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

1. TO: Chief Procurement Officer
2.FROM: Public Safety/Corrections/CPS-FS

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:
This after-the-fact procurement exemption is being requested due to the notification of the passage of Act 175, SLH 2009, on July 21, 2009 which repealed the previous exemption for fresh meat and produce, and added an agricultural products preference in its place. As no additional information or guidance has been issued, PSD is unable to implement the requirements of this Act.

Fresh Fruit and Produce. Refer to attached list of produce being purchased by our facilities.

4. Name of Vendor: Various - Statewide
Address:

5. Price:
\$100,516.00/mo

6. Term of Contract: From: 07/01/2009 To: 12/31/2009

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
Act 175, SLH 2009 was recently passed, per Procurement Circular 2009-07, Act 175, SLH 2009, Part II, Section 3, enacts a procurement preference for Fresh meat and produce with guidelines and information to follow. Without guidelines or information on the implementation of Part 2 Section 3, PSD is not able to issue a formal solicitation for the requirements of the Food Service Unit.

An exemption from the utilization of HePS is also requested due to the varying daily needs of the facilities, having multiple bids on HePS each taking approximately 7 to 10 days before a PO can be issued for delivery will be an unnecessary hindrance to the facilities in their meal preparations.

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

Facility Food Service Managers shall obtain three quotes from their local sources for their requirements.

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

Facility Food Service Managers shall obtain three quotes from their local sources for their requirements.

Food Service Branch Manager to approve all purchases until a statewide contract is established for fresh produce.

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
Nathalie Kodama	Food Service Branch Manager	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Frank Lopez	Corrections Program Services-Adm	<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
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Public Safety Contact Name: Marc S. Yamamoto <i>MSY 7/22/09</i> Phone Number: 808-587-1215 Fax Number: 808-587-1244
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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.*

[Signature] _____ *7/23/09*
 Department Head Date

Reserved for SPO Use Only	
	15. Date Notice Posted <u>7/29/08</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: Act 175, SLH 2009, Part II, Section 3, does not allow for Chief Procurement Officer exemption for fresh meats and produce, and animals and plants.	

16. APPROVED DISAPPROVED NO ACTION REQUIRED

[Signature] _____ *8/15/09*
 Chief Procurement Officer Date

PRODUCE ORDERS PLACED MONTHLY PER FACILITY
 (Approximate figures for the period of June through July 2009)

INSTITUTION	VENDOR	APPROX. MONTHLY ORDER TOTALS
Halawa Correctional Facility	Ham Produce	\$ 8,000.00
	D. Otani Produce	\$ 2,001.00
	Aloha Products	\$ 8,100.00
	<i>TOTAL</i>	\$ 18,101.00
Hawaii Community Correctional Center	Hilo Products	\$11,000.00
	<i>TOTAL</i>	\$11,000.00
Kauai Community Correctional Center	Esaki's Produce	\$6,600.00
	Kauai Growers' Exch.	\$4,485.00
	<i>TOTAL</i>	\$11,085.00
Kulani Correctional Facility	Hilo Products	\$ 5,000.00
	<i>TOTAL</i>	\$ 5,000.00
Maui Community Correctional Center	Hansen Dist. Group	\$ 6,000.00
	Kula Produce Co.	\$ 7,000.00
	<i>TOTAL</i>	\$ 13,000.00
Oahu Community Correctional Center	Aloha Products	\$ 6,000.00
	Armstrong Produce	\$ 6,000.00
	Ham Produce	\$ 6,000.00
	D. Otani Produce	\$ 6,000.00
	<i>TOTAL</i>	\$ 24,000.00
Waiawa Corr. Facility	Ham Produce	\$ 5,800.00
	<i>TOTAL</i>	\$ 5,800.00
Women's Comm. Corr. Ctr.	Ham Produce	\$ 9,930.00
	D. Otani Produce	\$ 1,000.00
	Aloha Products	\$ 1,600.00
	<i>TOTAL</i>	\$ 12,530.00
GRAND TOTAL PER MONTH		\$ 100,516.00

PRODUCE REQUIREMENTS

Item No.	Description	Unit of Measure	OAHU FACILITIES						NEIGHBOR ISLANDS					Total Neighbor Islands Quantities
			HCF	WCF	OCCC	WCCC	Total Oahu Quantities	KCF	HCCC	MCCC	KCCC			
VEGETABLES														
1	Cabbage, Head	pound	1000	0	2250	423	3673	200	900	2400	400	3900		
2	Cabbage, Red	pound	150	0	0	0	150	32	120	180	40	372		
3	Cabbage, Chinese (Won Bok)	pound	2100	0	5400	0	7500	0	200	0	0	200		
4	Carrots, Jumbo	pound	1000	200	3000	351	4551	200	450	1200	400	2250		
5	Celery	pound	1250	450	2000	0	3700	220	110	880	280	1490		
6	Cucumber (off grade)	pound	100	0	100	544	744	80	20	40	0	140		
7	Eggplant, Round (off grade)	pound	100	0	100	75	275	60	40	60	0	160		
8	Garlic, Bulb	pound	0	50	100	0	150	0	40	0	60	100		
9	Ginger (off grade)	pound	100	20	100	0	220	20	60	32	48	160		
10	Lettuce, Head, Iceberg	pound	0	160	180	30	370	0	400	208	400	1008		
11	Lettuce, Romaine	pound	220	0	54	30	304	280	400	0	400	1080		
12	Onion, Round, Jumbo	pound	1750	400	3000	578	5728	400	250	1400	600	2650		
13	Onion, Green	pound	0	0	105	26	131	12	20	0	20	52		
14	Parsley, American	pound	0	0	0	0	0	0	0	4	0	4		
15	Pepper, Bell	pound	250	100	500	257	1107	200	200	300	60	760		
16	Potato, Russet (#2)	pound	1200	300	6800	15	8315	1000	600	200	400	2200		
17	Potato, Sweet	pound	0	0	0	0	0	0	0	0	0	0		
18	Tomato (off grade)	pound	280	100	1120	85	1585	200	200	80	100	580		
19	Watercress	bunch	0	20	0	0	20	0	40	0	0	40		
FRESH FRUITS														
20	Apples, Red Delicious, 125 ct.	case	40	36	0	0	76	0	32	52	0	84		
21	Bananas	pound	0	200	0	0	200	240	32	20	10	302		
22	Oranges, 113 ct.	case	40	36	0	0	76	12	32	52	14	110		
23	Watermelon (seasonal only)	pound	0	300	0	0	300	0	0	400	0	400		
24	Lemon, Whole, 140 ct	case	0	1	0	0	1	0	0	0	0	0		
MISCELLANEOUS														
25	Noodles, Chow Mein	pound	440	80	800	180	1500	0	320	0	0	320		
26	Tofu, Medium/Firm	block	175	144	250	0	569	72	240	192	100	604		