canines follows the confidential Department of Public Safety Canine Unit Policy regarding selection and certification guidelines.

Former Honolulu Police Department personnel used this program as the basis for the SD canine program. The Sheriff Division's canine program has continued using Vohne Liche canines and training with outstanding success in the detection of illegal narcotics, explosive materials, and other contraband. To meet certification requirements, two trainers must be tasked with the training and development of the handlers and canines.

√ These certifications provide the ability to testify in court as to the abilities of the canines and handlers in criminal/civil manners. Without certification criminal cases involving illegal narcotics, explosive materials, and proceeds from illegal activities will be jeopardized thus hindering prosecution and increasing risk to the community and critical infrastructure. In addition, the apprehension of fugitives, or non-compliant arrestees, also requires the canine to follow the training program to aide in the prevention of civil litigation stemming from injuries related to an arrest made with canine assistance. Due to these issues regarding certifications, it is not advantageous for the Sheriff Division to maintain *multiple certifications* from various vendors. This would present difficulties by having to testify in court regarding multiple diverse training methods, and/or liability issues. Criminal Defense and Civil attorneys may also use the different standards and training methods to confuse jurors/witnesses as to the effectiveness or processes these canines used to identify contraband or items of interest. Selecting one Kennel minimizes the hindrance of prosecution of said cases thus reducing the risk to the public from illegal, and/or terrorist activities.

Vohne Liche Kennels is certified by the Indiana Law Enforcement Training Academy, Ohio Peace Officer Training Commission, and the Kentucky Law Enforcement Council as a law enforcement provider. In addition, Vohne Liche Kennels is also licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) and the Drug Enforcement Administration (DEA) to possess live training aides in both explosives and narcotics to aid in the training of the canines. Vohne Liche Kennels also provides handler training and trained canines to the following agencies: National Security Agency (NSA), Pentagon Police, U.S. State Department, United States Military – Special Forces, and the U.S. Army.

These agencies are in addition to other state law enforcement agencies located throughout the United States to include: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Indiana, Iowa, Illinois, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. Vohne Liche Kennels is widely recognized as a leader in the field of training canines and handlers. National Geographic also featured this kennel in their program "Alpha Dogs" which was aired last year. The Honolulu Police Department also continues to use Vohne Liche Kennels as the provider of canines and training for their program. It is highly advantageous to utilize this vendor based on the track record of the current canines in the program. Each canine and handler has maintained their certifications and have been critical in providing the support needed in the successful prosecution of criminal cases. Canines selected from this vendor have not been returned for reasons other than health issues (which were covered by this vendor) since this program was started.

Initial training and identification of canine candidates has aided the Sheriff Division in selecting the most capable canines for effective and efficient support to statewide law enforcement activities.

Senior Trainer Deputy Sheriff (DS) Charles Lacaden Jr., is certified by Vohne Liche Kennels and is recognized by the Judiciary for the State of Hawaii as an expert witness in canine related issues. According to DS Lacaden, there is no way to be certain that a canine initially trained in a different program will be able to be retrained to acknowledge both verbal and physical commands by the handler and respond accordingly. He went on to share that during critical events (such as gun fire, explosions, etc.), the canine may revert back to its initial training thus responding inappropriately and increasing risk to the public, first responders, and critical infrastructure meant to be protected. This also increases financial risk to the SD as we would not be able to return the canine to the vendor once we attempt to retrain the canine. The Sheriff Division utilizes the Asset Forfeiture Program to replace canines because the SD does not have a line item budget for this purpose. This requires a high level of accountability and it would not be advantageous for the SD to risk the use of Asset Forfeiture funds if forced to use another vendor because of the previously articulated reasons.

CURRENT POLICY AND PROCEDURES

The current Law Enforcement Sensitive, PSD Law Enforcement Division Policy & Procedure (P&P) regarding the canine program directs the activities of the division and specifically mentions the use of canines from Vohne Liche Kennels. A change of vendor would require the PSD to change this P&P which would further delay the purchase of replacement canines. Due to the health ailments, and age, of the canines currently serving, any further delay in providing replacements increases the risk to the public, first responders, and critical infrastructure which we are tasked to protect. It would not be practical, or advantageous, for the LE Division to rewrite/modify the existing P&P prior to the purchase of the replacement canines due to the length of time needed for this purpose. The current health conditions of the canines currently in use and slated for replacement make it highly unlikely that the rewrite//modification of the existing P&P would be completed prior to the death/retirement of the canines. This greatly reduces the law enforcement support provided by the canine unit.

