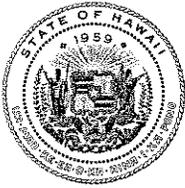


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STATE PROCUREMENT OFFICE NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer
2. FROM: Department of Public Safety

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:
Furnish, deliver, and install, and perform site work for, a modular office approximately 24' x 60' complete, including but not limited to stairs, accessible ramps, window and door security bars, and utility hookups at the Oahu Community Correctional Center (OCCC). Vendor's scope of work may also include but not be limited to: configuration of interior areas to provide for an ADA-compliant restroom, office conference room, secured records storage, and wired computer workstation area. ~~Vendor to furnish and deliver all construction materials to erect a CMU block wall, fully grouted (inclusive of 5/8" rebar grid for structural purposes). Wall to be built by others.~~ Vendor shall obtain building permits for structural and utility connections.

4. Name of Vendor: Hawaii Modular Space, Inc. Address: 91-282 Kalaeloa Blvd. Kapolei, HI 96707	5. Price: \$200,000.00
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6. Term of Contract: From: Upon CPO approval To: 9 months	7. Prior Exemption Ref. No.
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
The US Department of Justice (DOJ) found serious deficiencies in its review of the Mental Health program at OCCC. To comply with DOJ requirements, the Department of Public Safety (PSD) must fill 12 new clinical positions immediately for the Mental Health program at OCCC. Recruitment for these new positions is underway, compelling the Department to furnish administrative space for 12-15 employees.

Approval of this request for exemption from HRS Chapter 103D will allow PSD to provide administrative space timely without exacerbating overcrowded conditions for inmates or breaching the confidentiality of inmates' health care records.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The US Department of Justice (DOJ) found serious deficiencies in its review of the Mental Health program at OCCC. To comply with DOJ requirements, the Department of Public Safety (PSD) must fill 12 new clinical positions immediately for the Mental Health program at OCCC. Recruitment for these new positions is **well** underway, compelling the Department to furnish administrative space **immediately** for 12-15 employees.

Approval of this request for exemption from HRS Chapter 103D will allow PSD to provide administrative space **for the additional mental health program staff** timely without exacerbating overcrowded conditions for inmates or breaching the confidentiality of inmates' health care records. The DOJ has yet to issue its final audit report of findings and recommendations. However, PSD will be under the close scrutiny of the DOJ until PSD's mental health program at OCCC comes into compliance with DOJ requirements. Accordingly, the sooner the new staff can be housed in their "permanent" offices, the more effective they can be in addressing compliance issues. Procurement of an office trailer by competitive means, thereby delaying the accommodation of 12-15 new staff by up to as many as 8 to 10 weeks, is not anticipated to be well received by the DOJ. Any questions on this legal matter may be directed to First Deputy Attorney General Lisa Ginoza at 586-1292 or Supervising Deputy Attorney General Diane Taira at 586-8381.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
PSD will enter into a tri-party agreement with the DAGS-PWD and the contractor for the specified scope of work. The contract will be drafted by the DAGS-PWD and reviewed by the Deputy Attorney General for DAGS. The contract will then be reviewed by PSD contracts staff for execution by the department's Interim Director.

The contract administrator shall be John Borders, Capital Projects Coordinator.

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
Iwalani D. White	Interim Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Claire Y. Nakamura	Deputy Director for Administration	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
John S. Borders	CP Coordinator, PSD	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Marc S. Yamamoto	Procurement Specialist, PSD	<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

13. Direct inquiries to:	Department: Public Safety Contact Name: Marc S. Yamamoto <i>msy 8/2/06</i> Phone Number: 587-1215 Fax Number: 587-1244
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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.*

Iwalani D. White
 Department Head: Iwalani D. White, Interim Director

8-9-06
 Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u><i>8/11/06</i></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: <p align="center"> Chief Procurement Officer State Procurement Office P.O. Box 119 Honolulu, Hawaii 96810-0119 </p>	
Chief Procurement Officer's comments: <p align="center"> This request is approved on the PSD's representation that they have collaborated with DAGS-PWD, B&F, DHRD, and the AG's Office and that there is an agreement that this equipment and related services are immediately needed to address the expected concerns of the Department of Justice. Also, this approval is for the solicitation process only. HRS section 103D-310(c), and HAR section 3-122-112, shall apply. </p>	

16. APPROVED DISAPPROVED

Alan S. Feyer *8/21/06*
 Chief Procurement Officer Date