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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 Human Services

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:

Performance of research and consultation on technical requirements for assisted living facilities - see attached scope

4. Name of Vendor: LRS Architects, Inc.

Address: 1221 SW Salmon Street #10  
Portland OR 97205

5. Price:

\$33,100

6.

Term of Contract: From: 2/15/07 To: 3/14/08

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State Procurement by competitive means is neither practicable nor advantageous to the State because this is a highly specialized and unique service that only a highly limited number of agencies are interested in performing. Vendors must have very specialized knowledge relating to assisted living facilities. In addition to a limited number of qualified companies, many of those who are qualified are architectural firms who are primarily engaged in much larger and more lucrative projects. Moreover, most qualified firms are on the mainland and the additional expenses of travel and lodging make it difficult for them to provide services within the limits of a small purchase. Enquiries were sent to more than five companies, and only two companies responded at all, and only one responded with a proposal within the small purchase limits.

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

Request for bid forms were distributed to seven potential vendors on SPO standard forms SPO-10a. As stated above, only two responded and only one of those two responded within the small purchase limits while the other response was more than twice that amount. Potential vendors were identified by asking for possible contractors from personnel in pertinent Department of Health (e.g. Office of Health Care Assurance) and Department of Human Services Divisions (Adult Community Care Branch of the Social Services Division) that license assisted living facilities as well as the Hawaii Health Service Corporation that operates state hospital and nursing homes.

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

Exempted procurement for these services is specified in HRS 103D-102 (b) (4) (L) and HAR 3-120-4. Any and all requests for exemptions are researched and identified by staff familiar with program and procurement requirements and reviewed and approved by the Department Director.

**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
Lillian B. Koller	Director of Human Services	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Randy Fonseca	Administrator FRPS/SSO/SSD/DHS	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Patty Johnson	Administrator, ACC/SSD/DHS	<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

13. Direct inquiries to:	Department: Department of Human Services Contact Name: Scott Ray Phone Number: 721-6225 Fax Number: 586-4890
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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.*

*Lillian B. Koller*

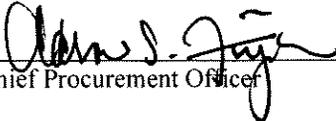
Department Head

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>1/29/07</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>Based on the justification provided, it appears that the subject services are very competitive. Because many of the qualified companies primarily are engaged with much larger projects or some of these companies are located out-of-state is not justification for an exemption.</p> <p>Please refer to Procurement Circular 2006-07, dated October 24, 2006 for the procedures to procure goods and services between \$15,000 to less than \$50,000. If these services cannot be procured via the HePS procurement system, it is recommended the agency utilize either the competitive sealed proposal process or professional services process.</p>	

16.

APPROVED   
  DISAPPROVED   
  NO ACTION REQUIRED

  
 Chief Procurement Officer

Date 2/5/07

## Scope of Services

The Contractor shall complete the following scope of services.

### Research:

1. Compile and review each of the 50 states Statutes for Assisted Living.
2. Categorize in summary tables, admittance and discharge criteria.
3. Call each of the state's Assisted Living regulators to review and confirm conclusions. Also discuss with the applicable states health-licensing reviewers all criteria that are included in their licensing statutes to review possible implications of those codes.
4. Briefly review each states enforcement of the building code for Assisted Living by determining if it is state enforced and/or modified, or if it is locally enforced and/or modified. Conclude in a brief analysis how each state generally classifies assisted living in their building code (generally the IBC in 45+ states.).
5. Briefly review each state's possible enforcement of the NFPA 101 (if applicable) for Assisted Living by determining if it is state enforced and/or modified. Conclude in a brief analysis how each state generally classifies assisted living in the NFPA 101.
6. Briefly review Hawaii's regulations for ARCH, E-ARCH, and Foster Family Homes for omissions, barriers, &/or improvements.

### Conclusions:

1. Review, compile, and finalize the Assisted Living research portion of the Assisted Living analysis into an analysis document.
2. Review, compile, and conceptualize possible proposed Hawaii's regulations for ARCH, E-ARCH, and Foster Family Homes for omissions, barriers, &/or improvements, specifically including alternative evacuation procedures for non-ambulatory individuals in institutional and non-institutional settings.
3. Provide one to three conceptual solutions for all codes and propose advantages and/or disadvantages to each possible solution.
4. Review by telephone, the preliminary conclusion document with appropriate individuals from the State of Hawaii.
5. Edit any suggested revisions from the telephone meeting into a final conclusion document.

### County Consultation:

The Contractor shall provide up to 40 hours of consultation to individual county Public Works Departments on a first come first served basis, including the following.

1. Review County Assisted Living and Care Homes regulations.
2. Prepare and discuss findings for the Assisted Living and Care Homes with the Public Works Department(s).
3. Assist in developing modifications of existing regulations to permit greater flexibility in permitting alternatives for evacuation of non-ambulatory residents of Assisted Living facilities and Care Homes.
4. Travel to meet with the participants.
5. Provide one video-conference meeting with the participants.

### Stakeholder Conference:

1. Prepare and conduct a one-day conference with State and county stakeholders for the Assisted Living and Care Homes to review findings of the analysis.