MITIGATING COSTS AND RISK

The cost to certify these trainers was approximately \$20,000 for each trainer including air fare, per diem, and certifications. Obtaining canines developed with other programs would require the trainers to seek additional/replacement training in the programs that the canines were trained on initially. This further increases the overall costs to acquire and use the new canines. Training time required to certify the trainers would differ depending on the program used. The Vohne Liche program requires SD trainers to attend an 8-week trainer's certification course.

If future canines were purchased using a different canine training program, SD trainers would need to attend the recertification course. During the recertification process, SD trainers/handlers would not be available for response requests thus reducing assets available to respond to critical events. This reduction in response capability directly impacts the ability of PSD to mitigate threats to the public, critical infrastructure, and other first responders. In addition if the division purchased canines from another source, the handler and canine would need to become certified by the trainers prior to being available for any fieldwork. It is not advantageous for the division to purchase canines from another training facility based on these issues from a financial and/or practical aspect.

MARKET RESEARCH

Market research into costs and availability of training from other sources consistently indicated that the Sheriff Division would face additional costs to change from the current training program to another. Trainer courses from providers such as Castle K9, Master Dog, and USK9 ranged from 8-12 weeks for trainer certifications in both detection and patrol functions. Per Diem costs related to attend this training would be approximately \$6,000.00 to \$9,000.00 per trainer. Trainer's certification courses from companies who provide canines average approximately \$7,000.00 to \$12,000.00 per trainer. Vehicle rentals for the trainers would add approximately \$2,000.00 in costs if the division was to pursue other training programs.

Vendors such as Tarheel Canine require the canine and handler to meet its trainer requirements prior to certification. Castle K9 includes basic handler training with the purchase price of the canines they offer. These requirements highlight the need to have both the handler and canine trained in the same program to ensure proper response to commands and situations. Similar trained canines from Castle K9 would increase costs for the replacement canines by approximately 25% while providing canines which are 1-2 years older. These older canines reduce the service life of the canines thus requiring replacement canines sooner. In addition, per diem costs related to the certification of handlers by Castle K9 further increases replacement costs by \$3,000.00 to \$4,500.00 per handler/canine. Total costs to be reflective of all foreseeable related costs to change out canines will be: \$43,000.00 to \$57,000.00 per canine/handler/trainer. There are no vendors in the State of Hawaii that meets SD requirements for providing trained canines and a certified trainer program. Based upon our estimates it is not financially advantageous for the SD to seek replacement, or additional training programs. To reiterate, the risks to the public, first responders, and critical infrastructure would be increased due to the loss of capabilities resulting in no practical way for PSD to provide the current level of canine support.

DUAL CAPABILITIES

The Sheriff Division also purchases only *dual trained* canines to maximize mission capabilities. Canines fielded by the division have the ability to detect items, as well as, provide tracking/bite capabilities as needed. These canines are trained and tasked to assist in the apprehension of fugitives or combative/non-compliant individuals who pose assault risks to the public and first responders.

The canines can also be used to track individuals who are evading arrest, or aide, in the search of injured or lost individuals. During mass casualty events, canines can be utilized to help search for injured individuals who are in need of medical attention and/or trapped in debris. It is highly advantageous to the Sheriff Division to deploy these dual trained canines to maximize mission capability and financial efficiency.

REDUCTION OF CANINE SUPPORT

Currently, the Sheriff Division has 7 canines in use. Denial of this request will reduce the Sheriff Division's capability to detect illegal narcotics by 33%. The denial will also reduce the ability of the division to detect explosive materials by 50% as well. Because canines work in rotation to maximize their detection capabilities, a reduction of available canines will severely hamper the overall ability to provide detection/protection response support. This has a domino effect of increasing the overall risk to the public, critical infrastructure, and first responders.

