

STATE OF HAWAII
**NOTICE OF AND REQUEST FOR
 RESTRICTIVE PURCHASE OF SERVICE**
 PURSUANT TO §103F-403, HRS

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STATE PROCUREMENT OFFICE
 STATE OF HAWAII

To: Chief Procurement Officer

From: Department of Human Services/Benefit, Employment, & Support Services
 Division

Department/Division/Branch or Office

Pursuant to §103F-403, HRS, and Chapter 3-144, HAR, the department head has made a determination that an adequate basis for a restrictive purchase of services exists and requests approval to make a restrictive purchase for the following:

1. Title and description of health and human service(s): Pre-Plus Services at Mountain View Elementary School. This contract allows a child care service provider to use a portable Pre-Plus facility at Mountain View Elementary School, rent free, for the purpose of operating a quality preschool program for low income children, and preparing them for a successful transition into the public school Kindergarten.	
2. Provider Name and Address:	Parents and Children Together 1485 Linapuni Street, #105 Honolulu, Hawaii 96819
3. Total Contract Funds:	\$0
Contract Funds per Year (if applicable):	\$0
4. RH No. of Previous Request for this Service (if applicable)	
5. Term of Contract:	Start: 7/1/2011 End: 6/30/2012
If the contract term is longer than 1 year, provide justification for the extended term:	

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<p>6. Describe the circumstances justifying a restrictive purchase:</p> <p>In accordance with Act 69, SLH 2010, "103F Proposals and awards, No contract proposals shall be accepted from any applicant who lacks any license necessary to conduct the business being sought by the request for proposals." The child care license for the operation of Mountain View Pre-Plus at Mountain View Elementary School was issued to the provider, Parents and Children Together, effective November 1, 2010, when they were awarded the current contract (DHS-11-CCPO-388) which expires June 30, 2011.</p> <p>A license is never issued prior to the awarding of the contract. Therefore, Act 69 interferes with the competitive procurement process. Until Act 69 is repealed or revised, the current provider is the only one who is eligible to be contracted to provide preschool services at this Pre-Plus facility. A restrictive purchase is required at this time for the preschool operations to continue after June 30, 2011, and to avoid closure of this valuable preschool program while we wait for a rule change.</p>						
<p>7. Describe the efforts and results in determining that this is the sole provider who can render services. Include approximate dates:</p> <p>Parents and Children Together is the only provider that can render services as they are licensed to operate the Mountain View Head Start program for a maximum of 20 children at any time, for ages over 2 years old to under 6 years, in the Pre-Plus facility at Mountain View Elementary School. In order for Parents and Children Together to perform this service, they must be licensed in accordance with HRS Chapter §346-161 which states that no person shall operate, maintain, or conduct a group child care home or center unless licensed to do so by the department of human services. Since Act 69 requires applicants to obtain a license prior to submitting a contract proposal, only Parents and Children Together would be able to apply and perform this service as they are the only provider that is licensed to operate at this site. Parents and Children Together has been licensed for this site as of the effective date of Contract #DHS-11-CCPO-388 which was November 1, 2010. That Agreement expires on June 30, 2011. The group child care license is effective through October 19, 2011, and unless serious violations are found during the annual licensing review, it would be extended for another year.</p> <p>A restrictive purchase of service contract effective July 1, 2011 through June 30, 2012 is necessary to continue services while the Department seeks to repeal or revise rules that restrict competitive procurement of these services.</p>						
<p>8. List state agency personnel, by position title, who will be involved in the approval process and administration of the contract:</p> <p>Patricia McManaman, Director of Human Services & Head of Purchasing Agency Luanne Murakami, Acting BESSD Administrator and Procurement Officer</p>						
<table border="0"><tr><td>9. Direct questions to (name & position):</td><td>Marja Leivo, Pre-Plus Program Coordinator</td></tr><tr><td>Phone number:</td><td>586-7112</td></tr><tr><td>e-mail address:</td><td>mleivo@dhs.hawaii.gov</td></tr></table>	9. Direct questions to (name & position):	Marja Leivo, Pre-Plus Program Coordinator	Phone number:	586-7112	e-mail address:	mleivo@dhs.hawaii.gov
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I certify that the information provided above is to the best of my knowledge true and correct.

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Department Head Signature

MAR 28 2011

Date

Patricia McManaman



Typed Name

Pursuant to §103F-403, Hawaii Revised Statutes and Chapter 3-144, Hawaii Administrative Rules, the aforementioned purchasing agency has submitted a request to the chief procurement officer for a restrictive purchase of service for health and human services, and if approved, intends to purchase the service without issuing a request for proposals.

Any person may file a written protest under the procedures established under Chapter 3-148, Hawaii Administrative Rules, located on the web at www.spo.hawaii.gov, click *Statutes and Rules* and *Procurement of Health and Human Services*. Protests shall be hand delivered or postmarked by United States Postal Service within seven (7) days after the date this notice is first published on the internet. If hand delivered it must be submitted by 4:30 PM, Hawaii Standard Time, within seven days after day this notice is first published. Protests must be submitted to the following procurement officer and head of the purchasing agency:

Procurement Officer for this Procurement

Luanne Murakami
820 Mililani Street, Suite 606
Honolulu, HI 96813

Head of Purchasing Agency

Patricia McManaman
1390 Miller Street, Room 209
Honolulu, HI 96813

Protest forms and instructions are on the web at: www.spo.hawaii.gov, click *Health and Human Services, Chapter 103F...* and *Forms for Private Providers*. Questions should be directed to the contact person noted in item 9 of the request.

Published:

MAR 30 2011

Chief Procurement Officer's Comments:

Ms. Luanne Murakami and Ms. Marja Leivo are identified as participants in this procurement and have written delegated procurement authority. Ms. Murakami has not completed the appropriate mandatory procurement training and Ms. Leivo has. As a reminder, any individual participating in procurement activities must be in compliance with Procurement Delegation No. 2010-01 and 2010-01, Amendment 1 and Procurement Circular No. 2010-05, as appropriate. This award is required to be posted on the Awards Reporting System.

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APPROVED DISAPPROVED NO ACTION



Chief Procurement Officer Signature

4/18/2011
Date

Please ensure adherence to applicable administrative requirements.

NOTICE OF REQUEST
FOR RESTRICTIVE PURCHASE OF SERVICE
PURSUANT TO HRS §103F-403

Pursuant to §103F-403, Hawaii Revised Statutes and Chapter 3-144, Hawaii Administrative Rules, the Department of the Human Services, Benefit, Employment, & Support Services Division, has submitted a request to the chief procurement officer for a restrictive purchase of service for health and human services, and if approved, intends to purchase the service without issuing a request for proposals. (To see the request, go back to the [State and County Procurement Notices](#) page and click on “More Info.”)

Any person may file a written protest under the procedures established under Chapter 3-148, Hawaii Administrative Rules, located on the web at <http://hawaii.gov/spo>, click “Statutes and Rules,” then “Chapter 103F, Procurement of Health and Human Services.” Protests shall be hand delivered or postmarked by United States Postal Service within seven days after the date this notice is first published on the Internet. If hand delivered, it must be submitted by 4:30 p.m., Hawaii Standard Time, within seven days from the date this notice is first published. Protests must be submitted to the procurement officer and head of the purchasing agency as specified in the request. Protest forms and instructions are on the web at <http://hawaii.gov/spo>, click on “Health and Human Services, Chapter 103F...,” then “Forms and Instructions for Private Providers/Applicants.” Questions should be directed to the contact person noted in item 9 of the request.