



**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 Hawaii 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:
Services for Kawaihae 304.5' and 632' Reservoirs System Improvements and Earthquake Repair Work include professional engineering services for the repair of two water reservoirs damaged by the October 15, 2006 Kiholo Bay earthquake and approximately 300-feet of new water line to improve the system's hydraulics. Services include, but are not limited to, reviewing submittals, responding to information requests from the construction contractor, reviewing change order proposals, and assisting with the construction close-out of the project. Akinaka & Associates, Ltd. was contracted as the engineering design firm for the project. The contract expired on October 15, 2008. Due to a change in policy as stated in Executive Memorandum 08-03 and 08-05 15. (i), the extension of contracts which have expired is no longer permitted. Therefore, this procurement form has been submitted to the State Procurement Office to cover the costs and scope of those DHHL contracts which have expired.

4. Name of Vendor: Akinaka & Associates, Ltd. Address: 3049 Ualena Street, Suite 500 Honolulu, Hawaii 96819-1947	5. Price: \$36,636.31
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6. Term of Contract: From: Date of Approval To: June 30, 2009	7. Prior Exemption Ref. No.
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8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the State:
Akinaka & Associates, Ltd. was the engineering design firm for the project. They have designed the construction plans for the project which is now under construction. The Department of Hawaiian Home Lands would like to procure Akinaka & Associates, Ltd. to complete the work on the project. Competition is not advantageous as Akinaka & Associates, Ltd. have designed the project and the necessary technical knowledge to provide the services in the most expeditious manner, which is critical to achieve the successful completion of the project.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
The Department of Hawaiian Home Lands will hire Akinaka & Associates, Ltd. to perform the work.

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. Contract awarded to Akinaka & Associates, Ltd.
 3. Contract drafted and approved by AG.
 4. Contract signed by Contractor.
 5. 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	Chairman	<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 type="checkbox"/> Administration
Royden Ishii	HHL Engineer	<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: Hawaiian Home Lands Contact Name: Royden Ishii / Larry Sumida Phone Number: 620-9278 / 620-9271 Fax Number: 620-9299
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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.*



1/9/09

Department Head

Date

Reserved for SPO Use Only
15. Date Notice Posted <u>1-13-09</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 based on the DHHL's declaration that the design is proprietary to the initial contractor. 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 Date 2/24/09