



07 MAR -6 12:39

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 *SM*

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:
 Fluzone® vaccine, (No Preservative, 36 months and older) [NDC#49281-007-50] and Fluzone® vaccine, (6 months of age and older) [NDC#49281-007-10] is indicated for the prevention of infection from the flu virus and complications associated with flu.
 33,750 doses (@\$138.78 per 10 dose box) plus applicable excise tax (\$0.75 per dose) = \$493,695.00
 9,460 doses (@\$103.12 per 10 dose vial) plus applicable excise tax (\$0.75 per dose) = \$104,646.52
 Due to the volume purchase, a 2% discount before applicable excise tax of \$11,318.68 will be given.
 Total Cost = \$598,341.52 - \$11,318.68 = \$587,022.84

4. Name of Vendor: Sanofi Pasteur Inc. Address: 12458 Collections Center Drive Chicago, IL 60693	5. Price: \$587,023 (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:
 Fluzone® is manufactured solely by Sanofi Pasteur. There is not an alternative preservative free influenza vaccine that is available in the marketplace for persons less than 18 years of age. Fluzone® may be obtained through various distribution channels, however, due to the quantities requested, Fluzone® can only be obtained by a "management exemption" granted by Sanofi Pasteur. Procurement of the requested amount of Fluzone® is only made possible by a direct purchase with Sanofi Pasteur.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 Fluzone® is manufactured solely by Sanofi Pasteur. There is not an equivalent preservative free influenza vaccine available in the marketplace for persons less than 18 years of age. Fluzone® is available through various distribution channels, however, procurement of the requested quantities is only available through Sanofi Pasteur. There is no price differential amongst the various distribution channels.

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

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 the procurement of Fluzone®. Justifications and assessment protocols have been submitted for evaluation and approval.

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

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 

MAR - 2 2007

Date

Reserved for SPO Use Only

15. Date Notice Posted 3/7/07

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

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

Chief Procurement Officer's comments:

This approval is based on the DOH's representation that the vaccines will be ordered as a single purchase and the large quantity is only available from the manufacturer. This approval is for the solicitation process only, section 103D-310(c), HRS and section 3-122-112, HAR shall apply.

16.

APPROVED DISAPPROVED NO ACTION REQUIRED

Alan S. Fajal 3/14/07
Chief Procurement Officer Date