

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Department of Health/Developmental Disabilities Division
Department/Division/Agency

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s): Residential Treatment Services

Provider Name: Kahi Mohala	Total Contract Funds: 	Term of Contract: From: To: July 1, 2006 July 21, 2006
Provider Address: 91-2301 Fort Weaver Road Ewa Beach, Hawaii 96706	Contract Funds per Year (as applicable). \$20,000	

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 due to the highly complex legal issues surrounding this case. Client has been in Kahi Mohala since July 2001 and payment for services occurred through June 30, 2006, via a contract procured competitively under Chapter 103F. This contract ended on June 30, 2006. Attempts have been made to transition the child from Kahi Mohala for over one year, however, due to legal complexities of this case, including the parent's request for a Fair Hearing from the Department of Education, the client's transition from Kahi Mohala did not occur. Other providers have not been sought because the legal issues directly concerned whether or not the child's placement would continue at Kahi Mohala and the parents refused to cooperate with a change in placement. Notices regarding the need for transition and the responsibility for payment were given to the attorney/family beginning in May 2005, however, due to the legal demands of the parents and the DOH's attempts to coordinate transition with the family, transition did not occur until after the DOH sent an ultimatum on July 7, 2006. The child was finally transitioned from Kahi Mohala on July 21, 2006. The DOH's request for exemption is an after-the-fact request due to the need for legal and administrative consultation prior to the required public notification of the exemption. In the interim, stability for the child necessitated child remaining at Kahi Mohala.
--

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

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

As stated above, due to the legal complexities of this case that directly related to the placement itself, other providers have not been sought since it was not practicable to consider providers and all indications were that the family would refuse to move the child from Kahi Mohala.

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

This case requires oversight by the Chief, Developmental Disabilities Division, Acting Branch Chief, Case Management and Information Services Branch, and consultation with the Deputy Attorney General.

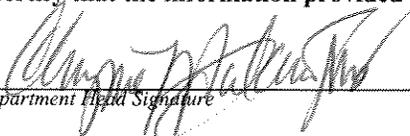
A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

David Fray, Chief, Developmental Disabilities Division
 Sharon Tanaka, Acting Chief, Case Management and Information Services Branch

Direct questions to (name & position): Sharon Tanaka, Acting Chief, CMISB	Phone number: 733-9172	e-mail address: sharon.tanaka@doh.hawaii.gov
--	---------------------------	---

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes No

I certify that the information provided above is to the best of my knowledge, true and correct.



 Department Head Signature

OCT 18 2006

 Date

Chiyome Leinaala Fukino, M.D.

 Typed Name

Director of Health

 Position Title

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

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

Approved

Denied



Chief Procurement Officer

10/24/06
Date

cc: Administrator
State Procurement Office

State of Hawaii
Notice of Request for Exemption from Chapter 103F, HRS

The chief procurement officer is considering this request for exemption and, if there is good cause, the state intends to exempt the purchase as described in the request. Any inquiries regarding the purchase shall be directed to the contact person noted on page two of the request. Any concerns regarding the exemption shall be in writing and received by the chief procurement officer within seven days of the date the notice was first posted. Concerns shall be mailed to: Aaron Fujioka, Chief Procurement Officer, State Procurement Office, 1151 Punchbowl St., #230A, Honolulu, HI 96813.