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NOTICE OF AMENDMENT TO EXEMPTION FROM CHAPTER 103B, HRS, CONTRACT

STATE PROCUREMENT OFFICE STATE OF HAWAII ADMINISTRATION STATE PROCUREMENT OFFICE

TO: Chief Procurement Officer

FROM: DBEDT - SID - EB

(Department/Division/Agency)

Name of Contractor: Hawaiian Electric Co., Inc.

P.E. Reference Number: 03-53-J

Description of goods, services, or construction: Conduct sustainability workshops to improve knowledge in engineering and architectural community.

The scope of work for the contract is revised as follows: A no cost extension until August 31, 2005. An additional four workshops on advanced daylighting, natural ventilation, building commissioning, and understanding project financing and cash flow in sustainable projects will be conducted.

Original Contract Price: \$ 38,000

Amended Contract Price: \$ No cost extension

This / These amendment(s) are necessary because Contractor completed four workshops originally contracted for and due to savings in instructor costs would be able to provide an additional four workshops during the extension period. These workshops support energy and resource efficiency goals of the Department.

Direct questions to: Elizabeth S. Raman

Phone: 587-3806

Pursuant to § 103D-102, HRS, and § 3-120-5, HAR, I certify that the information provided above is, to the best of my knowledge, true and correct.

[Signature]

AUG 06 2004

Department/ Head or Designee

Date

Title (If other than Department Head)

Date Posted:

8/13/04

A copy of this notice of amendment shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice of intent to amend a procurement exemption contract within seven (7) calendar days from the date posted to:

Chief Procurement Officer

Office/Agency

Address

Please ensure adherence to applicable administrative and statutory requirements.

[X] APPROVED

[] DISAPPROVED

[Signature]

Chief Procurement Officer

8/24/04 Date

'03 FEB -3 A10 :08

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

FROM: Department of Business, Economic Development & Tourism / ERTD / Energy Branch
 (Department/Division/Agency)

'03 FEB 3 A8:00

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:
 The professional "Sustainable Design Tools Workshop Series" is a series of 4 workshops targeting the professional architectural and engineering design, and planning community of Hawaii that focuses on energy and sustainable design concepts. The workshops will be marketed as a package, offering continuing education credits and/or alignment with other professional accreditation. Project activities will include identification of key topics, marketing development, program administration and workshop implementation. The project is managed by a partnership led by Hawaiian Electric Co., Inc.

ADMINISTRATION
 STATE PROCUREMENT OFFICE
 STATE OF HAWAII

Name of Vendor: Address: Hawaiian Electric Company, Inc.	Cost: State - \$38,000 HECO - \$41,727
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Term of Contract: No earlier than date of Exemption Approval /	From: Date of Execution	To: 8/31/04	Prior Exemption Ref. No. (if applicable)
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
 Procurement by competitive means was not practicable or advantageous to the State. It was not practicable as the services were part of a competitive grant proposal to the U.S. Department of Energy and there was no time to issue and process a competitive Request for Proposals prior to the deadline for filing the grant application. The solicitation was announced December 20, 2002, revised March 6, 2002, and proposals were due at the U.S. Department of Energy, Washington, D.C., on March 15, 2002, not leaving enough time for us to issue an RFP and make a selection prior to the delivery date. Procurement was advantageous to the State as the Contractor is providing \$41,727 in-kind, or more than 50% of the total project cost of \$79,727. In addition, Contractor is the largest electric utility in Hawaii and as such has appropriate mailing lists, community ties, and experience in coordinating technical and professional conferences and workshops.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 Maximum fair and open competition was possible due to all Hawaii electric and gas utilities being members of the Rebuild Hawaii Consortium and able to participate in the development of the project and recommendation to DBEDT for funding. The Rebuild Hawaii Consortium is an association that comprises 120 members, including all counties, several state agencies, all electric and gas utilities, and the private sector. The goal of the consortium is to encourage projects utilizing energy efficiency developed and implemented by members. The projects are supported by technical and marketing assistance and by leveraging funding. DBEDT's role is to assist the Consortium and its projects by seeking funding for them. The objectives of the Consortium insofar as projects go have been broadly publicized within Hawaii, most recently at the 2002 Energy Expo, attended by more than 300 participants, and through a newsletter, brochure, and other mailings. These earlier announcements provide open and ample opportunity for informing the community. The January 11, 2002 meeting of the Consortium was held specifically to prioritize needs and resources of the community and to discuss and prioritize new projects. This project was one of four projects selected by the Consortium for further consideration. The project was proposed by the University of Hawaii at Manoa School of Architecture, with HECO as project team leader. Minutes of this meeting are on file in the Energy Branch of DBEDT.

A description of the agency's internal controls and approval requirements for the exempted procurement:

Internal controls and approval requirements consisted of reviewing the project as recommended by the Rebuild Hawaii Consortium as to suitability for inclusion in the State's grant proposal to the U.S. Department of Energy. In addition, Contractor was required to provide a complete project description, scope of work, itemized budget, and data to support each cost category of the budget. Catalog prices and description of supplies to be purchased were required. These were reviewed for reasonableness. In addition, Contractor submitted resumes of key personnel, descriptions of tasks to be carried out by project personnel, and an audited financial statement.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Department of Business, Economic Development, and Tourism
Sandra L. Kunimoto, Acting Director *SK* Theodore E. Liu, Director
Administrative Services
Eileen Harada, Contracts Administrator
Wendy Yoshinaga, Fiscal Officer
Energy, Resources, and Technology Division
Maurice H. Kaya, Program Administrator
Carilyn O. Shon, Manager, Energy Branch
Elizabeth S. Raman, Energy Conservation Program Specialist
Jeff Pang, Research Analyst

Direct questions to:

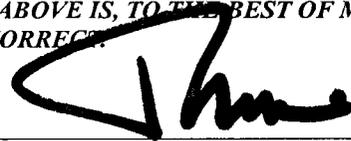
Elizabeth S. Raman

Phone Number:

(808) 587-3806

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.



JAN 29 2003

Department Head or Designee

Date

Director

Title (If other than Department Head)

Chief Procurement Officer's Comments:

It is our understanding that the agency has not entered into any contract with Hawaiian Electric Co. as yet and this is not an after-the-fact request. As a reminder- for future requests, agency shall either do a competitive solicitation (IFB/RFP) or if applicable, request exemption/sole source approval, prior to naming the vendor in the grant request.

Please ensure adherence to applicable administrative requirements.

APPROVED

DISAPPROVED

David J. Fyfe 2/14/03
Chief Procurement Officer Date

cc: Administrator,
State Procurement Office