



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

RECEIVED BY
STATE PROCUREMENT OFFICE
10/29/2015

TO: Chief Procurement Officer

FROM: Department of Hawaiian Home Lands
Name of Requesting Department

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/Ba10

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 14, 2016 to January 14, 2017 or until Case No. 07-1-1163.08, Richard Nelson III et al. v. Hawaiian Homes Commission, et al. is decided or resolved.

5. Amended contract price for this request: \$ 0.00

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

Procurement Exemptions 08-078J/D/Ba10 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 trial in the lawsuit was held from June 29, 2015 to July 13, 2015. As of the date of this submittal, the trial court has not issued its ruling in the lawsuit. Once the trial court issues its ruling, DHHL and the Commission anticipate that post-trial motions may need to be filed and/or addressed, and that an appeal of the Court's ruling by at least one of the parties is likely.

