



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

1. TO: Chief Procurement Officer

2. FROM: Attorney General

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:
Services of a private attorney to serve as a special deputy attorney general and as lead co-attorney to represent and defend the State and the Department of Education in the case of Ann Kimball Wiles, et al. vs. Department of Education, et al., Civil No. 04-00442 ACK/BMK and Civil No. 05-00247 ACK/BMK (consolidated).

4. Name of Vendor: Kenneth Robbins, Esq.
Robbins & Associates

Address: 841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813

5. Price:
\$Up to \$100,000

6. Term of Contract: From: CPO Approval To: Judgment in USDC

7. Prior Exemption Ref. No.
0

8. Explanation describing how procurement by competitive means is either not practicable or not 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:

We are seeking this procurement exemption (almost, but not exactly as though it were a sole source request) so that we can negotiate a contract with Mr. Robbins directly. Mr. Robbins is available and willing to provide the services we need and for the reasons discussed above, we believe he is the most qualified to prepare and present the State's defense in this case.

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 The Department will use its Standard Form Agreement for Special Deputy Attorney General Services, and adhere to all DAGS accounting procedures for processing payments under the contract. The Attorney General will sign the agreement on behalf of the Department and the State.

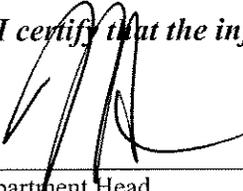
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
Mark J. Bennett	Attorney General	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Lisa M. Ginoza	First Deputy Attorney General	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Holly T. Shikada	Deputy Attorney General	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to: Department: Attorney General
 Contact Name: Mark Bennett or Holly Shikada
 Phone Number: 586-1282 or 586-1266
 Fax Number: 586-1239

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.*



JUL 28 2008

Department Head

Date

Reserved for SPO Use Only

15. Date Notice Posted 7/28/08

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

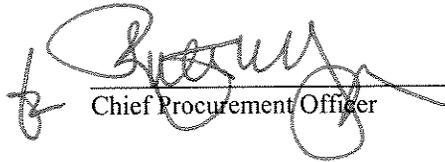
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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


Chief Procurement Officer

8/4/08
Date