



07 FEB 28 P1:5

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

- 1. TO: Chief Procurement Officer
- 2. FROM: Department of Health/Office of Health Care Assurance

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:  
 Seeking the provision of certified nursing aide (CNA) apprenticeship services in the counties of Maui, Honolulu, Kauai, and Hawaii.

The DOH Office of Health Care Assurance desires to offer Individuals enrolled in it's CNA training project and who meet requirements, the opportunity to get further training in a health care setting.

For CNA training project participants that meet requirements and who agree to become an apprentice for a licensed healthcare provider, a portion of the apprentices wages can be subsidized by the DOH Office of Health Care Assurance.  
 Funds of approximately \$184,800 are available for apprentice training and wages.

4. Name of Vendor: various and unknown Address: various and unknown	5. Price: \$Per/unit
6. Term of Contract: <i>Upon CPO</i> From: <i>02/23/07 Approval</i> To: 12/31/07	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:  
 See attached

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

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

**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
Dr. Chiyome Fukino	Director of Health	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Terri Byers	Acting Chief and LTC Project Mgr	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Eric Fujiwara	Public Health Admin Officer	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Philip Trujillo	Data Processing Sys Analyst	<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

13. Direct inquiries to:	Department: Health Contact Name: Eric Fujiwara Phone Number: 808-586-4091 Fax Number: 808-586-4099
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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.*

*Lucy Jackson*

FEB 27 2007

Department Head

Date

**Reserved for SPO Use Only**

15. Date Notice Posted 3/2/07

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

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

*Alan S. Fujita* 3/9/07  
 Chief Procurement Officer Date

#8-

Competitively procuring apprenticeship services is not practical to the Department of Health (DOH) because predetermination of participant needs, projecting the availability date of apprenticeships, and predicting the number of apprenticeship openings is not possible. DOH is requesting an exemption because having the capability to procure apprenticeship services with any Medicare and Medicaid certified nursing facility is much needed to effectively carry out placement for program participants.

By procuring apprenticeship services once every 12 months, matching participants to the best possible work-site is compromised. To explain, Hawaii is experiencing a nursing shortage which may result in health care worksites being understaffed or experiencing unpredictable fluctuations in staffing levels. Without adequate licensed nursing staff to provide the proper training and oversight a healthcare worksite would shy away from participating in the apprenticeship program. This naturally limits apprenticeship opportunities.

To further complicate matters, participant's career interests and vocational goals are not predictable and each participant's personal employment barriers, such as access to transportation and preferred hours of work vary.

Apprenticeships are available only to those project participants who complete approved instructional curriculum, who receive proper certification, and who meet other health care industry requirements. As project participants acquire eligibility for placement they may become interested in a certain type of healthcare setting as a result may prefer to become an apprentice for a specific health care provider.

As the classroom training is available statewide, participants in the project may reside in any of one of our four counties. Given the nature of the work, apprentices may have to work varying schedules and thus, working near their home and/or having access to transportation are important considerations.

The unpredictable nature of these types of variables hinders DOH's ability to place a participant at a work site that is aligned with their career aspirations and personal situation. Therefore, limiting the amount of possible work sites makes suitable placement even more difficult.

Establishment of an approved listing of apprenticeship work sites at point in time is worrisome to DOH. It is possible that employers that submitted and were approved as apprenticeship worksites had vacancies at the time of the initial bid period. However, in the later months of the 12 month contract, these same facilities may not have any job openings to place an apprentice. In this situation, DOH would not be able to commence with any placement activities. The same situation would arise in the event that DOH did not have enough apprenticeship worksites to place all interested candidates. It would be advantageous for DOH to be able to work with a worksite that has job openings at the time that placement actually occurs.

Finding a mutually beneficial apprenticeship situation is critical to the success of this program. As we work to increase the capacity of professional health care services across the State, procuring apprenticeship services competitively would not be practical in this context. DOH seeks the ability to contract with any and all Medicare and Medicaid certified nursing homes in the State that would like to participate in this important program. Being able to contract with any certified long term care facility in Hawaii who is interested in apprenticing a project participant would benefit the State as well as the participant for the reasons mentioned above.

A competitive procurement may actually result in fewer apprenticeship sites being available thus limiting the opportunities available to participants.

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Apprenticeship service providers are used as needed. DOH will contract with a worksite if they are willing to adhere to the terms of the contract. Placement will be based on the individual participant interest, work availability, access to transportation, and the work-site requirements. A participant's case will be evaluated. Based on the assessment the participant will be referred to the work-site for an interview. The employer will interview the individual. A mutual agreement between the individual and the work site will be formalized prior to actual performance of work by the participant.

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Individual's are prescreened for eligibility by DOH's sub-contract case managers. Individual's deemed qualified to work apply for apprenticeship program. DOH conducts search for a suitable worksite. Applicants are referred to a work-site for interview. Applicant is informed of decision.