

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

1. TO: Chief Procurement Officer
2. FROM: Department of the Attorney General, Administration 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:
Legal services for the review and updating of the administrative rules for the Department of Budget and Finance, Employees' Retirement System, and drafting of proposed amendments.

4. Name of Vendor: Adina Kobayashi Cunningham Address: 33 Akilolo Street Honolulu, Hawaii 96821	5. Price: \$20,000 (Cap at)
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6. Term of Contract: From: Upon approval To: End @ \$125/hr.	7. Prior Exemption Ref. No.
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
The procurement by competitive means is not practicable nor advantageous to the State because Ms. Cunningham, a former deputy attorney general assigned to the Employees' Retirement System, provided advice and counsel, research, litigation and other related legal services to the Employees' Retirement System. Just prior to her leaving the Department, she was in the process of reviewing and preparing draft amendments to update the Employees' Retirement System's administrative rules. Consequently, she is the attorney most knowledgeable about the Employees' Retirement System rules and is well acquainted with the agency itself.

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

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 Ms. Cunningham's work will be reviewed by the Supervising Deputy Attorney General of the Administration Division, and by the Administrator of the Employees' Retirement System to ensure that the work is competently and timely performed.

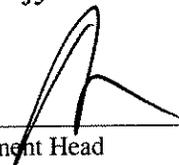
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
Russell A. Suzuki	Supervising Deputy Attorney Gen.	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Mark J. Bennett	Attorney General	<input checked="" 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
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: Department of the Attorney General
 Contact Name: Russell A. Suzuki
 Phone Number: 586-0618
 Fax Number: 586-1372

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

JUL - 5 2007

Date

Reserved for SPO Use Only

15. Date Notice Posted 7/11/07

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 given based on the intimate knowledge and experience acquired as a prior state employee that was assigned to work with the ERS. This approval is for the solicitation process only, HRS Section 103D(c), and HAR Section 3-122-112, shall apply.

16. APPROVED DISAPPROVED NO ACTION REQUIRED

Oliver S. Fujita 7/18/07
Chief Procurement Officer Date