

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

05 JUL -1 AIO:43

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Accounting and General Services; Division of Public Works
(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:

<p>Description of goods, services, or construction:</p> <p>Kamauleule Buiding; Bio-Safety Lab Renovations; DAGS Job No. 12-20-2562</p> <p>This is to request reconsideration of P.E. No. 05-91-C, refer to DAGS - Public Works Letter No. PM-1058.5</p>

Name of Vendor:	TO BE DETERMINED	Cost:	\$1,452,147
Address:			

Term of Contract:	From: August 2005	To: August 2006	Prior Exemption Ref. No. (if applicable)
			N / A

<p>Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:</p> <p>Refer to P.E. 05-91-C and as supplemented by DAGS - Public Works Letter No. PM-1058.5.</p>
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<p>Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:</p> <p>Refer to P.E. 05-91-C and as supplemented by DAGS - Public Works Letter No. PM-1058.5.</p>

A description of the agency's internal controls and approval requirements for the exempted procurement:
 Refer to P.E. 05-91-C and as supplemented by DAGS - Public Works Letter No. PM-1058.5.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:
 Refer to P.E. No. 05-91-C and as supplemented by DAGS - Public Works Letter No. PM-1058.5.

Direct questions to:	Phone Number:
Daniel Jandoc, DAGS, Division of Public Works, Project Management Branch	586-0476

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.

Russ K. Seitz 6/29/05

 Department Head or Designee Date
 Comptroller

 Title (If other than Department Head)

Chief Procurement Officer's Comments: This reconsideration is approved based on DAGS-PWD's determination that this specific laboratory is necessary to participate in the Centers for Disease Control Laboratory Response Network to adequately respond to potential incidents of bioterrorism, and the re-appropriation of funds may not be done in a timely manner to address this concern.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

Russ K. Seitz 7/11/05

 Chief Procurement Officer Date

cc: Administrator,
 State Procurement Office

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DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
DIVISION OF PUBLIC WORKS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

JUN 30 2005

PM-1058.5

MEMORANDUM

TO: Ms. Ruth Yamaguchi
Acting Administrator, State Procurement Office

FROM: Russ K. Saito 
State Comptroller

SUBJECT: Request for Reconsideration of SPO Form 7,
Request for Exemption from Chapter 103D, HRS
Ref. No. 05-91-C

Kamauleule Building
Bio-Safety Lab
D.A.G.S. Job No. 12-20-2562

We would like you to reconsider the State Procurement Office's disapproval of exemption from Chapter 103D, Hawaii Revised Statutes, to allow the Department of Accounting and General Services to contact the second low bidder for the subject project and attempt to negotiate a revised bid price. The following additional information is provided:

The DAGS-PWD staff's recommendation on the initial request for exemption to have the Department of Health (DOH) lapse the funds and then have them reappropriated in the next legislative session is not an option at this time because a delay in waiting for an appropriation is unacceptable. In addition, there is no assurance that the legislature would reappropriate the funds in the upcoming session.

DOH State Laboratories Division (SLD) is required to have a BSL-3 level facility to participate in the Centers for Disease Control Laboratory Response Network to be prepared to adequately respond to a potential bioterrorism incident. A BSL-3 level facility is needed to protect the health of and provide safety for laboratory workers and the surrounding community, and allow the SLD to fulfill its mission of detecting dangerous emerging diseases

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such as potential pandemic avian influenza, SARS, and smallpox. SLD needs the laboratory as soon as possible and any further delay places the people of Hawaii at risk from bioterrorism and other emerging infectious diseases.

Other agencies were contacted if they had unrequired funds that could be transferred to the Governor's Project Adjustment Fund, but only the Department of Agriculture was able to identify a significant amount. These funds have already been transferred. Other DOH funds were reverted and reallocated to this project but they are still not adequate.

We feel that we have made all efforts available to us to procure the construction, but we have not been successful. Due to the risk that is being placed on the people of Hawaii by further delays, we respectfully urge your reconsideration. Should you have any questions, please call Daniel Jandoc of our Project Management Branch at 586-0476. Thank you for your attention to this matter.

DJ/si