

07 FEB -5 P1:24

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

1. TO: Chief Procurement Officer
2. FROM: Department of Transportation, Highways Division

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:
Roadway and Highway Lighting Improvements on Ala Moana Boulevard from Holomoana Street to Kalakaua Avenue.

4. Name of Vendor: Hilton Hawaiian Village, LLC
Address: 2005 Kalia Road, Honolulu, Hawaii 96815

5. Price:
\$2,241,825

6. Term of Contract: *Date of*
From: Approval To: *Completion of*
Construction

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: State of Hawaii Department of Transportation has granted Hilton Hawaiian Village (HHV) permission to modify Dewey Lane intersection on Ala Moana Boulevard under the Pilot Program Agreement (PPA) dated 8/7/06 (See Attached). Under the PPA, Hilton agreed to improve the roadway, landscape median and highway lightings from Holomoana Street to Kalakaua Avenue. Since there are additional roadway improvements between Holomoana Street and Kalakaua Avenue that the State desire to implement, it would be prudent and advantageous to the State if this improvements could be combined with the improvements under the PPA. This will minimize construction scheduling conflict and disruption to traffic.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
Since Hilton Hawaiian Village has worked closely with the State on the development of the Pilot Program Agreement, HHV is very familiar with the existing roadway and traffic condition from Holomoana Street to Kalakaua Avenue. This method would accelerate the project schedule and complete the construction in a quick and efficient manner.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
Our Deputy Director or Director will approve the procurement.

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
Brennon Morioka	Deputy Director-Highways	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Glenn Yasui	Highway Administrator	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Li Nah Okita	Design Project Manager	<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: Transportation Contact Name: Li Nah Okita Phone Number: 692-7581 Fax Number: 692-7590
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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.*



 Department Head

2-1-07

 Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>2/5/07</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 align="center"> 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 NO ACTION REQUIRED

 2/12/07

 Chief Procurement Officer Date

PILOT PROGRAM AGREEMENT

BY AND BETWEEN

**THE STATE OF HAWAII,
DEPARTMENT OF TRANSPORTATION
AND**

HILTON HAWAIIAN VILLAGE, LLC

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first above written.

STATE OF HAWAII

By: Rodney Haraga
Rodney Haraga
Director, Department of Transportation

HILTON HAWAIIAN VILLAGE, LLC

By: _____
Name: _____
Its: _____ next page

APPROVED AS TO FORM:
State of Hawaii, Office of the Attorney General

By: Alan S. Ciolek
Name: ALAN S. CIOLEK
Deputy Attorney General

Date: AUGUST 8, 2006

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first above written.

