



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

1. TO: Chief Procurement Officer  
2. FROM: Tim Lee, DLNR/State Historic Preservation Division

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:

<p>3. Description of goods, services or construction: Hiring of a Hearings Officer for Contested Case</p>	
<p>4. Name of Vendor: Judge Robert Klein Address: P.O. Box 2800 Honolulu, Hawaii 96803 2800</p>	<p>5. Price: \$40000.00</p>
<p>6. Term of Contract: From: To:</p>	<p>7. Prior Exemption Ref. No.</p>
<p>8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: The Hearings Officer is subject to conflicts of interest hearings. The Hearings Officers must be acceptable to all parties, the can be a change of Hearings Officer several times during a Contested Case. We need to pick a specific Judge, by qualifications, knowledge of the hearing process &amp; issues, and acceptance by petitioners, and intervenors, and by the land board. The Attorney General's office is exempt from the RFP for picking out the hearings officer, and since this is a similar type function for DLNR it should also be exempt.  RFP will get the lowest bidder, but not the acceptable hearings officer.</p>	
<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: We took three bids from a pool of experienced Judges in the area of land use, Hawaiian issues, and those individual that posed the greatest ability to mold their schedule to the Land Board, petitioners, and intervenors needs.</p>	
<p>10. A description of the agency's internal controls and approval requirements for the exempted procurement: The DLNR goes through a four stage process. It goes through a bid taking clerk. The clerk solicits bids, and inclination from several judges. In this case 7 judges, and three expressed interest in doing the hearing. Next it is reviewed, and signed by the Planner. The planner turns it over the Chairman's office for review &amp; acceptability to the Board. It is then routed to Fiscal for final PO and approval.</p>	

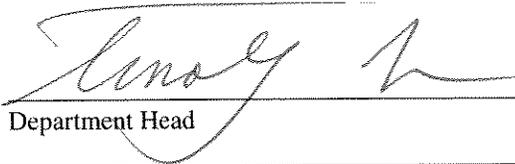
**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

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
Leimano Cruse	Clerk	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Timothy Lee	Admin Asst	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Peter Young	Chairman Land Board	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Juliet Kazanjian	Fiscal Mgt Officer	<input checked="" 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: DLNR Historic Preservation Contact Name: Tim Lee Phone Number: 692-8015 Fax Number: 692-8020
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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.*


3/21/06

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Department Head Date

<b>Reserved for SPO Use Only</b>	
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15. Date Notice Posted 3/22/06

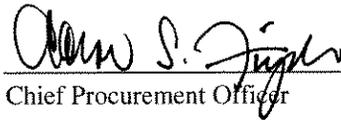
The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

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

Chief Procurement Officer's comments:

This exemption is for the solicitation process only, section 103D-310(c), HRS, and section 3-122-112, HAR, shall apply.

16.  **APPROVED**  **DISAPPROVED**


3/31/06

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Chief Procurement Officer Date