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

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

FROM: Department of the Attorney General  
(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:  
  
Legal services to obtain representation of Employer State of Hawaii, Department of Transportation, ("Employer") on a workers' compensation claim filed by Kimo Jardine. The case is pending before the Director of Labor and Industrial Relations. The attorney retained would represent Employer at any hearing held by the Director of Labor and Industrial Relations. The attorney would also complete any necessary discovery.

Name of Vendor:	Scott G. Leong, Esq.	Cost:
Address:	841 Bishop Street, Ste. 1212 Honolulu, Hawaii 96813 Ph. 524-7575	Unable to Estimate

Term of Contract:	From:	To:	Prior Exemption Ref. No. (if applicable)
	Date of Approval	Completion of Case	N/A

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The only person who has submitted a formal application lacks sufficient experience to handle the complexity of this claim. A committee comprised of the Administrator for the Employee Claims Division, Department of Human Resources Development and two supervising Deputy Attorneys General made that determination.

The hearing on the claim may be scheduled at any time. There will be only four to six weeks of notice. Discovery is still being conducted and the person selected will have to review extensive medical records on the claim. Thus, there is insufficient time to go through the process of soliciting additional formal applications.

In lieu of that process, efforts were made, as outline below, that describe what steps were taken to insure maximum fair and open competition as was practicable under the circumstances of this case.

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

A committee comprised of the Administrator of the Employee Claims Division, Department of Human Resources Development and two supervising Deputy Attorney Generals was formed and reviewed the formal applications for FY 2005. The only attorney who had submitted an application was deemed to inexperienced to handle the complexity of the claim. The committee also reviewed all applications submitted for FY2006, but there were no applications from attorneys with workers' compensation experience.

The committee then identified eight potential attorneys who had sufficient experience to handle the claim. The Administrator contacted all eight individuals regarding: 1) availability; 2) interest in handling assignment, and 3) hourly rate. Five of the individuals responded. From these a list of three attorneys was put together. Of these, Scott G. Leong, Esq. had the lowest hourly rate and comparable experience to the other two persons on the list. (see attachment-next page)

The committee agreed that Mr. Leong should be selected based upon his experience and his hourly rate. Mr. Leong had previously submitted a formal application for at least one prior FY and had been selected. The Administrator was informed that Mr. Leong's performance was favorable and that a favorable result had been achieved.

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

Generally, the Department of the Attorney General once a year solicits formal applications in certain areas of the law through an advertisement in the newspaper. A committee screens the applications that come in and determines what areas of law an applicant is suitable for. A file with the applications is then maintained for each area of law.

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

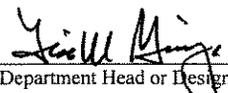
- 1) Valerie Pacheco-Administrator, Employee Claims Division;
- 2) James E. Halvorson-Supervising Deputy Attorney General, Employment Law Division;
- 3) Francis Lum-Supervising Deputy Attorney General, Labor Division;

Administration of the Contract: Valerie Pacheco or her designee.

Direct questions to:	Phone Number:
James E. Halvorson	587-2900

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.**

  
 Department Head or Designee

7/14/05  
 Date

for Attorney General of Hawaii  
 Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

  
 Chief Procurement Officer

8/1/05  
 Date

cc: Administrator,  
State Procurement Office