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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 Public Safety / Corrections / Waiawa CF

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:

<p>3. Description of goods, services or construction: The current contract for the Maintenance and Operation of the Wastewater Treatment Plant at the Waiawa Correctional Facility expires September 30, 2008. A request to extend the contract for the three month period from 10.1.08 to 12.31.08 was sent to the vendor on Sept 8, 2008 and again on Sept 17, 2008. The vendor responded on Sept 20, 2008 of their inability to extend due to economics of the current contract. Because of this new development, a procurement exemption is now being requested.</p> <p>A new solicitation was issued on September 18, 2008 under IFB No PSD 09-WCF-07 and is scheduled to open on September 30, 2008 (refer to attached Procurement Notice).</p>	
<p>4. Name of Vendor: Aqua Engineers, Inc. Address: 3560 Koloa Road Kalaheo, HI 96741</p>	<p>5. Price: estimated \$ 20,000.00</p>
<p>6. Term of Contract: From: 10/01/2008 To: 12/31/2008</p>	<p>7. Prior Exemption Ref. No.</p>
<p>8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: PSD attempted to secure a contract extension with the current vendor via email on 9/8/08 and again on 9/17/08. The vendor responded on 9/20/08 that they were not willing to extend due to economic reasons.</p> <p>Due to the contract's expiration date of September 30, 2008, the requirement that the vendor possess a Grade 2 operation and maintenance license from the DOH-WWB, PSD requests an exemption to negotiate with the current contractor for revised pricing on the required services (weekly, monthly and quarterly) up to December 31, 2008.</p>	
<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: Due to the need for continuity of services and the time remaining on the current contract, PSD will negotiate with the incumbent contractor for revised pricing and terms for services for the three month period.</p>	
<p>10. A description of the agency's internal controls and approval requirements for the exempted procurement: PSD will enter into a new contract with Aqua Engineers for the interim period until a new contract can be executed as a result of IFB No. PSD 09-WCF-07.</p> <p>PSD will ensure that Chapter 103D-310c is complied with (refer to attached HCE document)</p>	

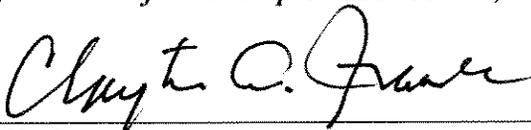
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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
Clayton A. Frank	Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Tommy Johnson	Deputy Director for Corrections	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Jodie F. Maesaka-Hirata	Waiawa CF - Warden	<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
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Public Safety Contact Name: Marc Yamamoto <i>msy 9/22/08</i> Phone Number: 808-587-1215 Fax Number: 808-587-1244
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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.*


9/23/08

Department Head Clayton A. Frank, Director Date

Reserved for SPO Use Only	
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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:

Approval is granted to 12/31/08 or sooner if a new contract is awarded prior to that date.

16. APPROVED DISAPPROVED NO ACTION REQUIRED


10/2/08

Chief Procurement Officer Date