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STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer
2. FROM: HEALTH, Communicable Disease, Tuberculosis Branch

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:

3. Description of goods, services or construction: Tuberculosis Drugs	
4. Name of Vendor: See Attached Address:	5. Price: \$364,000
6. Term of Contract: From: Date of Approval To: 12/31/06	7. Prior Exemption Ref. No. P.E. No. 05-47-C
8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: On November 4, 1992, the Veterans Health Care Act was signed into law as P.L. 102-585. A new section in the Act creates a program wherein drug manufacturers must provide statutory discounts for covered outpatient drugs to agencies receiving grant funds related to treatment of tuberculosis through a state or local government. The State of Hawaii's Tuberculosis Program is a participant. Tuberculosis drugs under this Act are discounted with prices that cannot be matched by non-participating drug manufactureres. The results are cost effective to program operations.	
9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: Vendor to be selected from drug manufacturers providing statutory discounts.	
10. A description of the agency's internal controls and approval requirements for the exempted procurement: Program to follow State's procurement code delineated under Section 3-120-4. Procurements exempt from Chapter 103D HRS. Exclusion from Veterans Health Care Act would compel program to meet small purchase requirements for amounts less than threshold levels and be subject to competitive bidding for amounts equal to or greater than threshold.	

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 Program to follow State's procurement code delineated under Section 3-120-4. Procurements exempt from Chapter 103D HRS. Exclusion from Veterans Health Care Act would compel program to meet small purchase requirements for amounts less than threshold levels and be subject to competitive bidding for amounts equal to or greater than threshold.

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

Name	Position	Involvement in Process	
Ann H. Kinningham	Chief, DOH, ASO	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Leanne Nakamura	Fiscal Officer, DOH, ASO	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Elizabeth Apana	PHAO, DOH, CDD, TB Control Branch	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: Health
 Contact Name: Elizabeth Apana *eba*
 Phone Number: 832.3542

Agency shall ensure adherence to applicable administrative and statutory requirements

14. ***I certify that the information provided above is, to the best of my knowledge, true and correct.***


 Department Head

JAN 24 2006

Date

Reserved for SPO Use Only

15. Date Notice Posted 1/30/06

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

Chief Procurement Officer's comments:

This exemption is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

16.

APPROVED DISAPPROVED

Adam S. Figher 2/6/06
Chief Procurement Officer Date

**LANAKILA HEALTH CENTER
TUBERCULOSIS PROGRAM
1700 Lanakila Avenue, Ground Floor
Honolulu, Hawaii 96817**

ATTACHMENT 1: VENDORS FOR V.H.C.A. OF 1992

WYETH LABORATORIES
31 MOREHALL ROAD
FRAZER, PA 19335

Trecator-SC 250mg 100'

AVENTIS PHARMACEUTICALS
HOECHST MARION ROUSSEL
300 SUMERSET CORP. BOULEVARD
BRIDGEWATER, NJ 08807
ATTN: CUSTOMER SERVICE

Rifamate Capsules 60'
Rifadin Capsules 300mg 60'
Rifadin Capsules 150mg 30'

JACOBUS PHARMACEUTICAL CO., INC.
37 CLEVELAND LANE
P.O. BOX 5290
PRINCETON, NJ 08540

Paser Granules (p-Aminosalicylate)
4gm/pkt 30 pkt/ctn

VERSAPHARM INCORPORATED
200 NORTH COBB PARKWAY, SUITE 210
P.O. BOX 7509
MARIETTA, GA 30065-1509

Ethambutol Tablets 400mg
Ethambutol Tablets 100mg
Isoniazid Tablets 300mg
Isoniazid Tablets 100mg
Isoniazid Syrup 50mg/ml
Pyridoxine Tablets 50mg, 25mg, 100mg
Pyrazinamide Tablets 500mg
Rifampin Tablets 300mg, 150mg

AMERISOURCEBERGEN DRUG CORPORATION
HONOLULU DIVISION
238 SAND ISLAND ACCESS ROAD
HONOLULU, HI 96819

Various above listed

TB Grantee Certification Document 2006

Please estimate outpatient drug expenditures,
sign, date, and fax to: 540-371-0118.

Chief, Hawaii State TB Control Program	
Hawaii Dept of Health	
1700 Lanakila Avenue, Ground Floor	
Honolulu	
HI	jxwing@tb.health.state.hi.us
96817	

The estimated amount expended for covered outpatient drugs for the preceding year (October 1, 2004 - September 30, 2005) is: \$ 394,448.00.

The entity or entities as updated and certified via the Office of Pharmacy Affairs' electronic forms system are recipients of grant funds related to the treatment of TB through this grantee.

I certify that reasonable safeguards are in place to assure compliance with the provisions of Section 340B of the PHS Act that prohibit Drug Diversion and Double Discounts/Rebates.

Signature 
Jessie S. Wing, MD

Date 10/27/05