

09 OCT -6 A8:32



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

- 1. TO: Chief Procurement Officer
- 2. FROM: Department of Human Services/Social Services Division/ POS

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 purpose of this service is to certify Nurse Aide Training and Competency Evaluation Program (NATCEP) sites that provide nurse aide training and competency evaluations to students/candidates who will provide hands-on care to the elderly and disabled, Medicaid client population. The certification process will be provided by a registered nurse. Certification reviews will consist of 2-3 days of on-site observation and approval of nurse aide training curriculums, lab work, and clinical training in accordance with State and federal standards.
 This is an amended request from 09-132-B.

4. Name of Vendor: Community Ties of America, Inc. Address: 45-955 Kamehameha Hwy, Suite 300, Kaneohe, Hawaii 96744	5. Price: \$115,648.00
---	---------------------------

6. Term of Contract: From: 1/1/10 To: 3/31/10	7. Prior Exemption Ref. No. 09-132-B
---	---

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
 In May 2009, SSD-ACCSB was assigned the responsibility to certify NATCEP sites effective July 1, 2009, which was the previous responsibility of the Med Quest Division. Over the past month, there were unanticipated delays with accessing the Hawaii Administrative Rules for this program. As of this date, SSD-ACCSB has not yet received a complete set of rules to develop service specifications. Also, SSD-ACCSB does not have the staff available to administer this program. It is not practicable nor advantageous to the State to competitively procure for this service because there is not enough time to complete a Chapter 103 D procurement. If DHS-SSD does not administer this program by July 1, 2009, the State will be in non-compliance with Title 42, Chapter 7, Subchapter XIX. This will result in the withholding of needed federal Medicaid and Medicare reimbursement to the State.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
 CTA was selected under competitive procurement HMS 601-MWS-02 to provide recruitment, certification and monitoring of community care foster family homes (CCFFHs) and recruitment, licensing and monitoring of case management agencies (CMAs). Due to their currently contracted responsibilities, CTA has an established infrastructure for service implementation that includes a staff of registered nurses. CCFFH primary and substitute care givers with three residential clients, are required under HRS 346-331 and HAR 17-1454 to be certified nurse aides who have completed a state approved training program. CTA is able to deliver this training certification service because of their knowledge of local residential needs and resources for the elderly population. NATCEP sites provide the only mechanism available to CCFFH primary and substitute caregivers to obtain certified nurse aide training that meets State CCFFH certification requirements.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
 The POS Unit is requesting three additional months to complete this procurement. The reasons for this request are:
 1) There will be a change in our internal controls due to the Reduction in Force effective 11/13/09, 2) RFP issuance was delayed as we were unclear about the approval requirements under CH 103D to procure this service, and 3) It was determined that it is in the best interest of the State to conduct a Request for Information (RFI) for this procurement because this is the first time this service is being procured.

 Please see attached for a detailed description of aforementioned delays and the proposed new procurement timeline.

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
Lillian B. Koller	Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Amy Tsark	Acting Division Administrator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Randy Fonseca-reassigned	FRPS Administrator	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Jacob Heffernan-leaving	POS Supervisor	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Laura Giddings-reassigned	Program Specialist	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to: Department: Department of Human Services
 Contact Name: Lynne Kazama
 Phone Number: 586-5698/ 586-5664
 Fax Number: 586-5606

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

10/03/09
 Date

Reserved for SPO Use Only

15. Date Notice Posted 10/06/09

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:

Approval is granted to extend the original exemption dates to March 31, 2010 to allow agency additional time to solicit and execute a new contract.

All future requests, if any to change scope of work, price, or term of contract on a previously approved exemption shall be submitted on SPO-07B.

16. APPROVED DISAPPROVED NO ACTION REQUIRED


 Chief Procurement Officer Date 10/13/09

The following is the procurement timeline, which illustrates the delays and our request of three additional months for exemption to competitively procure this service.

Obtaining necessary approvals for 103D were different from 103F. For example, we are required to obtain HOPA approval to use the competitive sealed proposal method of procurement, and also required to obtain HOPA and CPO approval for use of a cost reimbursement contract. We were unfamiliar with these steps which caused a delay and the SPO trainings did not clearly address this area. We learned of this through review of the rules and consultation with SPO staff. These are the approvals POS has obtained to this date:

- 1) Written SPO exemption approved on July 13, 2009.
- 2) The use of an evaluation committee and members to evaluate the proposals approved by Procurement Officer on July 31, 2009.
- 3) The use of the 103D competitive sealed proposal method of procurement approved on August 13, 2009.
- 4) The use of a Cost Reimbursement contract approved by HOPA on September 11, 2009. POS sent out request for CPO written determination for a Cost Reimbursement type contract on September 21, 2009.

Due to the Reduction-In-Force, notifications for layoff and reassignment were received the week of September 14. Therefore, additional time is needed so that steps can be taken which include:

- 1) Re-establish an evaluation committee members which, according to SPO requires HOPA approval.
- 2) The RFP Coordinator to attend mandatory SPO trainings as these are required under SPO rules to conduct procurements. For example, the next Competitive Sealed Proposals training will be offered in January 2010.

Procurement Timeline:

Request for Information- 10/12/09 – 10/31/09,
Public Notice announcing Request for Proposals-11/1/09,
Distribution of RFP-11/1/09,
RFP Pre-proposal Meeting-12/1/09,
Deadline to Submit Written Questions-12/8/09,
State's Response to Written Questions-12/15/10,
Proposals Due and Opened-1/15/10,
Proposal Evaluations-1/18/10 through 1/25/10,
Discussions with Priority Listed Offerors (if necessary)-1/25/10 through 2/1/10,
Best and Final Offer (if any)-2/8/10,
Estimated Contract Selection and Award-2/15/10,
Contract Start Date 4/1/10.