

09 APR 22 A11:38



STATE PROCUREMENT OFFICE
STATE OF HAWAII

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

- 1. TO: Chief Procurement Officer
- 2. FROM: DBEDT, Strategic Industries Division

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 procurement will provide grant development assistance, promote consortium partnering, and engage business community stakeholders in the development of grant proposals targeted at competing for American Recovery and Reinvestment Act (ARRA) funding of clean and alternative energy opportunities. The services are to enable Hawaii's businesses to compete for ARRA funding grants being disseminated through national competitive announcements. Whereby, success in securing these grants requires community investment and involvement, as an integrated part of the project proposal. Consequently, the vendor providing grant development assistance must have the ability to facilitate consortiums where necessary, in order that competitive proposals are realized.

4. Name of Vendor: Enterprise Honolulu
Address: 737 Bishop Street, Suite 2040
Honolulu, Hawaii 96813

5. Price:
\$80,000.00

6. Term of Contract: From: 05/01/09 To: 10/31/09

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: The lack of advance notice for the ARRA competitive funding announcements were unanticipated. Consequently, there has been insufficient time to prepare a procurement by normal competitive means, and still enable the State to retain an advantageous position. The ARRA competitive announcements have already started to appear and have closing dates, which require proposal development to be fast-tracked. These grants require contracts to be encumbered within 12 months (2010), and projects shovel-ready and completed within 36 months (2012). The State's discussions with the U.S. Department of Energy is that the timelines for issuing/closing of the competitive notices are short-fused. Consequently, providing immediate assistance to Hawaii businesses to enable them to compete is critical. Delays to this assistance will adversely affect the competitiveness of Hawaii businesses, who are in competition with businesses from other states.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The process for and selection of a vendor involved identifying the most qualified entity meeting the following criteria: (1) track record and expertise working with the local business community; (2) focus on business development assistance activities; (3) targeted business development program specific to clean energy initiatives; (4) current on Hawaii's energy issues, which would enable fast-tracking assistance due to the absence of a learning period; and (5) credibility and trust within the business community.

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

DBEDT's internal controls and approval requirements will subject the exempted procurement to a hierarchy of separate reviews and approvals at the program, contracting, fiscal, and departmental administrative levels. Multiple reviews ensure that the procurement is consistent with the program and departmental goals. A project manager and contract will further govern the exempted procurement if allowed. The contract would establish the guidelines for oversight, whereby the project manager controls the performance of the contractor, the timelines for performance, the attainment of objectives, and the appropriateness and quality of deliverables through periodic site visits, progress meetings and/or reports.

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
James Bac	Project Manager-Division	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Jeffrey Pang	Fiscal Officer - Division	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Theodore Peck	Energy Program Administrator	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Ken Kitamura	Administrative Services Officer	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Theodore Liu	Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: DBEDT Contact Name: James Bac Phone Number: 587-3876 Fax Number: 586-2536
--------------------------	--

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.*



APR 17 2009

Department Head

Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>4-22-09</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"> As discussed with department, the request is disapproved as it lacks justification as a procurement exemption. HRS chapter 103D provides various procurement methods to insure open competition, where all potential providers are afforded an equal opportunity to compete for the services. </p>	

16. APPROVED DISAPPROVED NO ACTION REQUIRED



 Chief Procurement Officer Date 6/9/09