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

1. TO: Chief Procurement Officer

2. FROM: Defense, ASO, Fiscal

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:
Instructional services for in-school and out-of-school youth on Kauai.

4. Name of Vendor: The Paxen Group, Inc. Address: 710 Atlantis Road Melbourne, FL 32904	5. Price: \$87,468
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6. Term of Contract: From: July 1, 2008 To: 6/30/2009	7. Prior Exemption Ref. No.
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8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
The DOD has an existing Supplemental Agreement No. 2 for FY09 with the vendor who has been providing services on a continuous basis since July 1, 2008. Fiscal personnel inadvertently closed out this contract effective COB June 30, 2008 with no encumbrances set aside for FY09. The loss of continuity for this contract resulted from Fiscal personnel incorrectly combining and including this contract with another one that was scheduled for an RFP with a same contract start date of July 1, 2008. This erroneous assumption resulted with the premature closure of this contract's term. Thus, it would be inappropriate, and impracticable for the DOD to reissue another proposal when there is no new RFP in place.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
N/A as the DOD is the awardee to this RFP published by the County of Kauai on 5/30/06.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
To prevent this from reoccurring in the future, steps shall be taken with appropriate staff.
Fiscal personnel directly responsible for payments and encumbrances shall first consult with the program specialist who oversees contracts before taking any adverse action on a particular contract.

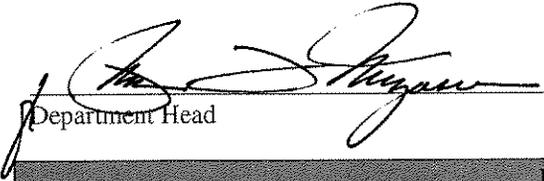
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

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	
Thomas T. Moriyasu	Business Management Officer	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Theodore A. Daligdig III	Director, Education Programs	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Kenneth Nakagawa	Program Specialist	<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: Defense Contact Name: Kenneth Nakagawa Phone Number: 733-4259 Fax Number: 733-4237
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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.*


 Department Head

FEB 10 2009

Date

Reserved for SPO Use Only

15. Date Notice Posted 2-19-09

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:

Requests for procurement exemption require prior approval.

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date 4/3/09