

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

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To: Chief Procurement Officer

STATE OF HAWAII  
 DEPARTMENT OF HEALTH

From: DHS/SSD  
*Department/Division/Branch or Office*

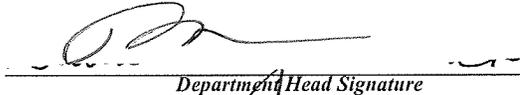
Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

1.	Title and description of health and human service(s):	
	The Receiving Home and Assessment Center provides on-call shelter services for children reported to the DHS for abuse, neglect, or threatened harm. Services include food, shelter, 24-hour supervision, assessment and counseling, support, crisis intervention, and difficulty of care services.	
2.	Provider Name and Address:	Family Programs Hawaii 250 Vineyard Street Honolulu, HI 96813
3.	Total Contract Funds:	\$4,140,280
	Contract Funds per Year (if applicable):	\$820,356.00
4.	Reference number of Previous Request for this Service (if applicable):	
5.	Term of Contract:	Start: <del>7/1/14</del> 7/1/13 <i>cro</i> End: 6/30/19
6.	Describe how procurement by competitive means is either not practicable or not advantageous to the State:	
	<p>The original exemption was covered pursuant to a 7/6/06 Emergency Proclamation, 7/17/06 Supplementary Proclamation, and 7/3/07 Third Supplementary Proclamation signed by Linda Lingle, then governor of the State of Hawaii (see attached documents).</p> <p>The intent of the proclamations was to address the situation of homeless people located on the Leeward Oahu coast. In 2006 the Receiving Home and Assessment Center concept was presented by Michael B. Wood, a private funder and former foster child, to the DHS Administration as one way to help address the situation of homeless children who were a part of the proclamations' target population. Mr. Wood, on behalf of the Wood Family Foundation, proposed to partner with the DHS by donating \$400,000.00 annually specifically for the project. Also, the Foundation specifically named Family Programs Hawaii as the service provider for the Center (see attached current letter).</p> <p>The Center helps address the Child Welfare Services goals of child safety and child well-being. It is an integral part of the DHS crisis response system for children faced with abuse, neglect, and threatened harm. It would not be advantageous for the DHS to lose the Foundation as a funding source for the Center. Family Programs Hawaii has provided good service throughout the duration of the current contract. If the exemption is not approved, the DHS will likely be unable to replace the lost funding due to budget restrictions. This would force the closing of the facility and end its necessary services.</p>	

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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:	<p>The Wood Family Foundation designated \$400,000.00 annually for the Center and specifically named Family Programs Hawaii as the service provider. The provider was selected by the Foundation after Michael Woods had served as a Board Member for several years and observed first-hand the valuable services it provided to the community.</p>
8.	Describe the state agency's internal controls and approval requirements for the exempted procurement:	<p>The contract itself describes in detail the rules and procedures under which the contracted services will be completed. Contract monitoring will be in compliance with the SPO, DHS, State, and Federal rules and policies. Contract monitoring will be provided by the POS Specialist and overseen by the chain of authority. The Fiscal Management Office will also assist by monitoring for appropriate processing of the designated contract funds payments.</p>
9.	List the state agency personnel, by position title, who will be involved in the approval process and administration of the contract:	<p>Kenwyn Kaahaaina, DHS/SSD POS Specialist</p> <p>Rochelle Nieto, the current DHS/SSD POS Supervisor, will be leaving on 3/28/13. Direct supervision of the POS unit will then return to Lee Dean, TA POS Supervisor, who is retiring in 6/2013.</p>
10.	Direct questions to (name & position):	Kenwyn Kaahaaina, DHS/SSD POS Specialist
	Phone number:	586-5706
	e-mail address:	kkaahaaina@dhs.hawaii.gov

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

 <i>Department Head Signature</i>	<b>4/11/13</b> <i>Date</i>
Patricia McManaman <i>Typed Name</i>	

**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:



OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, in May 2006, approximately 2,534 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number approximately 942 were children; and

**WHEREAS**, in May 2005, approximately 1,722 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number 637 were children, such that it is clear the number of homeless in this area has grown dramatically; and

**WHEREAS**, many homeless on the Leeward Coast are not receiving State services, so the total number of homeless currently in the area can reasonably be expected to be higher than 2,534, and it has been estimated to be as high as 4,000; and

