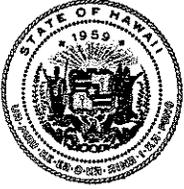


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STATE PROCUREMENT OFFICE NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer

2. FROM:

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:

Manufacturer and installation of Smalti Byzantine hand-drawn/cut glass mosaic tiles for replacement of the Aquarisu artwork by artist Tadashi Sato, originally commissioned for the State Foundation on Culture and the Arts (SFCA) at the State Capitol.

4. Name of Vendor: Franz Mayer of Munich

Address: Seidlstr. 25
80335 Munich, Germany

5. Price:

\$427,000.00

6. Term of Contract:

From: 06/30/2007

To: 12/31/2008

7. Prior Exemption Ref. No.

04-37-M

8. Explanation describing how procurement by competitive means is either not practicable nor 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 offering both 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.

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

Three glass mosaic tile manufacturers/installers were recommended by the SFCA for their past experience in mosaic tile 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's original painting to duplicated 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 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. (Continued in Box 10. below).

10. 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.

(Continuation of Box 9. above).

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 size of the glass mosaic tile, 2) Color and transition blending of forms, 3) Surface texture as it pertains to safety and edge shapeness in the material, 4) Durability and maintenance, and 5) Cost.

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
Russ K. Saito	State Comptroller	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Ernie Y.W. Lau	Public Works Administrator	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Eric Nishimoto	Chief, Project Management Branch	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Clyde Kumabe	Chief, Inspection Branch	<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: DAGS Contact Name: Ricky Sasaki Phone Number: 586-0474 Fax Number: 586-0530
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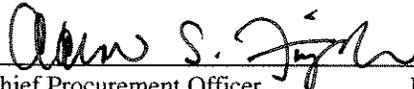
Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

		<u>4/20/07</u>
Department Head	Comptroller	Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>4/30/07</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:	

16. APPROVED DISAPPROVED NO ACTION REQUIRED

	<u>5/8/07</u>
Chief Procurement Officer	Date