STATE OF HAWAII

By: _____
Rodney Haraga
Director, Department of Transportation

HILTON HAWAIIAN VILLAGE, LLC

By: 
Name: GERHARD E SEIBERT
Its: AVP

APPROVED AS TO FORM:
State of Hawaii, Office of the Attorney General

By: _____
Name: _____
Deputy Attorney General

Date: _____

STATE OF HAWAII

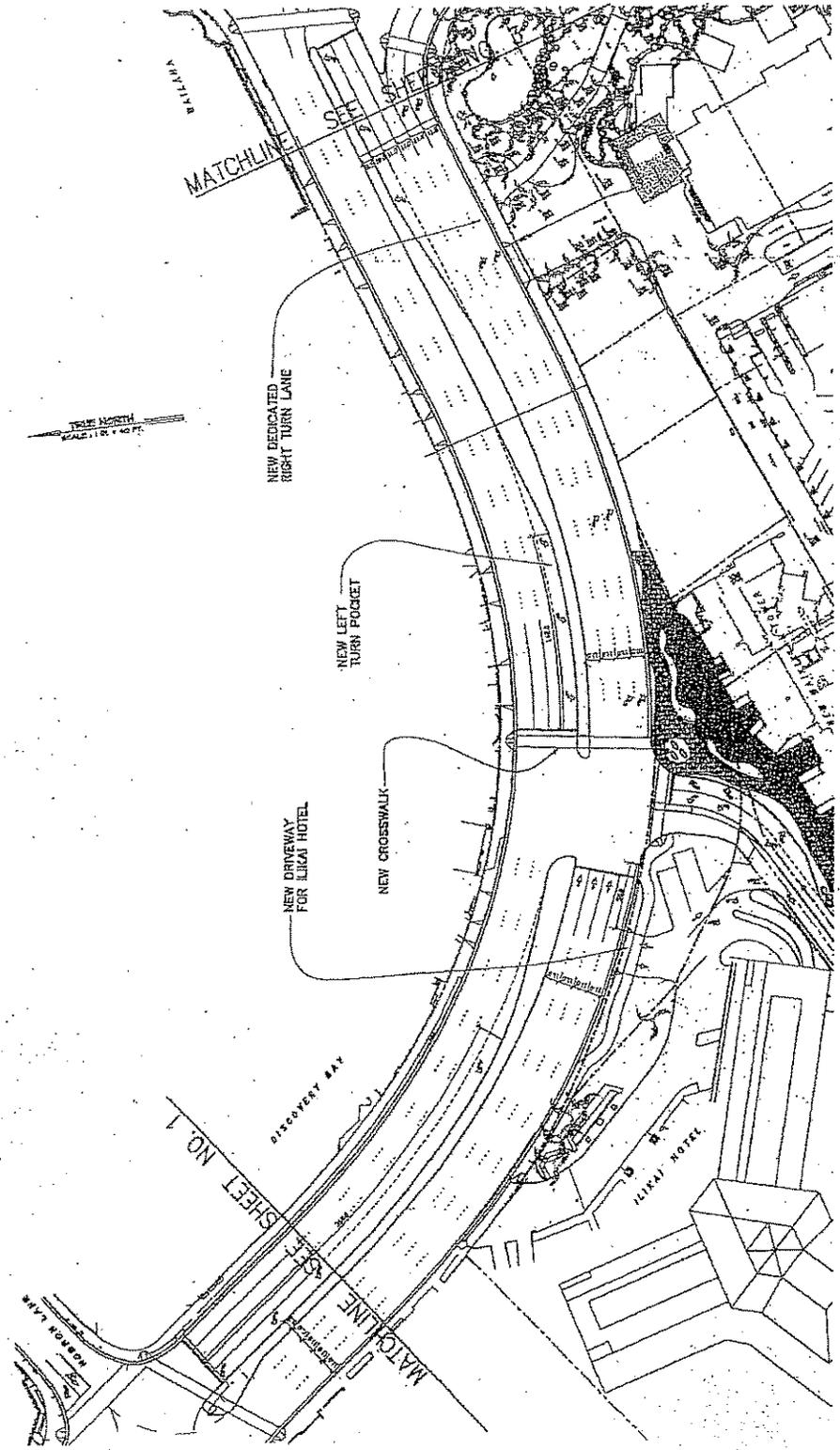
CITY & COUNTY OF HONOLULU

SS:

On this 8th day of August 2006, before me personally appeared Gerhard E. Seibel to me personally known, who, being by me duly sworn, did say that he is the AVP of HILTON HAWAIIAN VILLAGE LLC, a Hawaii limited liability company, and that said instrument was signed in behalf of said limited liability company by authority of its Members, and that said Member acknowledged said instrument to be the free act and deed of said limited liability company.

Connie Lee Delmar
Name: Connie Lee Delmar
Notary Public, State of Hawaii

My commission expires: 04-24-07



ALA MOANA BLVD. LAYOUT PLAN
SCALE: 1" = 40'



