

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

'13 JUL 23 A10 :03

To: Chief Procurement Officer

STATE PROCUREMENT OFFICE
 STATE OF HAWAII

From: Labor and Industrial Relations/Office of Community Services
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):	
	Coordination and human service infrastructure under Community Services Block Grant. Services will include administrative costs for eligible entities, as well as coordinating activities for local human service providers. Funds may also be spent on direct service activities. Outcomes for these activities will be related to the alleviation of poverty among low-income individuals, and are determined through a stringent Needs Assessment to ensure community - based programming	
2.	Provider Name and Address:	<p>Honolulu Community Action Program, Inc. 33 South King St., Suite 300 Honolulu, HI 96813</p> <p>Hawaii County Economic Opportunity Council, Inc. 47 Rainbow Drive Hilo, Hawaii 96720</p> <p>Kauai Economic Opportunity, Inc. 2804 Wehe Rd. Lihue, Hawaii 96766</p> <p>Maui Economic Opportunity, Inc. 99 Mahalani St. Kahului, Hawaii 96793</p>
3.	Total Contract Funds:	\$3,383,335
	Contract Funds per Year (if applicable):	
4.	Reference number of Previous Request for this Service (if applicable):	
5.	Term of Contract:	<p>Start: 10/01/13</p> <p>End: 9/30/14</p>

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6.	Describe how procurement by competitive means is either not practicable or not advantageous to the State: Pursuant to Federal regulations, 90% of the formula block grant in question is required to be granted to eligible entities. In Hawaii, there are currently four (4) eligible entities as listed above. The State of Hawaii does not have final approval authority to designate eligible entities, thus the only providers eligible to receive these funds are the current grandfathered entities. Attached is Section 673 of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 9(COATS), which states eligibility is limited to those that are eligible entities on the day prior to the enactment of the Act. Eligible entities may also be deligated by process, however the State is not the final approver for the entities. Thus, there are no other possible providers. The Community Services Block Grant is the only grant in the Federal Government with a policy of "categorical eligibility."
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: The State does not select providers.
8.	Describe the state agency's internal controls and approval requirements for the exempted procurement: Currently the State is required to monitor and conduct yearly risk assessments of the agencies. However, the State is not allowed to withhold funds from eligible entities. Should any of the agencies be found not to be compliant, the State must initiate a Training and Technical Assistance-based Corrective Action Plan to correct the deficiency without stopping the flow of funding.
9.	List the state agency personnel, by position title, who will be involved in the approval process and administration of the contract: Mila Kaahanui, Executive Director Denise M. Pierson, Procurement Officer
10.	Direct questions to (name & position): Denise M. Pierson, Procurement Officer Phone number: 808-586-8675 e-mail address: denise.m.pierson@hawaii.gov

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



Department Head Signature

JUL 22 2013

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.

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FOR CHIEF PROCUREMENT OFFICER USE ONLY

Chief Procurement Officer's Comments:

This approval is for the procurement process only. Service provider(s) are required to be compliant with applicable laws, and verified on the Hawaii Compliance Express. This award is required to be posted on the Awards Reporting System. If there are any questions, please contact Corinne Higa at 587-4706, or corinne.y.higa@hawaii.gov.

APPROVED DISAPPROVED NO ACTION



Chief Procurement Officer Signature

8/6/2023

Date

Please ensure adherence to applicable administrative requirements.

“(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for—

“(i) private, religious, charitable, and neighborhood-based organizations; and

“(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

“SEC. 673. DEFINITIONS.

42 USC 9902.

“In this subtitle:

“(1) ELIGIBLE ENTITY; FAMILY LITERACY SERVICES.—

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity—

“(i) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Coats Human Services Reauthorization Act of 1998) as of the day before such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

“(ii) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

“(B) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

“(2) POVERTY LINE.—The term ‘poverty line’ means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise annually (or at any shorter interval the Secretary determines to be feasible and desirable) the poverty line, which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

“(3) PRIVATE, NONPROFIT ORGANIZATION.—The term ‘private, nonprofit organization’ includes a religious organization, to which the provisions of section 679 shall apply.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(5) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(2) as provided in subsection (b).

“(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—

“(1) MINIMUM ALLOTMENTS.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds \$345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

“(2) MAINTENANCE OF FISCAL YEAR 1990 LEVELS.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under section 674(a)(1) (as in effect on September 30, 1989) to such State for fiscal year 1990.

“(3) MAXIMUM ALLOTMENTS.—The amount allotted under paragraph (1) to a State for a fiscal year shall be reduced, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the preceding fiscal year.

“(c) PAYMENTS.—The Secretary shall make grants to eligible States for the allotments described in subsections (a) and (b). The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

“(d) DEFINITION.—In this section, the term ‘State’ does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“SEC. 675C. USES OF FUNDS.

42 USC 9907.

“(a) GRANTS TO ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

“(1) IN GENERAL.—Not less than 90 percent of the funds made available to a State under section 675A or 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

“(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, subject to paragraph (3).

“(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

“(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

“(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.