



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

1. TO: Chief Procurement Officer
2. FROM: Department of Human Services, The Office of Youth Services

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:
See attached.

4 Name of Vendor: Mr. Leland Chang
Address: 4163 Halupa Street,
Honolulu Hawaii, 96816

5 Price:
\$38,372.00

6. Term of Contract: From: upon approval To: one year

7. Prior Exemption Ref. No.

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

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The internal controls and approval requirements for the exempted procurement will be ensured compliance by the Executive Director.

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
Martha T. Torney	Executive Director	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
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		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to: Department: Dept. of Human Services, Office of Youth Services
 Contact Name: Martha T. Torney
 Phone Number: 587-5700
 Fax Number: 808-587-5734

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.*

Julien B. Keen

NOV 09 2007

Department Head

Date

Reserved for SPO Use Only

15. Date Notice Posted 11/16/07

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

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**

Ann S. Fujita 12/18/07
 Chief Procurement Officer Date

3. Description of goods, services or construction:

Contracted service will be to assist the Hawaii Youth Correctional Facility Interagency Working Group (IWG) in the continued development of policies and procedures, protocols, and operating agreements to comply with the terms of the Memorandum of Agreement (MOA) between the U.S. Department of Justice (DOJ) and the State of Hawaii concerning conditions at the Hawaii Youth Correctional Facility (HYCF). Provision 42 of the MOA entitled "Interdisciplinary Communication" reads, "The State shall develop and implement policies, procedures and practices so that interdisciplinary communication occurs to facilitate mental health treatment among medical and mental health staff and outside providers of medical and mental health services." A MOA was developed between the Department of Human Services (DHS), Department of Health (DOH), Department of Education (DOE) – Civil Rights Office, the Department of the Attorney General, and the HYCF to begin the development of policies, procedures, protocols, and operating agreements in response to the need to improve conditions at the HYCF. The group of agencies under the MOA makes up the IWG. As of August 2007, the State was in partial compliance with Provision 42 and the recommendation from the Federal Monitor was to continue to completion the policy and procedure regarding interdisciplinary communication. In order to assist the State to complete compliance with this provision, the vendor will be responsible for fostering a collaborative and productive interaction among senior managers of HYCF, Family Court Liaison Branch of the DOH, the DOE's Olomana School and Special Education Branch, as well as the Deputy Attorney General and the technical assistance consultant assigned by DOJ. Specific services include facilitating the planning and decision making of the IWG to resolve issues identified in the DOJ's Civil Rights for Institutionalized Persons Act (CRIPA) investigation. In addition, the vendor will produce summary notes for each meeting; prepare working drafts for the IWG's review and decision making; review pertinent documents, including monitoring and expert reports, sample policies, and other related materials; plan and implement a transition and exit plan to enable the IWG to continue to function in a collaborative, productive manner beyond the period of the facilitation services; and provide quarterly reports of progress and issues addressed.

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

Though the IWG has successfully developed a collaborative working relationship resulting in several key policies and procedures, the work is not yet complete. The DOE procured and funded the initial contract for the facilitation services and the intent was for the OYS to contribute funds to continue the service to completion; however, the agreement lapsed before OYS could provide additional funds to continue services and extend the service period.

The competitive procurement utilizing the Request for Proposal (RFP) or RFB is a lengthy process requiring a minimum of 3-4 months to procure services and get a contract executed. Such a delay in the work that is in progress may ultimately hinder the State's ability to come into full compliance with the DOJ settlement agreement requirements by the deadline of February 2009 and therefore would not be practicable nor advantageous to the State. Additionally, the service is urgently needed to meet the mandate to develop policies and procedures for providing a cohesive and seamless system of rehabilitation for youth and a process for providing interdisciplinary communication. Further, the IWG, initiated with Mr. Chang, is at a midway point in meeting the requirements and members have agreed to continue the work to completion. However, to procure by competitive means may abruptly interrupt the work and the momentum of progress developed with the current vendor. For the sake of continuity, consistency in final products, and effective functioning of the group, it would be most beneficial to continue with the same vendor.

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

The initial procurement for this service was conducted in a fair and open competition. The Department of Education (DOE) - Civil Rights Compliance Office conducted a RFQ to procure services to address the need to establish a work group of agencies involved with needs and services for youth at HYCF. Mr. Chang was selected as the vendor based on his unique, relevant experiences working with other settlement agreements and qualifications which determined him to be the best qualified of the 3 offerors who submitted quotes in response to the RFQ. The DOE developed a contract with Mr. Chang to provide services as a facilitator-consultant to a collaboration of agencies (The Department of the Attorney General's Office, Department of Health, Department of Education and the Hawaii Youth Correctional Facility) Interagency Workgroup (IWG) beginning in 2005. The IWG is at a midway point in meeting the requirements to complete Paragraph 42 of the DOJ settlement agreement. For the sake of continuity, consistency in final products, and effective functioning of the group, it would be most beneficial to continue with the same vendor.