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STATE OF HAWAII

NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Department of Labor and Industrial Relations/Workforce Development Division
Department/Division/Branch or Office

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

1. Title and description of health and human service(s): The types of training services that are purchased are credit and non-credit training courses offered by public, private-nonprofit, or private-for-profit training providers. The cost of these services will be funded under the Workforce Investment Act (WIA) program and other federally funded programs which are administered and operated by DLIR, Workforce Development Division (WDD), on the Counties of Hawaii, Maui, Oahu, and Kauai. Training courses are provided to eligible program participants lacking the necessary skills to effectively compete for employment.		
2. Provider Name and Address:		Various
3. Total Contract Funds:		$1,500,000
Contract Funds per Year (if applicable):		
4. Reference number of Previous Request for this Service (if applicable):		09-17
5. Term of Contract:	Start:	7/1/11
	End:	6/30/14

6. Describe how procurement by competitive means is either not practicable or not advantageous to the State:

Pursuant to the Workforce Investment Act (P.L. 105-220), the Counties, in collaboration with their Local Workforce Investment Boards (LWIBs) are responsible for soliciting and reviewing applications from training providers. In addition, the Counties are responsible for recommending approval of training providers to the DLIR, which is the State agency responsible for administering WIA and the agency responsible for placing training providers on a statewide list of training providers.

Because the needs of each participant cannot be predetermined, limiting the types of training courses and training providers on the statewide list is not practical or advantageous. The training must be tailored to fit the needs of each participant, each of whom may have a different set of characteristics and circumstances that must be considered and accommodated to the extent possible. The design of specific training courses will be based on the individual's employment barriers, interests, and skills identified by the participant in concert with the case manager. The participant is responsible for selecting the training provider.

The selected training provider will depend on may diverse variables to accommodate the need of each participant. Variables may include, but are not limited to, location in terms of proximity to home or bus stops, days and hours, duration of the training, and placement level.

Service providers are various public, private non-profit, and private-for-profit providers to be selected by the City and County of Honolulu, Hawaii County, Maui County, and Kauai County in collaboration with each county's LWIB, a private/public sector required to be established under the federal WIA. There will be a few exceptions, when other service providers may be selected if courses are not available at the time required to meet individual needs. However, not more than 15% of total costs are expected to be for these exceptions.

Because DLIR is not responsible for designing the solicitation, DLIR cannot prescribe that the Counties select only those providers that offer the lowest prices. Conducting a competetive procurement contradicts the intent of WIA which encourages the establishment of a wide selection of training providers and training courses.

A competitive procurement may unfortunately result in fewer training providers and limit the types of courses available to meet the needs of each participant.

7. Describe the reason for the selection of the provider including a description of how the procedure ensured the maximum fair and open competition practicable:

All counties announced their solicitation in either the local newspaper and/or a statewide newspaper. In addition, counties followed their own procurement requirements. The solicitation period for each County varied. Some Counties opted to give training provider the minimum number of days, as required by their own procurement rules. Other Counties opted to leave their solicitation open with no end date to give more flexibility in securing appropriate training providers to offer their training courses to WIA participants.

8. Describe the state agency's internal controls and approval requirements for the exempted procurement:

The training provider and training course must be on the statewide list in order for a participant to attend any training course offered by a training provider.

The WDD case manager will request the training in writing by initiating a requisition that requires approvals by the supervisor, local office manager, branch manager, and WDD Administrator. All requests for training must be approved before the participant is allowed to attend the first day of the training course.

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

Ms. Elaine Young, Administrator, WDD
Mr. Charles Kunz, Hilo Local Office Mgr
Ms. Lori Sasaki, Kona Local Office Mgr
Mr. Kevin Kimizuka, Maui Branch Mgr
Ms. Stephanie Rickard, Sup, Maui Local Office
Ms. Shelley Apana, Maui Local Office Mgr
Mr. Alvin Tsukayama, Waipahu Local Office Mgr
Mr. Blayne Hanagami, Hawaii Branch Mgr
Ms. Jan Oshiro, Supervisor, Hilo Local Office
Ms. Harrilyn Wong, Sup, Kona Local Office
Mr. Bill Grier, Kauai Branch Mgr
Ms. Norma McDonald, Oahu Branch Mgr
Ms. Susan Lim, Honolulu Local Office Mgr
Ms. Alberta Patchen, Sup, Molokai Local Office

10. Direct questions to (name & position): Maricar Pilotin-Freitas

Phone number: 586-8817

e-mail address: Maricar.R.Pilotin-Freitas@hawaii.gov

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

Department Head Signature — JUN 03 2011 *Date*

Dwight Takamine
Typed Name

NOTICE

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 in item 10 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.

FOR CHIEF PROCUREMENT OFFICER USE ONLY

Chief Procurement Officer's Comments:

This approval is conditioned on Ms. Elaine Young attending the next scheduled Workshop No. 230, *The SPO Website for Planning, Procuring and Contracting Health & Human Services*. As a reminder, individual(s) participating in procurement activities are required to be in compliance with Procurement Delegation No. 2010-01 and Amendment 1, and Procurement Circular No. 2010-05, *Statewide Procurement Training*, as appropriate. Procurement requests submitted to the SPO listing departmental personnel without written delegated procurement authority and the appropriate mandatory procurement training will be returned with no action taken.

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

Chief Procurement Officer Signature — 6/30/2011 *Date*

Please ensure adherence to applicable administrative requirements.