**WHEREAS**, most of these individuals are living on the beaches along the Leeward Coast in public parks and elsewhere; and

**WHEREAS**, the comfort stations at the public parks in this area include a total of only 98 functional toilets and 45 functional showers for between 2,500 and 4,000 homeless people and others who use the parks; and

**WHEREAS**, human waste has been observed on Leeward Coast beaches on sand and rocks, and in the parks around the comfort facilities, posing a threat to human health and safety and to the environment; and

**WHEREAS**, the City and County of Honolulu announced on June 26, 2006, that it plans to close and renovate the beach parks along the Leeward Coast this fall, with closures beginning perhaps as early as September 2006; and

**WHEREAS**, a closure of any beach park and its facilities along the Leeward Coast will likely displace the homeless individuals located in those parks and could seriously exacerbate the threat to human health and safety, and to the environment, posed by the inadequate public comfort stations along the Coast; and

**WHEREAS**, significant numbers of the homeless individuals living along the beaches on the Leeward Coast require health and social services in order to maintain themselves safely and in reasonable health; and

**WHEREAS**, the lack of secure, safe, and sanitary shelter, and of adequate health and social services, for this large number of people without homes is endangering the health, safety, and welfare of the people and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss, or damage; and

**WHEREAS**, land is available on the Leeward Coast and in Kalaeloa on which buildings may be constructed to shelter these homeless individuals temporarily in a safe and sanitary manner and to provide necessary health and social services to them; and

**WHEREAS**, existing buildings may be available on the Leeward Coast that can be renovated to provide safe and sanitary temporary shelter to these individuals, along with necessary health and social services; and

**WHEREAS**, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes, are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief; and

**WHEREAS**, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, and the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

**WHEREAS**, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to, the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes, and civil disturbances; and

**WHEREAS**, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflicts with, disaster relief or other emergency functions; and

**WHEREAS**, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

**WHEREAS**, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I

find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

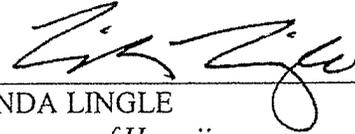
**WHEREAS**, pursuant to section 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions;

**NOW, THEREFORE**, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 128-8(4), 128-9(8), 128-10(10), 128-10(11), and 128-10(15), Hawaii Revised Statutes, have occurred in the above areas in the State of Hawaii, and do hereby proclaim the areas of the Leeward Coast where homeless individuals congregate to be disaster areas and suspend, as allowed by federal law, the following statutes for the purpose of creating shelters for the temporary shelter of homeless persons and providing needed health and social services to those individuals:

1. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
2. Chapter 103D, **procurement code.**
3. Chapter 103F, **purchases of health and human services.**
4. Sections 105-1 to 105-10, **use of government vehicles, limitations.**
5. Section 464-4, **public works required to be supervised by certain professionals.**
6. Chapter 46, **counties**, to the extent that any county ordinance or regulation impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or is in conflict with, disaster relief or other emergency functions necessary to abate the threats to human health, safety and welfare, and to the environment along the Leeward Coast;
7. Chapter 205A, **coastal zone management.**
8. Sections 206E-8.5, **developments within special management areas and shore-line setback**, and 206E-194, **Kalaeloa community development district; development guidance policies.**
9. Chapter 343, **environmental impact statements.**
10. Sections 171-16(c), **notices**; 171-17, **appraisals**; and 171-59, **disposition by negotiation.**

I FURTHER DECLARE that a disaster emergency relief period shall commence July 6, 2006, and continue through July 5, 2007.

Done at the State Capitol State of Hawaii, this 6th day of July, 2006.



LINDA LINGLE  
*Governor of Hawaii*

APPROVED:



MARK J. BENNETT  
*Attorney General  
State of Hawaii*

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, it has become necessary to supplement my Proclamation of July 6, 2006, relating to the creation of shelters for the temporary shelter of homeless persons in the areas of the Leeward Coast of Oahu in the City and County of Honolulu, State of Hawaii, and providing needed health and social services to those individuals; and

**WHEREAS**, in order to facilitate the execution of this relief and assistance, it has become necessary to supplement my Proclamation of July 6, 2006, to include the suspension of additional statutory provisions which impede or tends to impede or are detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and

