

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

05 NOV 17 P2:15

TO: Chief Procurement Officer

STATE PROCUREMENT DEPT.  
STATE OF HAWAII

FROM: Department of Public Safety / Institutions / Mainland and FDC  
(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:

Chartering of a 30 passenger Bombardier "Shorts – 360" aircraft to transport inmates between Oahu, Kauai, Maui and Hawaii.

Name of Vendor:	Interisland Airways, dba TransAir	Cost:
Address:	99 Iolana Place Honolulu, Hawaii 96819	est. \$400,000.00

Term of Contract:	From:	To:	Prior Exemption Ref. No. (if applicable)
	Upon CPO approval	twelve (12) months	not applicable

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

Transporting inmates on commercial flights would fall under TSA regulations which require an inmate to be accompanied by certified armed law enforcement officers. This presents a logistical problem for the department in obtaining sufficient sheriffs for the inmate movements. There are insufficient sheriffs to accommodate the mainland branch's needs at the times required. Using commercial flights would also require the department to purchase additional airfares due to the department's policy on having two escorts for every one inmate, thereby using the agency's limited funds to transport more personnel instead of inmates. The increased cost of additional personnel and airfare for those personnel make the commercial flight option not practicable and not advantageous to the State.

Island Air was approached, but Island Air required the State to release Island Air from liability. The department was advised by its deputy attorney general against signing the release of liability.

At this time, Interisland Airways, dba TransAir is the only known viable option for the department.

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

Regular commercial flights fall under TSA regulations, which require certified armed law enforcement officers to accompany the inmates. Chartered flights do not fall under the stringent TSA rules, thereby allowing the department to transport a higher percentage of inmates to escorts.

Island Air was approached, but Island Air required the State to release Island Air from liability. The department was advised by its deputy attorney general against signing the release of liability. TransAir does not require a liability release from the State.

Once Mesa Air becomes operational, the department will discuss the availability of chartering flights with them. If Mesa Air charters are available, the department will issue a solicitation for inter-island chartered flights.

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

The department shall follow Chapter 103D, HRS, and Chapter 3-122, HAR, as applicable with exempted procurements.

Preparation of contract documents shall be performed by Marc S. Yamamoto, Purchasing and Contracts Staff and Howard Komori, Mainland and FDC Branch, Supervisor.

Contract shall then be reviewed and approved as to form by the department's Deputy Attorney General.

Final review and execution of the contract shall be by the department's Interim Director, Mr. Frank J. Lopez.

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

Howard Komori, Mainland and FDC Branch, Supervisor, Contract Administrator

Shari Kimoto, Mainland and FDC Branch, Administrator

Frank J. Lopez, Interim Director

Direct questions to:

*msy 11/7/05*  
Marc S. Yamamoto, Purchasing and Contracts

Phone Number:

(808) 587-1215

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.**

*Frank J. Lopez* 11-11-05  
Department Head or Designee Date  
Frank J. Lopez  
Interim Director  
Title (If other than Department Head)

Chief Procurement Officer's Comments:

Approval is granted for 6-months or shorter should Mesa Air become operational. Once Mesa Air charters are available, the department will issue a solicitation for the inter-island charter flights.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

*Oliver J. Fisher* 11/28/05  
Chief Procurement Officer Date

cc: Administrator,  
State Procurement Office