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

- 1. TO: Chief Procurement Officer
- 2. FROM: Micah A. Kane, Chairman, Department of Hawaiian Home Lands

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:
 The Hawaiian Homes Commission (HHC), its individual Commissioners, including its Chairman, and the Department of Hawaiian Home Lands (DHHL) must retain independent legal counsel to represent all parties in a lawsuit against the above named parties and the State of Hawaii and its Director of Finance, Georgina K. Kawamura. The Department of the Attorney General is representing the State of Hawaii and Georgina K. Kawamura and advised the above named parties that they may wish to retain independent legal counsel.

4. Name of Vendor: To be determined* Address: To be determined* *Solicitation of vendors to commence upon exemption	5. Price: \$To be determined*
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6. Term of Contract: January 15, 2008 From: Immediately <i>1/15</i> To: To be determined* <i>1/14</i>	7. Prior Exemption Ref. No. 0
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
 Procurement by competitive means is neither practicable nor advantageous due to the urgent need to file an answer in response to the litigation complaint and the need to retain legal counsel with experience in complex litigation and constitutional law and familiarity with the Hawaiian Homes Commission Act. The time required to write the solicitation, allow applicants to respond, evaluate the responses and select the highest scoring vendor would jeopardize the interests of the identified parties, including the potential entry of a default judgment against them. Any delay in retaining legal counsel would be disadvantageous to the interested parties and the Hawaiian Home Lands trust which they are charged to manage, protect and perpetuate on behalf of native Hawaiians..

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 DHHL staff will identify attorneys who fit the above stated criteria, as well as solicit attorneys and law firms for proposals via a letter to the Hawaii State Bar Association inviting attorneys with relevant expertise to submit proposals (qualifications and experience) if they are interested in representing the Hawaiian Homes Commission, the individual Commissioners and the Department of Hawaiian Home Lands. A selection committee comprised of one (1) member of the Hawaiian Homes Commission and two (2) DHHL staff will meet with each of the attorneys and discuss their knowledge, experience, qualifications, availability and pricing. Based on these discussions, they will provide their recommendation for selection.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 The selection will be approved by the Chairman of the Hawaiian Homes Commission, who also serves as the Director of the Department of Hawaiian Home Lands, and the Deputy 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
Micah A. Kane	Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Ben Henderson	Deputy Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Kamana`o Mills	Special Assistant	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Darrell Yagodich	Planning Program Manager	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Lisa C. Oshiro	HHL Land Issues Officer	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Department of Hawaiian Home Lands Contact Name: Kamana`o Mills Phone Number: (808) 586-3822 Fax Number: (808) 586-3899
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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.*

Ben Henderson
 Department Head

1/14/08
 Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u><i>1/17/08</i></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: <p align="center"> This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. </p>	

16. APPROVED DISAPPROVED NO ACTION REQUIRED

Adams S. Fyler
 Chief Procurement Officer

1/24/08
 Date