**NOW, THEREFORE**, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 128-8(4), 128-9(8), 128-10(10), 128-10(11), and 128-10(15), Hawaii Revised Statutes, has occurred in the above areas of the State of Hawaii, and in order to facilitate the execution of relief and assistance, do hereby supplement my Proclamation of July 6, 2006, to suspend the following additional statutes for the purpose of creating shelters for the temporary shelter of homeless persons and providing needed health and social services to those individuals:

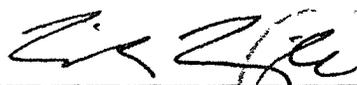
1. Section 37-41, **appropriations to revert to state treasury.**
2. Section 37-74(d), **transfer of funds between departments.**
3. Section 40-66, **lapsing of appropriations.**

**PEH No. 13-23**

4. Section 103-2, revenues not specifically appropriated for other purposes shall be general realizations of the general fund.

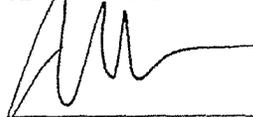
FURTHER, all provisions and requirements of my Proclamation of July 6, 2006 remain in full force and effect and are made applicable for this Supplementary Proclamation.

Done at the State Capitol State of Hawaii, this 17<sup>th</sup> day of July, 2006.

  
LINDA LINGLE  
Governor of Hawaii



APPROVED:



MARK J. BENNETT  
Attorney General  
State of Hawaii

**OFFICE OF THE GOVERNOR  
STATE OF HAWAII**

**THIRD SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, it has become necessary to supplement my Proclamation of July 6, 2006 and Supplementary Proclamations of July 17, 2006 and September 8, 2006, relating to homeless individuals on the Leeward Coast, the need to create temporary shelters for such homeless individuals, and the need to provide health and social services to those individuals; and

**WHEREAS**, this Third Supplementary Proclamation is necessary in order to provide for secure, safe, and sanitary shelter for a large number of homeless individuals on the Leeward Coast and to provide needed health and social services to such individuals ; and

**WHEREAS**, in May 2006, approximately 2,534 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number approximately 942 were children; and

**WHEREAS**, many homeless on the Leeward Coast were not engaged in State services, so the total number of homeless in the area was reasonably expected to be higher than 2,534; and

**WHEREAS**, in May 2007, 3,190 homeless individuals on the Leeward Coast were documented as receiving services from the State and of that number 1,270 were children;

**WHEREAS**, homeless numbers have risen statewide, with the biggest growth being on the Leeward Coast; and

**WHEREAS**, even with these concerted outreach efforts, the actual numbers of homeless individuals is anticipated to be higher as not all individuals were captured in this effort; and

**WHEREAS**, in the fall of 2006, the City and County of Honolulu proceeded to close and renovate beach parks along the Leeward Coast; and

**WHEREAS**, most of the homeless on the Leeward Coast were living on the beaches along the Leeward Coast in public parks and elsewhere; and

**WHEREAS**, the comfort stations at these public parks are not made for and are inadequate to service the needs of the homeless population, such that human waste has been observed on Leeward Coast beaches on sand and rocks, and in the parks around the comfort facilities, posing a threat to human health and safety and the environment; and

**WHEREAS**, the efforts of the City and County of Honolulu in keeping the homeless off the beaches and out of public parks continues; and

**WHEREAS**, given the number of homeless on the Leeward Coast, there remains an exacerbated threat to human health and safety, and to the environment on the Leeward Coast; and

**WHEREAS**, the various closures of beach parks and their facilities along the Leeward Coast displaced homeless individuals and families, including many children, who had taken to living on the beaches and in beach parks and using inadequate shower and toilet facilities; and

**WHEREAS**, under my proclamations of July 6, 2006, July 17, 2006 and September 8, 2006, needed homeless shelters and programs have been established and further shelters and programs are currently in the development stage to address the needs of the homeless on the Leeward Coast on an emergency, expedited basis; and

**WHEREAS**, the result of these efforts is that, as of June 2007, there are newly created shelters accommodating 741 individuals on the Leeward Coast, 331 of which are children, with even more individuals receiving benefits of social services and programs from these and other locations; and

**WHEREAS**, existing shelters have been successful in assisting a large number of homeless on the Leeward Coast, but many more individuals remain in need of shelter and assistance; and

**WHEREAS**, various other shelter projects and opportunities are in the process of being developed, but more time is needed to allow for completion; and