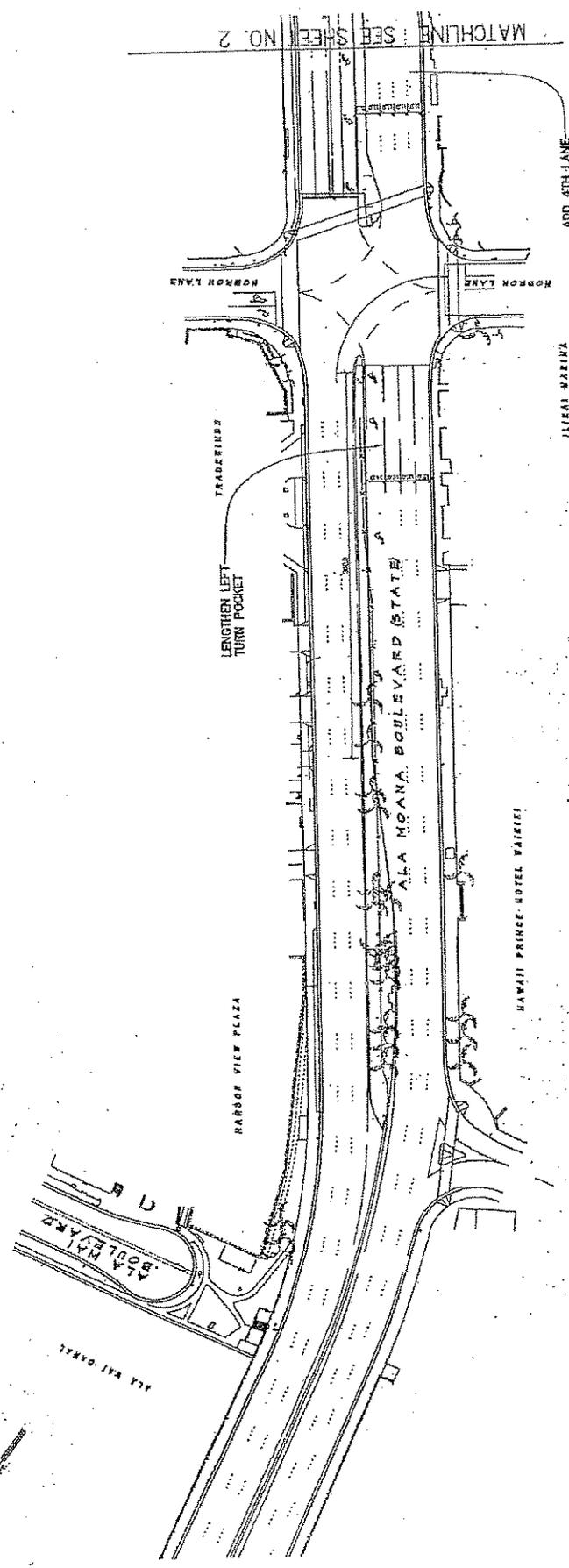
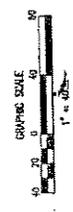
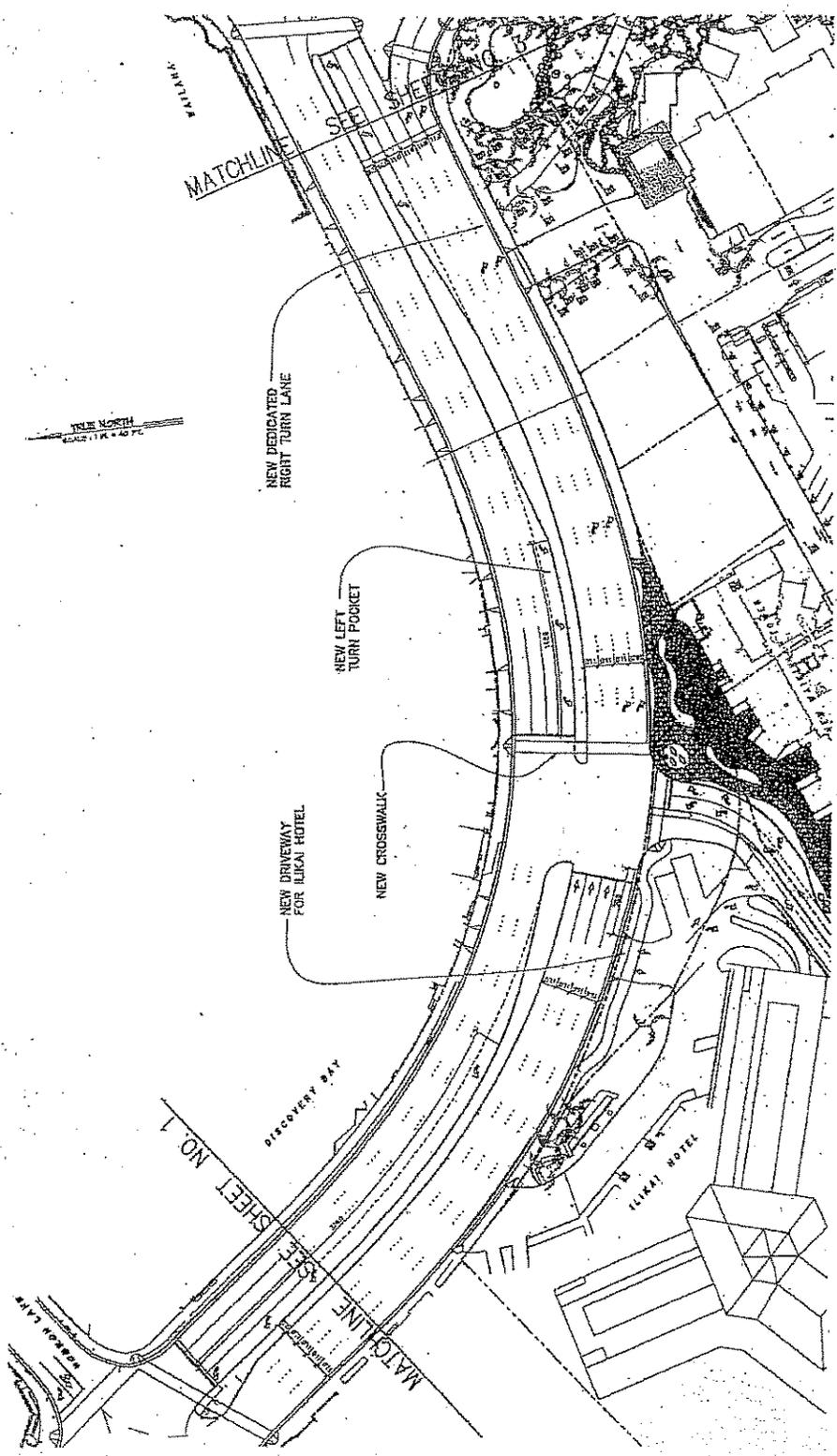


