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

- 1. TO: Chief Procurement Officer
- 2. FROM: Health/CDD/TB Control Branch

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:

Tuberculosis Drugs

4. Name of Vendor: See Attached

Address:

5. Price:

\$364,000

6.

Term of Contract: From: Date of approval To: 12/31/07

7. Prior Exemption Ref. No.

06-040-C

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: On November 4, 1992, the Veterans Health Care Act was signed into law as P.L. 102-585. A new section in the Act creates a program wherein drug manufacturers must provide statutory discounts for covered outpatient drugs to agencies receiving grant funds related to treatment of tuberculosis through a state or local government. The State of Hawaii's Tuberculosis Program is a participant. Tuberculosis drugs under this Act are discounted with prices that cannot be matched by non-participating drug manufacturers. The results are cost effective to program operations.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

Vendor(s) to be selected from drug manufacturers providing statutory discounts.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:

Program to follow State's procurement code delineated under Section 3-120-4. Procurements exempt from Chapter 103D HRS. Exclusion from Veterans Health Care Act would compel program to meet small purchase requirements for amounts less than threshold levels and be subject to competitive bidding for amounts equal to or greater than threshold.

**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
Jessie S. Wing, MD, MPH	Chief, DOH, CDD, TB Control Branch	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Donald Toews, Ph.D.	PHAO, DOH, CDD, TB Control Branch	<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
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Health Contact Name: Donald Toews, Ph.D. Phone Number: 832-3542 Fax Number: 832-5846
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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.

*John S. Jackson*  
 Department Head

DEC 26 2006

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>12/27/06</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:  This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply.	

16.  APPROVED     DISAPPROVED     NO ACTION REQUIRED

*Adams S. Fisher*      1/3/07  
 Chief Procurement Officer      Date

**LANAKILA HEALTH CENTER  
TUBERCULOSIS PROGRAM  
1700 Lanakila Avenue, Ground Floor  
Honolulu, Hawaii 96817**

**ATTACHMENT I: VENDORS FOR V.H.C.A. OF 1992**

WYETH LABORATORIES  
31 MOREHALL ROAD  
FRAZER, PA 19335

Pyrazinamide Tablets 500mg 500'  
Trecator-SC 250mg 100'

AVENTIS PHARMACEUTICALS  
HOECHST MARION ROUSSEL  
300 SUMERSET CORP. BOULEVARD  
BRIDGEWATER, NJ 08807  
ATTN: CUSTOMER SERVICE

Rifamate Capsules 60'  
Rifadin Capsules 300mg 60'  
Rifadin Capsules 150mg 30'

JACOBUS PHARMACEUTICAL CO., INC.  
37 CLEVELAND LANE  
P.O. BOX 5290  
PRINCETON, NJ 08540

Paser Granules (p-Aminosalicylate)  
4gm/pkt            30 pkt/ctn

VERSAPHARM INCORPORATED  
200 NORTH COBB PARKWAY, SUITE 210  
P.O. BOX 7509  
MARIETTA, GA 30065-1509

Ethambutol Tablets 400mg  
Ethambutol Tablets 100mg  
Isoniazid Tablets 300mg  
Isoniazid Tablets 100mg  
Isoniazid Syrup 50mg/ml  
Pyridoxine Tablets 50mg, 25mg, 100mg  
Pyrazinamide Tablets 500mg  
Rifampin Tablets 300mg, 150mg  
Isonarif Capsules

AMERISOURCEBERGEN DRUG CORPORATION  
HONOLULU DIVISION  
238 SAND ISLAND ACCESS ROAD  
HONOLULU, HI 96819

Various above listed

# TB Grantee Certification Document 2007

Please estimate outpatient drug expenditures,  
sign, date, and fax to: 540-371-0118

Chief, Hawaii State TB Control Program	
Hawaii Department of Health	
1700 Lanakila Avenue, Ground floor	
Honolulu	
HI	
96817	jessie.wing@doh.hawaii.gov

The estimated amount expended for covered outpatient drugs for the preceding year (October 1, 2005 – September 30, 2006) is:

\$ 364,000 .

The entity or entities as updated and certified via the Office of Pharmacy Affairs' electronic forms system are recipients of grant funds related to the treatment of TB through this grantee.

I certify that reasonable safeguards are in place to assure compliance with the provisions of Section 340B of the PHS Act that prohibit Drug Diversion and Double Discounts/Rebates.

Jessie S. Wing, MD, MPH  
Signature



12/13/06  
Date