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

1. TO: Chief Procurement Officer

2. FROM: DBEDT/CID/FIB

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:

Management of 15-20% film production tax credit program, including review of applications, drafting of certification letters, revision of application forms and related instructional and marketing materials, interfacing with the Department of Taxation, Attorney General, and Office of Information Practices; Advise and counsel for film-related legislation, including drafting of testimony; representation of Hawaii Film Office at sales calls, trade shows, industry-related events, and other related marketing opportunities in New York City; and miscellaneous consultation as necessary within the prescribed maximum number of hours per week including reporting inquiries about film production in Hawaii and available incentives.

4. Name of Vendor: Mynette Louie
Address: 42-65 Kissena Blvd., #306
Flushing, NY 11355-3273

5. Price:
\$14,999.00

6. Term of Contract: *upm CPD 4*
From: *03/02/07 Approval* To: 09/05/07

7. Prior Exemption Ref. No.

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

Given Mynette's extensive expertise with the HFO and the local film industry, and the fact that she not only drafted the legislation for the new tax credit and all the requisite forms for implementation, but developed the very system we use to process the tax credit, there simply is no one else as qualified to do this work as she is. Also, with a new EDS V position that we anticipate will be filled soon, Mynette's consulting with the Film Office will be absolutely necessary in training this new individual and bringing him or her up to speed on the many responsibilities that she herself handled.

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

Mynette is the person who developed the system and is therefore the only individual who has the knowledge and expertise to service the film tax credit program. No other competitive means were taken due to the fact that no one else has the knowledge necessary to execute the responsibilities of the position.

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

Manager of the Hawaii Film Office, Donne Dawson, will be overseeing Mynette Louie.

There is no one at this time trained to manage and process the tax credit program within the branch. We are currently seeking to fill a vacant EDS position and the person hired for this position, will take the tax credit program as their major responsibility.

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
Donne Dawson	Manager, Hawaii Film Office	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Steven Lee	Acting Chief Creative Ind. Div.	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Theodore E. Liu	Director	<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: DBEDT Contact Name: Donne Dawson Phone Number: 586-2567 Fax Number: 586-2572
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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.*



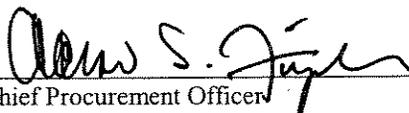
MAR 21 2007

Department Head

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>3/28/07</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>We understand this request is for services to manage the tax credit program previously handled by a former employee. However, your agency has determined that the scope of services will be conducted by an independent contractor, and not as an employee. This approval is based on DBEDT's representation that this person has the specialized knowledge for these services based on her past employment and DBEDT training shall be included as part of this request. This approval is for the solicitation process only, section 103D-310(c), HRS and section 3-122-112, HAR, shall apply.</p>	

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date 4/20/07