

3/14

07 MAR -6 P2:39



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

1. TO: Chief Procurement Officer
2. FROM: Health / Disease Outbreak Control 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:
FluMist® vaccine (Live attenuated influenza vaccine) [NDC#66019-0105-01] is indicated for the prevention of influenza from the flu virus and complications associated with flu. FluMist® is indicated for healthy persons between the ages of 5-49 years of age.
27,060 doses (@\$169.00 per 10 dose box plus applicable excise tax (\$0.75 per dose) = \$477,609

4. Name of Vendor: MedImmune Distribution LLC or Authorized Distributor Address: One MedImmune Way Gaithersburg, MD 20878	5. Price: \$477,609 (Lump Sum)
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6. Term of Contract: From: N/A To: N/A	7. Prior Exemption Ref. No. 0
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State: FluMist® is manufactured solely by MedImmune Distribution LLC (MedImmune). There is not an alternative flu vaccine that is currently available in this intranasal formulation. At the present time, MedImmune is the only distribution outlet for FluMist®. MedImmune is in the process of negotiating distribution agreements with different distributors for the FluMist®. (Please see attached letter.) FluMist® pricing will be equivalent amongst all distribution outlets from purchases made by public health departments. Negotiated purchase price will also match the Centers for Disease Control and Prevention's (CDC) lowest contract price.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
FluMist® is manufactured solely by MedImmune. At present time, procurement can only be initiated through MedImmune, as contracted distributors have not been officially determined by MedImmune. There will be no pricing differential amongst MedImmune and chosen distributors. The Department's purchase price will match CDC's lowest contract price for FluMist®.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The Department of Health, Disease Outbreak Control Division, has requested funding from the federal government for procurement of FluMist®. Justifications and assessment protocols have been submitted for evaluation and approval.

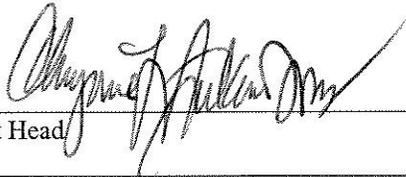
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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. Paul V. Effler	Division Chief	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Carl Chu	Pharmacist	<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: Carl Chu Phone Number: 586-8329 Fax Number: 586-8302
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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.*



MAR - 2 2007

Department Head

Date

Reserved for SPO Use Only

15. Date Notice Posted 3/07/07

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:

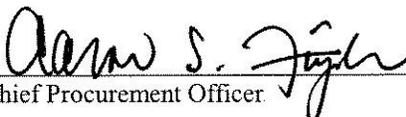
Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

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



 Chief Procurement Officer Date



MedImmune

February 23, 2007

Carl W. Chu
State of Hawaii
Dept of Health
1250 Punchbowl Street, Room 428
Honolulu, HI 96813

Mr. Chu:

MedImmune Distribution LLC is pleased to extend this letter of intent to participate in the Hawaii Department of Health's efforts to immunize school-based children.

At the present time, MedImmune Distribution LLC is in the process of negotiating a distribution agreement with AmeriSource Bergen for **FluMist®** (NDC: 66019-0105-01). Upon final execution of this agreement, MedImmune Distribution LLC will notify the Hawaii Department of Health of the outcome.

This letter of intent is contingent upon execution of our distributor agreement, and the mutual agreement of all terms and conditions between the Hawaii Department of Health and MedImmune Distribution LLC. In addition based upon the execution of our distributor agreement, MedImmune Distribution LLC will extend the public health contracted price to the Hawaii Department of Health. Once all terms are agreed upon, MedImmune Distribution LLC requests that a formal agreement between the Hawaii Department of Health and MedImmune Distribution LLC be constructed to reflect the arrangement.

Per your request, the Federal Tax ID number for MedImmune Distribution LLC is:
201006412.

MedImmune Distribution LLC looks forward to this great opportunity!

Regards,

Caroline York
VP, Reimbursement, Strategic Pricing
and Government Price Reporting

One MedImmune Way, Gaithersburg, MD 20878