

STATE OF HAWAII NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Accounting and General Services, ICSD, Administration, PPMO for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Sole Source Site License for PC SAS™
Exemption from chapter 103D-310, HRS

Vendor: SAS Institute Inc.
Address: SAS Campus Drive
Cary, NC 27513 USA

Term of Contract: From: 07/01/2005 To: 06/30/2006 **Cost:** \$26,655.20

Direct any inquiries to: Gilfred Chu
Department: DAGS/ICSD
Contact Name/Title: Gilfred Chu, DPSA V
Address: 1151 Punchbowl Street, B-10
Honolulu, Hawaii 96813
Phone Number: 586-1920 x 322
Fax Number: 586-1922

Date Posted: 5/23/05

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer
Office/Agency State Procurement Office
Address 1151 Punchbowl Street
Honolulu, HI 96813

STATE OF HAWAII '05 MAY 23 A 7:25
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: Department of Accounting and General Services, ICSD, Administration, PPMO
(Department/Division/Agency)

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption from Chapter 103D-310 (c) (1) and (2) HRS to purchase the following:

Description of goods, services, or construction:

Annual software license payments to SAS Institute Inc. for PC SAS. This includes the right to use this software and the correction of any software defects.

Name of Vendor: SAS Institute Inc.	Cost:
Address: SAS Campus Drive	\$26,655.20
Cary, NC, 27513 USA	

Term of Contract:	From: 07/01/2005	To: 06/30/2006	Prior Exemption Ref. No. (if applicable)
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

PC SAS is software used by the ICSD and the Departments of Health, Budget and Finance, Labor, Public Safety, Tax and Land and Natural Resources. The software licensed provides these State departments and agencies with the ability to perform statistical analysis on data. Although there are a few other products that perform statistical analysis, this is the only company with products that will function on both the State's mainframe and either independently or as a download perform similar functions on a personal computer. In addition, this software integrates a reporting feature that is flexible and permits the departments and agencies to prepare quality presentations. If alternative software could be licensed locally, the cost to obtain the licenses, train staff and convert to using the software would be more than the cost of the software license from the vendor.

Chapter 103D-310 HRS requires contractors to register with the Department of Commerce and Consumer Affairs (DCCA) to operate as a business in Hawaii. SAS Institute Inc. is not registered with the DCCA, and has verbally stated through its representatives it will not.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

PC SAS is the intellectual property of SAS Institute Inc. and annual software license or right to use the software can only be obtained from it.

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

Annual software license payments are processed under the supervision of the Comptroller and the DAGS Administrative Services Office.

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

Richard Shimomura, Assistant Administrator, ICSD
 Gilfred Chu, DPSA V, PPMO
 Wayne Sasaki, DPSM, SSB
 Christie Ferreira, MA IV, ICSD
 Helen Tanigawa, Accountant, ICSD

Direct questions to: Gilfred Chu	Phone Number: 586-1920 X322
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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. Saito *5/19/05*

 Department Head or Designee Date
 Comptroller

 Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED DISAPPROVED

 Chief Procurement Officer Date

cc: Administrator,
 State Procurement Office