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FAXED 5/31/06

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

1. TO: Chief Procurement Officer
2. FROM: Ronald Baird, CEO, NELHA

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:
Contract is for planning, design, construction, and equipment for a Marijne Finfish Research and Technology Demonstration Business Incubator Facility and a temporary Public Education and Outreach Facility in Kona on the Big Island of Hawaii. The U.S. Department of Agriculture shall provide \$400,000 in federal funds for this project.

Table with 2 columns: Vendor information (Name, Address) and Price/Exemption details (Price, Prior Exemption Ref. No., Term of Contract).

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
Procurement by competitive means would not allow the contractor to finish the project. It would also result in the loss of \$400,000.00 in matching federal dollars.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
This request is to allow the same Contract to finish the project. Monies for this project with this contractor was appropriated in SLH 1997, Act 328. The monies appropriated were a match to federal dollars.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
At the time the contract was awarded the Agency (NELHA) had an exemption from HRS 103-D (bidding). The original allotment was given to High Technology Development Corporation (HTDC) and later reversed to NELHA since the project was to be tied to a project at NELHA with a NELHA lease agreement.

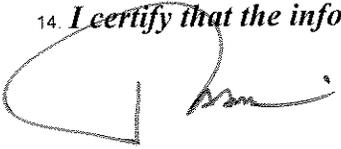
**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

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	
Ronald Baird	Chief Executive Officer, NELHA	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Theodore E. Liu	Director, DBEDT	<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
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:	Department: NELHA Contact Name: Ronald Baird Phone Number: 808-329-7341 ext 225 Fax Number: 808-326-3262
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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.*



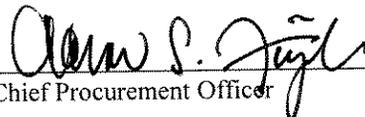
5/31/06

Department Head

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>6/5/06</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: <ul style="list-style-type: none"> <li>Chief Procurement Officer</li> <li>State Procurement Office</li> <li>P.O. Box 119</li> <li>Honolulu, Hawaii 96810-0119</li> </ul>	
Chief Procurement Officer's comments:   Exemption approval is granted for the period 7/1/2006 to 3/31/2007.	

16.  APPROVED     DISAPPROVED


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 Chief Procurement Officer                      Date 6/13/06