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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: Carlito P. Caliboso, B&F, Public Utilities Commission
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 Dept. of Business, Economic Development, and Tourism (DBEDT) has received and anticipates receiving American Recovery and Reinvestment Act of 2009 (ARRA) grant funds from the U.S. Dept. of Energy (USDOE). The purposes of ARRA are "to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and, to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases." State Energy Program (SEP) ARRA Formula Grants; Funding Opportunity Number: DE-FOA-0000052; Announcement Type: 002; CFDA Number: 81.041, State Energy Program.) (SEP/FOA)

DBEDT has requested, via a Memorandum of Agreement executed by DBEDT and the Public Utilities Commission (Commission) on August 19, 2009, that the Commission assist DBEDT in distributing certain ARRA grants and funding programs pursuant to ARRA purposes, requirements, and conditions. The Commission plans on identifying James Flanagan Associates (JFA) as its designee to receive a portion of the ARRA grant funds described herein.

See attached. EECBG.

4. Name of Vendor: James Flanagan Associates (JFA) Address: 124 Lower Terrace San Francisco, CA 94114	5. Price: $~42K
6. Term of Contract: From: CPO approval To: 9/30/12	7. Prior Exemption Ref. No. 10-029-D

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
Procurement by competitive means is not practicable or advantageous to the State because 1) the objectives and requirements of the Energy Efficiency and Conservation Block Grant ("EECBG") Program ARRA funds align with the current scope of work in the Commission's current contract with JFA; 2) the Commission's current contract with JFA was recently procured for via competitive means, i.e., under Chapter 103D, Hawaii Revised Statutes (HRS), as indicated by its November 5, 2008 effective date; and 3) the Commission could not predict the recent notice and availability of the SEP ARRA grant funding opportunity. Given the reasons mentioned, procurement by competitive means will result in the duplication of effort and prevent the maximization of funds to meet the goals set forth by the ARRA and the USDOE.

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

11. P.E. No. 10-029-D/D
Amd. 2

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

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The Commission utililizes the Attorney General's template contracts. Therefore, the existing internal controls, vendor compliance document requirements, and approval process required for execution of Forms AG-002 Rev 07/24/2006, Contract for Goods and Services: Exempt, Small Purchase, Sole Source, or Emergency and AG-005 Rev 05/29/2009, Supplemental Contract, will be adhered to.

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	
Carlito Caliboso	Chairman	☒ Approval	☒ Administration
John Cole	Commissioner	☒ Approval	☒ Administration
Brooke Kane	Administrative Director	☒ Approval	☒ Administration
Wendy Takanishi	Acting Chief Researcher	☐ Approval	☒ Administration
Phyllis Paik	Administrative Assistant	☐ Approval	☒ Administration
		☐ Approval	☐ Administration

13. Direct inquiries to:
Department: Budget & Finance
Contact Name: Brooke Kane
Phone Number: 808-586-2020
Fax Number: 808-586-2066

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 — Date 1/11/10

Reserved for SPO Use Only

15. Date Notice Posted 1/21/2010

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

11. P.E. No. 10-029-D/B Amd. 2

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

Chief Procurement Officer's comments:

16.

☒ **APPROVED** ☐ **DISAPPROVED** ☐ **NO ACTION REQUIRED**

Chief Procurement Officer Date 1/29/2010

11. P.E. No. 10-039-D/B
Amd-2

No. 3 Continued

This request relates to the Energy Efficiency and Conservation Block Grant Program (EECBG) ARRA Formula Grants; Funding Opportunity Number: DE-FOA-0000013; Announcement Type: Initial; CFDA Number: 81.128, Energy Efficiency and Conservation Block Grant Program (EECBG/FOA).

The Commission recently executed a contract with JFA pursuant to Chapter 269, Part VII, HRS, to be the Commission's Contract Manager for the Hawaii Energy Efficiency Program (HEEP), a.k.a., Public Benefits Fee (PBF), to, among other things, facilitate the Commission's relationship with the Third Party Administrator, Science Applications International Corporation (SAIC), and to perform all administrative and management tasks necessary to execute and oversee the Commission's contract with the Third Party Administrator.

The purpose of the EECBG is to assist eligible entities in creating and implementing strategies to achieve the following:

1. Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional communities;
2. Reduce the total energy use of the eligible entities; and
3. Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

Desired outcomes of the EECBG Program include:

1. Increased energy efficiency, reduced energy consumption and reduced energy costs through efficiency improvements in the building, transportation and other appropriate sectors;
2. New jobs and increased productivity to spur economic growth and community development;
3. Accelerated deployment of market-ready distributed renewable energy technologies, including wind, solar, geothermal, hydropower, biomass and hydrogen technologies;
4. Improved air quality and related environmental and health indicators associated with the reduction of fossil fuel emissions;
5. Improved coordination of energy-related policies and programs across jurisdictional levels of governance and with other local and community level programs in order to maximize the impact of this program on long-term local priorities;
6. Increased security, resilience, and reliability of energy generation and transmission infrastructure;
7. Leveraging of the resources of federal, state and local governments, utilities and utility regulators, private sector and non-profit organizations to maximize the resulting energy, economic and environmental benefits; and

8. Widespread use of innovative financial mechanisms that transform markets.

DBEDT intends to allocate EECBG grant funding to the Commission or its designee in an amount not to exceed $3.0 million as approved by the USDOE for EECBG programs for Hawaii. Approximately $2.9 million is planned to be allocated to SAIC and approximately $42 thousand is planned to be allocated to the Commission's PBF Contract Manager, JFA, and approximately $15 thousand is planned to be allocated to the Commission's PBF Fiscal Agent.