

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

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: DLNR-DOFAW
(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:
Continuing services of Linnel Nishioka (attorney now with Ishikawa Morinara Lau + Tong) as hearing officer for contested case no. 04-09

Name of Vendor: Ishikawa Morinara Lau + Tong Address: 400 Davies Pacific Center 841 Bishop St Honolulu HI 96813	Cost: \$15,000
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Term of Contract: From: April 1, 2005 To: June 30, 2006 Upon CPO Approval	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:
Linnel Nishioka was selected as the hearing officer Feb. 18, 2005 and conducted the contested case hearing from March 1-3, 2005. At that time, she was an attorney with Oshima Chun Fong + Chung. Her services were retained via P.O # C58830 + a memo of agreement. The law firm of Oshima Chun Fong + Chung has ceased operations and reorganized as a new partnership - Ishikawa Morinara Lau + Fong. It would be impractical at this point to hire another hearing officer who would have to conduct a new hearing, instead of continuing with Ms. Nishioka. We have also received an

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

invoice ←
for services through
April 30,
2005.

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

The memorandum of Agreement extending the services of Ms. Nishiooka and approving payment to her new firm was approved by the Chair on April 18, 2005. This exemption from procurement is requested due to an inability to timely secure Act 216 compliance documents from the new firm, due to state agency delays.

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

Christen Mitchell, DOFAM Planner

Direct questions to:

Christen Mitchell

Phone Number:

587 0051

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.

[Signature]
Department Head or Designee

6.14.05
Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

This request is approved with the condition that the certificates be obtained after-the-fact as soon as possible and that they not be used by the DLNR until they are compliant with chapter 103D-310, HRS.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

[Signature]
Chief Procurement Officer

6/14/05
Date

cc: Administrator,
State Procurement Office