



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

1. TO: Chief Procurement Officer
2. FROM: Russ K. Saito, Comptroller

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:
Construction description and scope are as follows:

- a. Replace plumbing fixtures for Secure Custody Facility (SCF).
- b. Replace Observation and Assessment (O&A) cell locks with electronic locks.
- c. Install security camera system of O&A.
- d. Install security camera system for Hookipa Makai.
- e. Construct padded cells for SCF.
- f. Replace air conditioning systems for SCF.
- g. Install air conditioning system for O&A.
- h. And any other work that is necessary for health and safety reasons that should be done as part of this project.

4. Name of Vendor: Various vendors as needed/to be determined. Address:	5. Price: \$2,400,000.00 approx.
6. Term of Contract: From: 9/15/07 To: 12/31/08	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
The work generally described above needs to be designed and constructed in an expedited manner for the health and safety of the wards and staff of the Hawaii Youth Correctional Facility (HYCF). This procurement exemption is being requested because the State of Hawaii has entered into a Memorandum of Agreement (MOA) with the United States to resolve litigation concerning protection from harm, access to medical and mental health care, and special education claims asserted in United States v. Hawaii, Civil No. 06-00073 SPK/LEK on February 7, 2006. The complete MOA is attached for information. Also attached are some excerpts from the MOA and other justifications which highlight the need for why procurement by competitive means is either not practicable nor advantageous to the State. *Reasons*

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
To the extent possible multiple vendors/contractors will be solicited for price quotations and possibly other factors such as commitment to do the work on an expedited schedule to allow for fair and open competition.

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

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

Whenever possible, multiple quotations will be solicited by Project Management Branch staff to all for maximum competition. Plans and specifications will be provided to the extent necessary for initial pricing. It is understood that in situations like this, plans and specifications will be incomplete and that further negotiations will be required as work proceeds. Staff will review and justify all cost proposals, including negotiated change orders route through their respective supervisor/section head for further review. If acceptable by the supervisor/section head, the cost proposals will be forwarded to the respective branch chief. If the branch chief finds the cost proposal acceptable, the branch chief will recommend approval to the Public Works Administrator who will be the approving authority. When a formal contract is necessary, the Comptroller will sign the contract for execution.

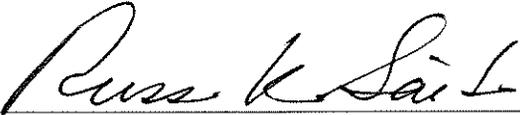
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
See attached	See attached	<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
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: Department of Accounting & General Services
 Contact Name: Ricky Sasaki
 Phone Number: 586-0474
 Fax Number: 586-0530

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

9/19/07
 Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>9/21/07</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>	

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

Chief Procurement Officer's comments:

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

16. APPROVED DISAPPROVED NO ACTION REQUIRED

Alan S. Fuchs 10/11/07
Chief Procurement Officer Date