



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

1. TO: Chief Procurement Officer
2. FROM: Accounting and General Services/Central Services 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:
Provide water treatment materials to address algae in the State Capitol reflecting pools.

4. Name of Vendor: Williams and Associates, Inc.
Address: 94-143 Leonui Street
Waipahu, HI 96797

5. Price:
\$1,300/month, with est. 2%
semi-annual adjustments
for cost increases

6. Term of Contract: Date of Approval
From: July 1, 2007 To: December 31, 2022 (or until
JL 8/08/07 pools are renovated, whichever is
earliest)

7. Prior Exemption Ref. No.
N/A

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
Selection of this product is based upon the results of a Request for Information to conduct a pilot test to quantify performance of interim water treatment programs specific to the State Capitol reflecting pools. The RFI provided a voluntary, competitive venue with no obligation on behalf of the State or interested parties as a result of participation. Follow-on procurement by Chapter 103D competitive means would not afford DAGS the opportunity to gather and utilize 3rd party quantifiable results in the actual field conditions to measure the performance of the treatment products without duplicating the efforts and costs already incurred through the RFI process, and thus would not be advantageous to the State.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
DAGS issued a Request for Information on July 8, 2004 (see attached ads and Statement of Attestation for Internet Posting). The request was to gather the most current information available about products and methods to improve existing water quality conditions in the reflecting pools without undergoing construction. Please refer to the attached RFI notice. We received five responses; two were eliminated because they required construction. Comparative field testing was conducted on the three remaining products under the existing planning and design project, State Capitol, Renovate Reflecting Pools, DAGS Job No. 12-10-0316. It was determined that based on the field test results and subsequent informal proposals, Williams and Associates offers a more cost-effective solution with satisfactory results. Please see the attached excerpt from the project Second Phase Report for Interim Water Treatment Testing.

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 original Request for Information was advertised on July 8, 2004. The testing was conducted by our consultant, who hired a specialty sub-consultant to provide 3rd party water quality testing and information about the types and extent of algae to be treated. A testing protocol was established that allowed each product to be field tested under similar conditions in each of the two pools for comparison. The final selection was based upon the water quality testing observations of our consultants in addition to the informal cost proposals we received from each company. The RFI, testing, analysis, and recommendations are outlined more specifically in the attached excerpt from the project Second Phase Report for Interim Water Treatment Testing.

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	Comptroller	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
James Richardson	Central Services Administrator	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
James Hisano	Public Bldg Mgt Services Branch Chief	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Ernest Y.W. Lau	Public Works Administrator	<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

13. Direct inquiries to: Department: Dept. of Accounting & General Services, Public Works Division, Planning Branch
 Contact Name: Christine Kinimaka
 Phone Number: 586-0499
 Fax Number: 586-0482

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.*

Russ K. Saito

7/27/07

Department Head

Date

Russ K. Saito, Comptroller

Reserved for SPO Use Only

15. Date Notice Posted 08/01/07

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:

Although exemption approval is granted for period up through December 31, 2022, (or until the pools have been renovated, whichever is sooner) it is recommended that the department avoid entering into any contract with the contractor for the full 15-year period. New products or methods may be made available that provide better results than what is available today.

This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply.

16.

APPROVED

DISAPPROVED

Alvin S. Jeyaraj
Chief Procurement Officer

8/8/07
Date