



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

1. TO: Chief Procurement Officer

2. FROM: State Comptroller

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:

<p>3. Description of goods, services or construction: Reimbursement compensation of landowner/subdivision developer (The Estate of James Campbell - "Estate") for allocation of 57 ESDU's (Equivalent Single Dwelling Units) of sewer transmission capacity needed to execute the State of Hawaii's development of the Kapolei Judiciary Complex project site. This reimbursement compensation is as negotiated and agreed upon in the executed "Letter Agreement" between the State and the Estate which defines the land transaction and development agreement for the Kapolei Judiciary Complex project site. Attached is a copy of the executed "Letter Agreement" signed by the State (DAGS, The Judiciary, Board of Land and Natural Resources, and the Dept. of the Attorney General) and the Estate.</p>

<p>4. Name of Vendor: The Estate of James Campbell Address: 1001 Kamokila Boulevard, Suite 250 Kapolei, Hawaii 96707</p>	<p>5. Price: \$280,468</p>
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<p>6. Term of Contract: From: Dec. 2006 To: Dec. 2007</p>	<p>7. Prior Exemption Ref. No.</p>
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<p>8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: This request for exemption for Chapter 103D, HRS, requirements is submitted to allow DAGS (as the contracting agency for the Judiciary) to execute a contract with the Estate in order to make reimbursement compensation to the Estate (as the landowner/subdivision developer) to fulfill its obligation under the "Letter Agreement" between the State and the Estate in order to allow the State to receive land and to develop the Kapolei Judiciary Complex project site. Failure by the State to fulfill this obligation would jeopardize the State's land transaction and development agreement with the Estate for the Kapolei Judiciary Complex project site.</p>

<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: As the landowner and subdivision developer, the Estate is obligated to allocate sufficient sewer transmission capacity (determined to be 57 ESDU's by the City and County of Honolulu, Dept. of Planning and Permitting, Wastewater Branch) to accommodate the Kapolei Judiciary Complex project site as a condition of the City and County of Honolulu's approval of the land subdivision application and subsequent applicable construction permit applications for the Kapolei Judiciary Complex site. Accordingly, the Estate (as the landowner and subdivision developer) is the only entity that can provide the required sewer transmission capacity allocation for the Kapolei Judiciary Complex project site. As aforementioned, reimbursement compensation by the State to the Estate is a condition of the "Letter Agreement".</p>
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REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 DAGS has been briefed and will continue to work with all relevant agencies, including The Judiciary and the Attorney General, to review all documents before approval.

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	
Russ K. Saito	Comptroller	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Ernest Y. W. Lau	Public Works Administrator	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Eric K. Nishimoto	Branch Chief, Proj. Mgmt. Br.	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Gina E. Ichiyama	Section Head, Proj. Mgmt. Br.	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Walter K. Kobayashi	Project. Coordinator, PMB	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: DAGS
 Contact Name: Walter K. Kobayashi
 Phone Number: (808) 586-0478
 Fax Number: (808) 586-0530

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.*

Russ K. Saito

12/11/06

Department Head

Date

Reserved for SPO Use Only

15. Date Notice Posted 12/13/06

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

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

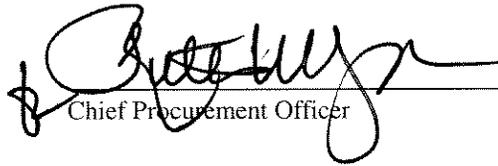
Chief Procurement Officer's comments:

16.

APPROVED

DISAPPROVED

NO ACTION REQUIRED



Chief Procurement Officer

Date

12/22/03