



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

1. TO: Chief Procurement Officer

HAR-OC1 599.07-A

2. FROM: Department of Transportation/Harbors Division/Oahu District

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:
Services to repair Elgin Street Sweeper hopper and lift mechanism

4. Name of Vendor: Cummins West, Inc

Address: 91-230 Kalaeloa Blvd
Kapolei, Hawaii 96707

5. Price:

\$33,547.87

6. Term of Contract: From: approval To: 1 month

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
The Elgin street sweeper was recently acquired and is currently under warranty with Environmental Products Group, manufacturer of Elgin products. Cummins West, Inc. is the manufacturer's only authorized local parts and repair dealership. Environmental Products Group has indicated that the Elgin warranty could void out if any unauthorized repairs are done to the Elgin street sweeper. See attached.
Losing the subject warranty would result in the loss of valuable coverage and guarantees.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
Other repair vendors are available but are not authorized by the manufacturer to effect repairs. Cummins West is the only authorized dealer to effect repairs without jeopardizing the manufacturer's warranty. This has been confirmed by the manufacturer.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
A staff study describing and justifying the need for this exemption was processed through staff recommendations and approval by departmental authority. Repair specifications, a written repair quote and warranty documents were included and funding sources were identified.

An internal investigation into the cause of the damage to the street sweeper has been conducted. Administrative action is pending..

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
Don Kauleinamoku	Maint & Repair Supervisor II	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Craig Fukuda	Harbor Operations Supervisor	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Scott Cunningham	Commercial Harbors Manager	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Barry Kim	Oahu District Manager	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Glenn Okimoto	Harbors Administrator	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Barry Fukunaga	Department Deputy Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Transportation Contact Name: Craig Fukuda Phone Number: 587-2056 Fax Number: 587-2075
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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.*


11/20/06

 Department Head Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>11/14/06</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: <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"> Because Cummins West is the only authorized parts and services dealer in Hawaii for the Elgin Street Sweeper, this procurement is a sole source. For that reason, this request for exemption from Chapter 103D, HRS, is returned with no action required. Please resubmit a request for sole source on SPO Form-01, Notice and Request for Sole Source. </p>	

16. APPROVED DISAPPROVED NO ACTION REQUIRED


11/17/06

 Chief Procurement Officer Date