



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

1. TO: Chief Procurement Officer
2. FROM: Micah A. Kane, Chair, 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:
See attachment 1.

4. Name of Vendor: To be determined* Address: To be determined * *Solicitation of vendors to commence once procurement exemption is approved.	5. Price: \$ To be determined * \$ 2,000,000
6. Term of Contract: 5/1/08 From: To be determined * To: To be determined * 12/31/08 U	7. Prior Exemption Ref. No. NA

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
See attachment 2.

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 solicit development and/or construction organizations for proposals to complete bonded homes that could not be completed by the developer, Menehune Development Company, its contractor, Fredco Inc., nor the bonding company, Hardware Hawaii Inc., on the island of Lanai. The award for this service will take into consideration price, quality, warranty, delivery schedule and construction capacity and will be made to the most advantageous offer to the State. To expedite the construction work, DHHL may consider more than one developer or construction organization to provide the construction requirements

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

1. Exemption procurement approved by the Chief Procurement Officer.
2. Staff to solicit organizations for proposals. (Using Attachment 3)
3. Proposals are opened and evaluated by qualified DHHL Staff. (Using Attachment 4)
4. Contract awarded to proposal that is responsive, responsible, and advantageous to DHHL.
5. Contract is drafted and approved by AG.
6. Contract signed by Contractor(s)
7. Contract signed by DHHL Chair.

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	Chair	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Kamana'o Mills	Special Assistant	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Larry Sumida	LDD Administrator	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Stewart Matsunaga	Master Plan Community Dev. Manager	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration

13. Direct inquiries to:	Department: Hawaiian Home Lands Contact Name: Kamana'o Mills Phone Number: 586-3822 Fax Number: 586-3899
--------------------------	---

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

Date

DEPT. OF HAWAIIAN HOME LANDS
 MAR 12 11:11 AM '08

Reserved for SPO Use Only

15. Date Notice Posted 03/27/08

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 based on a situation created when DHHL's contractor declared bankruptcy without completing homes for their beneficiaries. As a result of this and DHHL's responsibility to its beneficiaries, it would not be practicable and timely to do a formal solicitation under these circumstances. The DHHL will be required to solicit competition for the completion of these homes and award based on set criteria.

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

16.

APPROVED DISAPPROVED


 Date 4/3/08