

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

1. TO: Chief Procurement Officer
2. FROM: DAGS, Division of Public Works

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 vendor (consultant) identified in Item 4 below currently has a contract to conduct the process of Retro-Commissioning (RCx) for the air conditioning (AC) system at the Wailuku State Office Building. As part of the RCx process, the consultant has recently completed their comprehensive on-site survey/investigation, and has developed a list of recommended repairs and improvements.

A portion of the list, the work to do repairs and recalibration of the existing controls for the AC system, and improvements to the air distribution system (i.e. balancing of air flows), are within the capabilities of the consultant.

4. Name of Vendor: Keithly Barber Associates, Inc.

Address: 14237R Ambaum Boulevard, SW
Burien WA 98166

5. Price:

\$15,000 (est.)

6.

Term of Contract: From: upon CPO approval To: December 2009

7. Prior Exemption Ref. No.

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

Having performed the site survey/investigation, the RCx consultant is already familiar with the building, site, and AC system, their condition, and what repairs are necessary. Allowing the RCx consultant to perform the proposed repairs/improvements offers the following advantages:

- a. Minimizes costs to the State by eliminating the need to prepare documents necessary for competitive bids or proposals, and efficiently utilizes the consultant's contract to perform the desired work.
- b. Enables the State to perform the work in an expeditious manner, thereby benefitting from the results of the repairs and improvements in the shortest time possible.

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

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

1. DAGS Project Management Branch (PMB), along with DAGS Maui District Office (MDO) and the RCx consultant will refine and finalize the proposed scope of additional work to be performed by the RCx consultant.
2. PMB will continue to administer the RCx consultant's contract and will prepare the necessary contract modifications to address the revisions to the scope of services being performed.
3. MDO will monitor the RCx consultant's work to ensure compliance with the additional scope of work, and will report on its progress and completion to PMB.
4. PMB to review and process the RCx consultant's requests for payment based on input received from MDO.

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
Daniel Jandoc	Project Coordinator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
David Victor	Maui District Engineer	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Gina Ichiyama	Supervisor, Proj. Management Br.	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Eric Nishimoto	Chief, Project Management Branch	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Ernest Lau	Public Works Administrator	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: DAGS, Division of Public Works, Proj. Mgt. Br. Contact Name: Daniel Jandoc Phone Number: 808-586-0476 Fax Number: 808-586-0530
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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.*



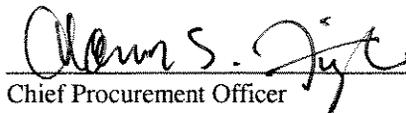
Department Head

3/6/08

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>3/07/08</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"> HAR section 3-122-13(e) states that a contractor paid for services to develop or prepare specifications or work statements shall be precluded from submitting an offer or receiving a contract for that particular solicitation. </p>	

16. APPROVED DISAPPROVED NO ACTION REQUIRED



Chief Procurement Officer

3/10/08
Date