

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

1. TO: Chief Procurement Officer
 2. FROM: Health/State Lab/EHASB - Air

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:

- a. ENVSTA Core System Software (central system software) used to manage data collected from the ambient air quality monitoring stations and into a sequel database.
- b. ENVSTA – 5 user concurrent license
- c. ERPT-2000 REPORTER- this will enable DOH the capability to compile and generate reports needed by various agencies on the Big Island, EPA and the public
- d. ENVSTA Web Edition- allows for DOH web site to receive near real-time data to be posted for public viewing.
- e. Design/Training/Installation Service

4. Name of Vendor: DR DAS Address: 194 Clouse Lane Granville, OH 43023	5. Price: <p align="center">\$59,271.00</p>
6. Term of Contract: This is a one time purchase of goods and services listed in item #3. From: _____ To: _____	7. Prior Exemption Ref. No.

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

The DOH is requesting an exemption due to the Big Island emergency situation with very high levels of sulfur dioxide (SO2) and ash from Kilauea volcano. The Department of Health (DOH) has been tasked with assisting the Big Island emergency operations command (EOC) at the Hawaii County Civil Defense to provide public health advisories, alerts and when dangerously high levels of SO2 are detected to make evacuation decisions. In order to make informed decisions on when to leave an affected area, immediate notifications to the EOC of high levels of SO2 is necessary because dangerously high levels or levels exceeding national air quality standards maybe extremely harmful to sensitive populations. (Continued on next page)

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

The DOH has researched and contacted possible vendors to determine whether or not their central system's software is compatible with the DOH monitoring stations equipment and data collection system. The software system must also provide the required services due to this emergency situation as discussed in #8 above. One of the vendors DOH contacted was DR DAS. Their central system software along with the web editions is compatible with the DOH current monitoring stations and could accomplish DOH's tasks.

A monitoring section staff of the Clean Air Branch attended a National Air Quality Monitoring conference and obtained contact information for four (4) vendors. Of these vendors, IPS Meteorstar, Inc., did not respond to our inquiry. (Continued on next page)

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

The current vendor was contacted first to upgrade, fix current problems and provide what the DOH current needs. HISO and EPA were contacted to assist DOH with fixing problems with the current system. Other states with similar monitoring systems with Hawaii's were also contacted to determine what could work for Hawaii.

Finally, vendors were contacted to determine compatibility with DOH's monitoring station and systems.

The Branch Chief and the Division Chief will review the procurement request to ensure that it is in compliance with State Procurement Office rules and regulations.

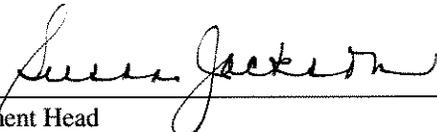
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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
Henry Yee	Chemist, ASAS	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Wilfred Nagamine	Manager, Clean Air Branch	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Wanda Chang	Branch Chief, EHASB	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
A. Christian Whelen, Ph.D.	Division Chief, State Lab	<input checked="" 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 Health, State Lab Contact Name: Henry Yee, Chemist Phone Number (808) 453-6620 Fax Number (808) 453-6640
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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.*

for 
 Department Head

5/20/08
 Date

Reserved for SPO Use Only	
15. Date Notice Posted <u>5/21/08</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"> This approval is given based on the need for the DOH to provide the Hawaii County Civil Defense with information for their residents on the levels of sulfur dioxide and ash from the Kilauea Volcano. </p> <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


 Chief Procurement Officer 6/12/08
 Date

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8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: **(Continued)**

The SO₂ emissions from the Pu'u O'o and the new Halemaumau vent have increased from 2000 tons per day to as high as 4000 tons per day. The large amounts of SO₂ and ash descend on the communities in varying degrees depending on the wind direction and wind speed therefore creating a situation which threatens public health, welfare and safety for residences downwind of the volcano. At times, these levels have exceeded the national ambient air quality standards which are health-based levels set by EPA to protect public health.

The DOH has been tasked with the following: provide data in a timely manner directly to the EOC; provide alarms and alerts to the EOC when DOH monitoring stations levels reach certain response levels; and transmit near real-time data to EPA and the DOH websites for public viewing. The current system is unable to accomplish these tasks. HISO and EPA have been assisting the DOH in trying to fix the current system but have been unable to resolve the problems due to the proprietary restrictions to the current system software.

The DOH must immediately purchase a central software system which can integrate with the current monitoring system to provide the required data to all of the agencies who are responsible for making critical public health decisions. Updating instead of replacing the central system and acquiring web edition software will cost approximately \$60,000 compared to \$200,000 for purchasing the entire system. Electronic procurement would not apply in this case since the cost is greater than \$50,000. The procurement process for this situation is not practical since it is uncertain how long the process will take to complete. Updating the current system to assist the EOC is urgently necessary now since timely data is needed to make crucial public health and safety decisions. DOH has tried many times to resolve these issues with the current vendor but was not successful. Any further delays may be detrimental to public health and safety especially if a major crash occurs to the current system.

Currently, the DOH has five ambient air monitoring stations located in Hilo, Kona, Pahoa, Pahala and Mountain View which measures SO₂ and particulates (PM_{2.5}). The county has also requested that DOH add at least two more stations to cover Volcano Village and Hawaiian Ocean View Estates which have recorded extremely high levels of SO₂

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

American Ecotech responded and informed DOH that basically their system was not compatible unless they could get a communications protocol from the current vendor and write a new software program. Agilaire responded and conducted a test with their system and one of our current monitoring station to determine that their system was not compatible. DR DAS responded by providing a demonstration of their system software and conducted a test which showed their software was compatible with our current monitoring stations. DR DAS could also provide near real time data to DOH and EPA, provide alarms and alerts, and has a web edition in place all of which DOH needs to have for this Big Island emergency.