

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Accounting and General Services, Public Works 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:

Description of goods, services, or construction:
Manufacture and installation of Smalti Byzantine hand drawn/cut glass mosaic tiles for replacement of the Aquarius artwork by artist Tadashi Sato originally commissioned for the State Foundation on Culture and the Arts (SFCA) at the State Capitol.

Name of Vendor: Franz Mayer of Munich Address: Seidlstr. 25 80335 Munich, Germany	Cost: \$318,760.00
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Term of Contract: From: June 30, 2004 To: December 31, 2005	Prior Exemption Ref. No. (if applicable)
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
There are very limited manufacturers that produce glass mosaic tiles of a quality required for a unique "one of a kind" artwork installation. The manufacture and installation of Smalti Byzantine mosaic glass tiles requires specialized expertise and knowledge in both offering materials and labor that can replicate the artwork to the artist's interpretation. Two previous installations utilizing the Low Bid procurement system were below the aesthetic expectations of the SFCA and have failed due to poor materials and workmanship.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: Three glass mosaic tile manufactures/installers were recommended by the SFCA for their past experience in mosaic projects. They include: Franz Mayer of Munich; Daltile; and Bisazza, represented by Evergreen by Debra, LLC. Each manufacturer was provided slides of the original installation to duplicate color and blending, and the artist original painting to duplicate general layout, transitions and forms; for their production of mock-up samples depicting a portion of the artwork for subsequent evaluation and recommendation by the Advisory Committee. The SFCA established an Advisory Committee consisting of the original artist, Mr Tadashi Sato; an architect with technical and design knowledge, Mr. Stanley T. Yasumoto with Architects Hawaii Ltd.; and the executive director of the SFCA, Mr. Ronald Yamakawa. The Advisory Committee followed a pre-established criteria and recommended Franz Mayer of Munich as the manufacturer/installer that met the criteria that included:
1) Faithfulness in replicating the original glass mosaic tile size, material, uniformity and grout spacing, 2) Color and transition blending of forms, 3) Surface texture as it pertains to safety and edge sharpness in the material, 4) Durability and maintenance, and Cost.

A description of the agency's internal controls and approval requirements for the exempted procurement:
 The contract for services will be conducted under the supervision of the Public Works Administrator, and subject to his final approval.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:
 State Comptroller
 Public Works Administrator
 Inspection Branch Chief

Direct questions to: Ricky Sasaki, Project Coordinator	Phone Number: 586-0474
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This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

Ricky Sasaki 4/30/04

 Department Head or Designee Date

 Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED DISAPPROVED

William S. Fyfe 5/14/04

 Chief Procurement Officer Date

cc: Administrator,
 State Procurement Office