PROTECTING THE PUBLIC

The statewide law enforcement jurisdictional authority of the Sheriff Division has allowed PSD to provide support to all the county police departments on every island as requested, and/or, directed by the Governor and the PSD Director. Prior major security events that the canine unit from the Sheriff Division has participated in include:

- The Asia Pacific Economic Cooperation Council NSSE meeting held here in Honolulu in 2011. Canines from the Sheriff Division provided explosive detection capabilities to secure venues and dignitary vehicles during the event. The canine unit was also tasked to support law enforcement activities in the event of civil disturbances.
- The Dalai Lama's visit to Hawaii in 2012 to speak at the University of Hawaii. Canines were tasked with searching the Stan Sheriff Arena along with the routes of travel for explosive materials due to the designation of the event by the U.S. State Department.
- Services for the late Senator Daniel Inouye, which was held in December of 2012. The service was attended by many high-ranking dignitaries that included The President of the United States. The canines participated in the sweeps of the areas of the event as well as the vehicles involved in the motorcade.

REQUEST FOR RECONSIDERATION

June 26, 2015

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- The National Football Association's Pro Bowl event when held in Honolulu. The canines were used for the detection of explosive materials within the perimeter of the facility. Due to the nature of the event, protection of the site and the public has been a priority for both the NFL security unit and the State of Hawaii.

These are among the more recent activities that were supported by the Sheriff Division Canine Unit. In addition, the Sheriff Division Canine Unit also provides support on a case by case basis to other Federal agencies such as the United States Secret Service, DEA, United States Marshals Service, BATFE, Federal Bureau of Investigations (FBI), Department of Environmental Protection Agency (EPA), United States Immigration and Customs Enforcement (ICE), and the Department of Homeland Security. A reduction of canines available will severely limit the capabilities to protect the public, secure and protect critical infrastructure, and first responder safety during events similar to those listed above.

Attached is a copy of the original request. Should you have any additional questions please don't hesitate to call Shawn H. Tsuha, Deputy Director for Law Enforcement at 492-9355, or email; shawn.h.tsuha@hawaii.gov. Hoping for your favorable approval of this request.

PE15-009Ba1



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

#2012-1624

12 SEP 13 P3:27

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

TO: Chief Procurement Officer
 FROM: Department of Public Safety / Sheriff Division
 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:
 Three (3) dual trained (detection and bite) law enforcement canines.

2. Vendor/Contractor/Service Provider:	Vohne Liche Kennels, Inc. 7953 North Old Route 31	3. Amount of Request: \$ ~54,000.00
4. Term of Contract From:	To:	5. Prior SPO-007, Procurement Exemption (PE):
10/1/12	12/31/12	

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:
 The training of the canines requested are proprietary to the program this vendor provides. In addition, the canine handlers for the division use the training methods and techniques developed by Vohne Liche to perform their duties in protecting critical infrastructure and detection of illegal or dangerous items. Canines are also checked by the vendor to be in sound health and able to perform law enforcement duties with the structure of their training program. The training the canine receive is vital for the canine to perform their required task. Any deviation or contradiction in training on how to perform complex commands or detection notifications could hinder their ability to perform their duties. The handlers to which these canines will be assigned to have been trained by Vohne Liche certified trainers to maximize the ability of the canines and handlers. Failure to use the same training developed by Vohne Liche may also place the handler, the general public and critical infrastructure at risk. The prevention and deterrence of illegal activities these canines are being trained for may be limited if the canine is exposed to another training program.

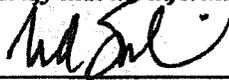
7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:
 Vohne Liche Kennels have been the provider of training certification for the division's canine program. The division has the experience that canines provided by this vendor to be highly capable in the performance of their duties. As this is continuing program and enhances the existing program, training certifications for the division's canine program provides credibility to the unit.
 In addition, the Honolulu Police Department also uses this vendor to provide their canine program with pretrained canines. This is not to be inferred that canines and handlers trained by Vohne Liche are interchangeable, they're not. Handlers would not normally handle or direct canines that they themselves do not work with or train.

B. 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
Marc S. Yamamoto* <i>msy 9/11/12</i>	ASO-PC	808-587-1215	marc.s.yamamoto@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

9/13/12
Date

For Chief Procurement Officer Use Only

Date Notice Posted: *9/14/2012*

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 granted for the period 10/01/12 to 12/31/12. 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

Almond. [Signature]
Chief Procurement Officer Signature

9/20/12
Date