Exhibit 2
 Page 1 of 3

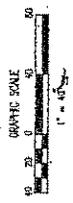
SHEET 1

ALA MOANA BLVD. LAYOUT PLAN
 SCALE 1" = 40'





ALA MOANA BLVD. LAYOUT PLAN
SCALE: 1" = 40'



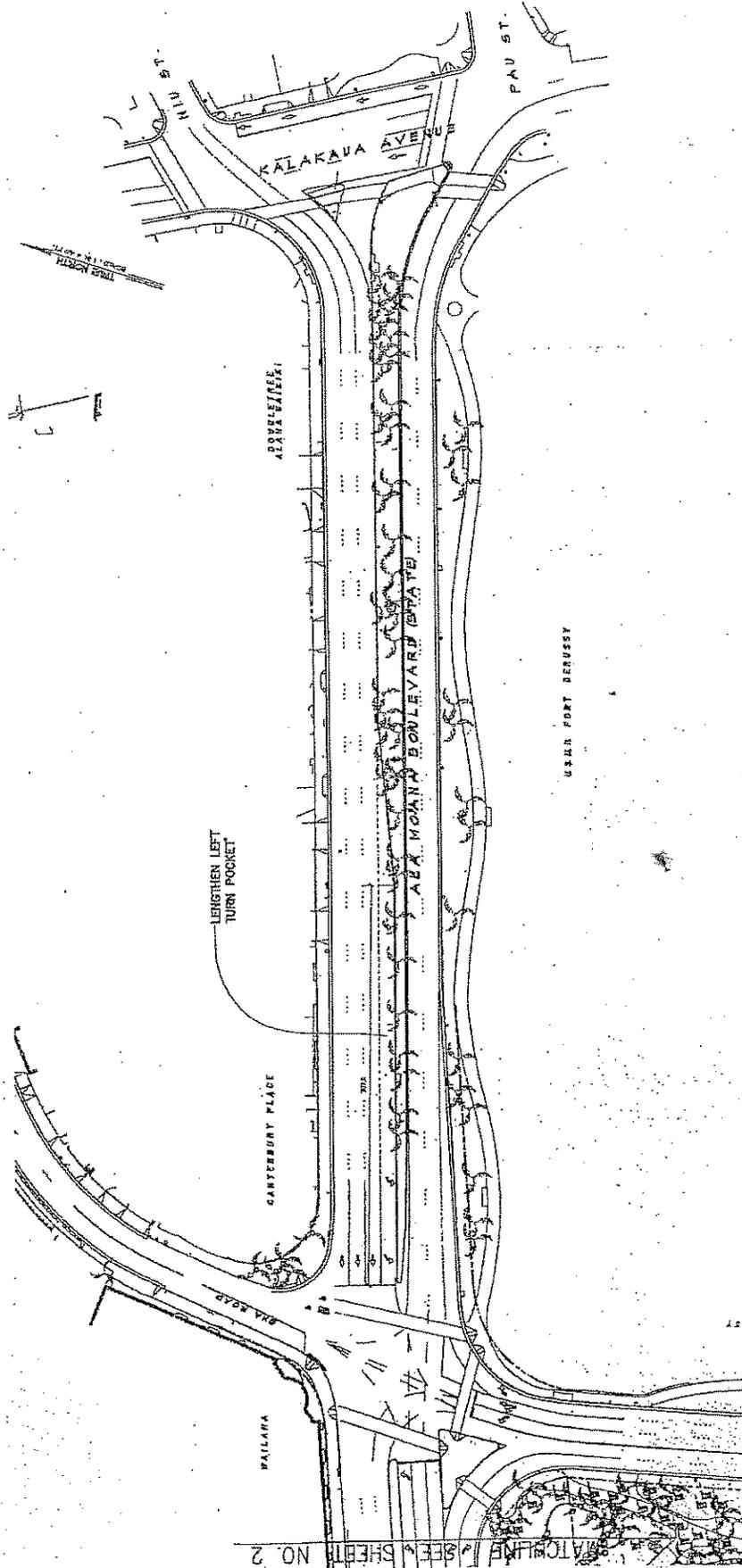


Exhibit 2
 Page 3 of 3
 SHEET 3

ALA MOANA BLVD. LAYOUT PLAN
 SCALE: 1" = 40'