**WHEREAS**, the completion of more shelter projects is necessary to protect the health and safety of not only the homeless individuals on the Leeward Coast, but all members of the Leeward Coast community as well; and

**WHEREAS**, it has therefore become necessary to supplement my Proclamations of July 6, 2006, July 17, 2006 and September 8, 2006, to allow further time to complete additional shelters for the temporary shelter of homeless persons in the areas of the Leeward Coast of Oahu in the City and County of Honolulu, State of Hawaii, and to provide needed health and social services to those individuals; and

**NOW, THEREFORE, I, LINDA LINGLE**, Governor of the State of Hawaii, hereby supplement my proclamation and supplementary proclamations of July 6, 2006, July 17, 2006 and September 8, 2006 and pursuant to section 127-10, 128-8(4), 128-9(8), 128-10(10), and 128-10(15), Hawaii Revised Statutes, and in order to provide relief and assistance, suspend, as allowed by federal law, the following laws, comprehensively listed, for the purpose of creating shelters for the temporary shelter for homeless persons and providing needed health and social services to those individuals:

1. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
2. Chapter 103D, **procurement code.**
3. Chapter 103F, **purchases of health and human services.**
4. Section 464-4, **public works required to be supervised by certain professionals.**

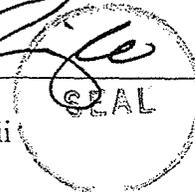
5. Chapter 46, **counties**, to the extent that any county ordinance or regulation impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or is in conflict with, disaster relief or other emergency functions necessary to abate the threats to human health, safety, and welfare and to the environment along the Leeward Coast;
6. Chapter 205A, **coastal zone management**.
7. Sections 206E-8.5, **developments within special management areas and shore-line setback**, and 206E-194, **Kalaheo community development district; development guidance policies**.
8. Chapter 343, **environmental impact statements**.
9. Section 171-16(c); **notices**; 171-17, **appraisals**; and 171-59, **disposition by negotiation**.
10. Section 6E-8, **review of effect of proposed state projects**, as it relates to "historic property," that is, any building which is over fifty (50) years old.
11. Section 6E-9, **investigation, recording, preservation, and salvage; appropriations**.
12. Section 103-8.5, **works of art special fund**.
13. Section 37-41, **appropriations to revert to state treasury**.
14. Section 37-74(d), **transfer of funds between departments**.
15. Section 40-66, **lapsing of appropriations**.
16. Section 103-2, **revenues not specifically appropriated for other purposes shall be general realizations of the general fund**.
17. Chapter 205, **land use commission**.
18. Chapter 342D, **water pollution**.

I FURTHER DECLARE that the disaster emergency relief period which began on July 6, 2006 and which was set to expire on July 5, 2007, is further extended through June 30, 2008. Except to amend these effective dates, all justifications, provisions and requirements of my proclamation and supplementary proclamations of July 6, 2006, July 17, 2006 and September 8, 2006 remain in full force and effect and to the extent that said provisions are not included herein, they are made applicable to this Supplementary Proclamation.

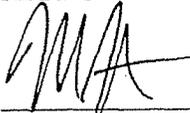
Done at the State Capitol State of Hawaii,  
this 3rd, day of July, 2007



LINDA LINGLE  
Governor of Hawaii



APPROVED:



MARK J. BENNETT  
Attorney General  
State of Hawaii

lp. NOV 20 2012

Michael B. Wood

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November 15, 2012

Kayle Perez  
DHS Branch Administrator  
Clifford Center  
810 Richards St., Suite 400  
Honolulu, HI 96813

Re: Ho'omalua O Na Kamali'i

Dear Ms. Perez,

I understand that the current contract with the Department of Human Services for Family Programs Hawaii to manage Ho'omalua O Na Kamali'i, our transition home for abused and neglected keiki, is running out this year.

As a Board Member of Family Programs Hawaii for the past seven years, it was always my intention for the Wood Family to build Ho'omalua O Na Kamali'i and have Family Programs Hawaii, in partnership with the DHS, to manage it. Family Programs Hawaii has done such a wonderful job, I can't imagine anyone else being involved. In fact, our 20 year \$400,000 a year commitment was based on that arrangement.

If you have any questions please do not hesitate to contact me at:

Michael & Joanne Wood  
66 Queen St. #3101  
Honolulu, HI 96813  
533-7468

Sincerely,



Mike Wood

Cc: Linda Santos