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

1. TO: Chief Procurement Officer
 2. FROM: Department of Health, Env. Mgmt/Clean Water Branch

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: Bacteria analysis of recreational water samples taken along the Kona coast on the Island of Hawaii.	
4. Name of Vendor: Microbiology Consulting Services, LLC Address: 73-4159 Ka'a Place Kailua-Kona, Hawaii 96740	5. Price: <p style="text-align: center;">\$42,000</p>
6. Term of Contract: From: 7/1/07 9/17/08 ct To: 12/31/08 6/30/09 ct	7. Prior Exemption Ref. No. <p style="text-align: center;">07-098-C</p>
8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: The DOH has a lab in Hilo but the transporting of the samples to Hilo is problematic. Bacteria samples need to be processed within 6 hours when chilled, if not the sample is invalid. In order to make the 6-hour time limit, the number of samples are restricted and the sampler incurs overtime as well as the lab personnel processing the samples. It takes roughly 1 1/2 to 2 1/2 hours to drive from the Kona to Hilo in a safe manner. It then takes another 1 1/2 to 2 1/2 hours to drive back. After a day of sampling and driving, it can be tiring and presents a danger, where the staff may fall asleep or not be as alert as one should be while driving.	
9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: There are currently only two labs on the Island of Hawaii that perform bacteria analysis. One is the DOH lab in Hilo and the other is Microbiology Consulting Services, LLC. Previously, bacteria analysis was performed by National Energy Laboratory Hawaii Authority (NELHA) under a consent agreement. The value of the consent agreement has been used up and the NELHA no longer performs bacteria analysis.	
10. A description of the agency's internal controls and approval requirements for the exempted procurement: The DOH, Clean Water Branch, filed form SPO-01, Notice & Request for Sole Source, to Chief Procurement Officer. Chief Procurement Officer responded and noted "there is more than one source for the required bacteria analysis. However, contracting with the Hilo lab would not be practical nor advantageous to the State. For this reason, please resubmit this request on SPO Form-07, Notice of and Request for Exemption from Chapter 103D, HRS." A copy of SPO-01 is attached.	

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
Watson Okubo	Section Supervisor, Clean Water	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Alec Wong	Branch Chief, Clean Water Branch	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Thomas Arizumi	Div. Chief, Env. Mgmt Div	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Gayle Shida	PHAO, Env. Resources Ofc.	<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: Health/EMD/Clean Water Branch
 Contact Name: Watson Okubo
 Phone Number: 586-4309
 Fax Number: 586-4352

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.*

Sumi Jackson

SEP 15 2008

Department Head

Date

Reserved for SPO Use Only

15. Date Notice Posted 9/25/08

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 the DOH's representation that there are no other facilities on the Kona Coast available to do the bacterial analysis. 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

Alan S. Fujita 10/2/08
 Chief Procurement Officer Date