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

1. TO: Chief Procurement Officer

2. FROM: Department of Health, Environmental Planning Office

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:
The scope of services include collecting and synthesizing background information for the Kalihi watersheds to create Total Maximum Daily Load (TMDL) Scoping Reports and TMDL Sampling and Analysis Plans for development of nutrient, sediment and trash TMDLs.

4. Name of Vendor: Smith, Jack Douglas, Ph.D. Address: 229 Aiokoa Street, Kailua, HI 96734	5. Price: $7,500
6. Term of Contract: From: CPO Approval To: 09/30/2009	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
The vendor was awarded a HePS contract to provide the services described for the period October 26, 2007 to September 30, 2008. He suspended work due to medical reasons. Although he was able to resume work, the delay was such that he was not able to complete the project by the contract end date. As the work is in progress, and as the vendor has gathered the background information, produced interim work products, and produced a plan toward completion, it would be cost and operationally detrimental to bring in another vendor to complete 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 original award was based on the Hawaii Electronic Procurement System (HePS) competitive process. The work covered by this exemption is limited to work awarded under the prior HePS award.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The request for exemption is only for work requested under the HePS solicitation and shall be in compliance with Procurement Code 103D, Hawaii Public Procurement Code. Form SPO-03 to extend the HePS award for up to one hundred eighty (180) days was not done because federal funding for this project expired on the contract termination date of September 30, 2008 and additional funds in subsequent federal grants were uncertain. Award of a new grant on October 1, 2008 allowed use of funds to continue work on the project.

11. P.E. No. 09-058-D

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
		☐ Approval ☐ Administration
		☐ Approval ☐ Administration
		☐ Approval ☐ Administration
		☐ Approval ☐ Administration
		☐ Approval ☐ Administration
		☐ Approval ☐ Administration

13. Direct inquiries to:	Department: Health Contact Name: David Penn Phone Number: 586-4337 Fax Number: 586-4370

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.***

Department Head

JAN 15 2009
Date

Reserved for SPO Use Only

15 .Date Notice Posted 1-29-09

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:

Exemption is based on the agency's declaration that it would be in the State's best interest to maintain service from the initial vendor to complete the work that has already been started in order to save time and resources.

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 3/9/09
Date