



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

STATE PROCUREMENT OFFICE
STATE OF HAWAII

06 JUN 20 10:15

1. TO: Chief Procurement Officer
2. FROM: DOH/CHD/CDM/CB/Breast and Cervical Cancer Control Program

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:
Purchase of patient screening and diagnostic data for mammography and cervical cancer screening to confirm and validate the selection of the priority population (Native Hawaii and Filipino women, aged 50-64 and within 250% of the Federal Poverty Level) for the Breast and Cervical Cancer Control Program. A needs assessment will also be done to show: 1) progress in outreach efforts to known priority population; and 2) an assessment of the need for breast and cervical cancer screening among potential priority populations. The needs assessment will be done through the 1) examination of available existing data on breast and cervical cancer screening and treatment and 2) the convening of group meetings based on a community based participatory approach among known and potential priority groups.

4. Name of Vendor: To Be Determined Address:	5. Price: \$50,000.00
6. Term of Contract: From: SPO-07 Approval To: June 29, 2007	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
Due to the specialized nature of the services needed, it is neither practicable nor advantageous to procure this service by competitive means. The priority population selected for the Breast and Cervical Cancer Control Program is a very hard to reach population and the organization(s) selected need(s) to have the experience dealing directly with this population to assure that the data purchased and needs assessment completed validate the priority population.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The Department of Health will solicit quotations from various organizations working with the priority population. A panel comprised of Department of Health employees, including Community Health Division, Chronic Disease Management and Control Branch, and the Breast and Cervical Cancer Control Program, will evaluate the different organizations and select a vendor(s) based upon data available for the priority population and capability to reach the defined priority population.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
After the panel makes a selection, the Department of Health (DOH) will follow prescribed regulations established under 103D, HRS. The appropriate fiscal documents will be completed, and approved by the Chronic Disease Management and Control Branch, Community Health Division, and Administrative Services Offices of the DOH. The DOH will then enter into an agreement with the selected vendor to perform the services requested.

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
Chiyome Leinaala Fukino	Director of Health	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Barbara Yamashita	CHD Chief	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Ann Pobutsky	CDMCB Epidemiologist	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Wayne Kotaki	Public Health Admin. Officer	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Danette Wong Tomiyasu	CDMCB Chief	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Jon Pantenburg	Public Health Admin. Officer	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration

13. Direct inquiries to:	Department: Department of Health Contact Name: Danette Wong Tomiyasu Phone Number: 808.586.4609 Fax Number: 808.587.5340
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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.*


 Department Head

JUN 19 2006
 Date

Reserved for SPO Use Only

15. Date Notice Posted 6/20/06

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:

Approval is granted on the basis of additional information (Appendix "1" dated 6/23/06) submitted by Jonathan Patenburg of the Breast and Cervical Cancer Control Program, that without this exemption approval, the program will lose the funding for this subject project.

The department is still required to meet all contract encumbrance requirements and contract processing procedures as specified in Comptroller's Memorandum No. 2005-12.

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

16. APPROVED DISAPPROVED


 Chief Procurement Officer

6/27/06
 Date

TO: Aaron Fujioka, SPO Administrator

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Additional Information for Request Exemption 06-089-J

The Department of Health, Breast and Cervical Cancer Control Program (BCCCP) was informed by the Administrative Services Office that the Budget and Finance ceiling for HTH 180, appropriation 225 was not high enough to sustain the level of funding provided by federal grants at the end of May. It was not until June ^{13 ak} 16, 2006 that the ceiling was raised to allow the programs to encumber the remaining funding under their federal grants. It was at this time that BCCCP realized that they would not be able to follow the regularly established procedures under 103D for encumbering funds.

BCCCP originally anticipated performing this project towards the end of May. However, the program had to wait until the ceiling was raised to allow for additional funding under the 225 appropriation. This ceiling problem did not only affect BCCCP, but all of the other federally funded programs under HTH 180, appropriation 225, including: Asthma Control Program, Diabetes Prevention and Control Program, Comprehensive Cancer Control Program, and the Tobacco Prevention and Education Program.

The BCCCP is currently in year 04 of a five year cooperative agreement with the Centers for Disease Control and Prevention (CDC). The Budget Period of this grant is June 30, 2005 through June 29, 2006. If the program is not able to encumber the funds for this project, then the program will have to return the funds to the CDC.

This data is critical to sustain the program and level of funding received by the CDC. If the program is not allowed to continue with this expenditure, it could jeopardize future funding from the CDC for the BCCCP.

Please contact me if additional information is required. Thank you for your assistance and support.

Ann H. Kinningham

Ann H. Kinningham, ASO Chief, DOH

6/28/06

Jon Pantenburg

Jon Pantenburg, Chronic Dis. Mgmt & Control
Branch PHAO

06/23/06

SPO 06-089-J