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

1. TO: Chief Procurement Officer
2. FROM: Attorney General Mark J. Bennett, 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:

3. Description of goods, services or construction:
Assist the State of Hawaii in the development and implementation of policies designed to protect wards at its juvenile correctional facility from discrimination, verbal, sexual, or physical harassment or abuse by other wards or staff, based on the wards' actual or perceived lesbian, gay, bisexual or transgender status, as per the Preliminary Injunction Order, issued on March 1, 2006, and the Second Amended Order Appointing Consultant, issued on April 6, 2006, by the Honorable J. Michael Seabright, United States District Court Judge (copies attached).

4. Name of Vendor: Margaret Beyer
Address: 2495 Bennett Creek Road
Cottage Grove, OR 97424

5. Price:
\$25,000.00

6. Term of Contract: From: 05/01/06 To: 04/30/07

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: Federal District Court Judge J. Michael Seabright ordered the State of Hawaii to retain Ms. Beyer, as per the Preliminary Injunction Order, issued on March 1, 2006, and the Second Amended Order Appointing Consultant, issued April 6, 2006 (copies attached). The Second Amended Order Appointing Consultant requires Ms. Beyer to prepare a preliminary report no later than May 31, 2006.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
In deciding which individual should be the court-appointed consultant in this matter, the State and Plaintiffs' counsel each provided the Court the names of individuals they preferred. Pursuant to the State's request, Judge Seabright selected Russell Van Vleet to serve as the Consultant in this matter. Mr. Van Vleet is currently serving as the Monitor of the Hawaii Youth Correctional Facility in an unrelated case, pursuant to a Memorandum of Agreement between the U.S. Department of Justice, and the State of Hawaii. The Department of Justice placed restrictions on Mr. Van Vleet's ability to act as both Consultant in this case, and Monitor in the unrelated case, prompting the Court to select a second Consultant, Paul De Muro on March 29, 2006. Mr. De Muro was unable to meet the deadlines, which Judge Seabright has set, and advised the Court he was unable to act as the Consultant. Judge Seabright issued his order selecting Margaret Beyer as the Consultant on April 6, 2006.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The Office of Youth Services, the Hawaii Youth Correctional Facility and the Department of the Attorney General will be reviewing Ms. Beyer's invoices.

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
Sharon Agnew	Exec. Director, Offic. of Youth Servs.	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
John F. Molay	Deputy Attorney General	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Blair Goto	Deputy Attorney General	<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: Department of the Attorney General, Health and Human Services Div. Contact Name: John F. Molay Phone Number: 587-3057 Fax Number: 587-3077

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.*

for *Jim King*
 Department Head

4/24/06
 Date

Reserved for SPO Use Only	
15. Date Notice Posted	<u>4/27/06</u>
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:	

16. APPROVED DISAPPROVED

Adam S. Fisher 5/4/06
 Chief Procurement Officer Date