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STATE PROCUREMENT OFFICE NOTICE & REQUEST FOR SOLE SOURCE

STATE PROCUREMENT OFFICE
STATE OF HAWAII

- 1. TO: Chief Procurement Officer
- 2. FROM: Office of Elections
Department/Division/Agency

Pursuant to HRS §103D-306 and HAR Chapter 3-122, Subchapter 9, the Department requests sole source approval to purchase the following:

3. Description of goods, services, or construction:
See attached sheet.

<p>4. Vendor Name: Environmental Syses Research Institute</p> <p>Address: California Regional Office 380 New York Street Redlands, CA 92373-8100</p>	<p>5. Price: \$<u>610,000</u></p>
<p>6. Term of Contract: (mm/dd/yyyy) From: <u>04/21/2011</u> To: <u>04/20/2012</u></p>	<p>7. Prior Sole Source Ref No. <u>01-48-R</u></p>

8. Feature: The good, service, or construction has the following unique features, characteristics, or capabilities: The ESRI software product line is the current platform for the statewide Geographic Information System (GIS) maintained by the Office of Planning. The Office of Planning will be maintaining the Reapportionment 2011 database and geographic file as a layer in the state's Geographic Information System.

The Office of Planning GIS Program leads a multi-agency effort to establish, promote, and coordinate the use of GIS technology among Hawaii State Government agencies. The Office of Planning is responsible for the planning and coordination of activities that are critical to the State's enterprise GIS. With this in mind and the integral nature of the ESRI software line to the State's GIS needs, the Office of Planning's sole source application for an Enterprise License Agreement for ESRI GIS software, upgrades, maintenance, and training was granted in 2007. S.S. No. 07-047-J.

Additionally, ESRI's ARC Info software is the GIS platform used by county agencies statewide, and the counties that will be conducting reapportionment in 2011 will likewise be using ESRI for their redistricting projects as they did at the last reapportionment.

The present consultant contract will utilize local ESRI professional and technicians who as contractors participated in and are familiar with the 1991 and 2001 reapportionment projects and the structure of the existing state GIS. These local ESRI professionals are far more adept and accustomed at using the ESRI software for this type of project solution. A similar sole source application was granted in 2001 for the same services requested for this reapportionment. SS No. 01-48-R.

REQUEST FOR SOLE SOURCE (Cont.)

9 Essential features. How the unique features, characteristics, or capabilities are essential for the agency to accomplish its work: The local ESRI staff is familiar with the constitutional and statutorily mandated timetable (proposed plan for public hearing within 100 days from certification of members and filing of the final plan within 150 days) for the reapportionment 2011 project to be completed. Article IV, Section 2 and HRS Section 25-2. They have the expertise that precludes a long learning curve necessary to understanding the various software macros, the local regulations and the existing GIS infrastructure to design and implement the required reapportionment solution.

11. Alternate source. The following other possible sources for the good, service, or construction were investigated but do not meet our needs because: The Office of Elections investigated services from other vendors for possible GIS solutions for the 2011 reapportionment project. However, the proprietary nature of the ESRI software product line results in the software product line of other vendors not being compatible with the state's existing GIS platform. Additionally, other vendors lack the expertise, knowledge, and utilization of the ESRI software product line to meet the unique needs of the 2011 reapportionment project within the short time period for developing a plan.

12. Direct any inquiries to:
Department: Office of Elections
Contact Name/Title: David Rosenbrock/Information Tech. Spec. VI

13 Phone Number:
453-8683
Fax Number:
453-6006

Expenditure may be processed with a purchase order/pCard: Yes No
If no, a contract must be executed and funds certified.

Agency shall ensure adherence to applicable administrative and statutory requirements, including HAR Chapter 3-122, Subchapter 15, Cost or Pricing Data, if required.

14 I certify that the information provided above is to the best of my knowledge, true, correct and that the goods, services, or construction are available through only one source.



4/19/11

Department Head Signature

Date

Reserved for CPO Use Only

15 Date Notice Posted: 4/19/11

Submit written objections to this notice to issue a sole source contract within seven calendar days or as otherwise allowed from the above posted date to: Chief Procurement Officer
State Procurement Office
P.O. Box 119
Honolulu, Hawaii 96810-0119

REQUEST FOR SOLE SOURCE (Cont.)

16. Chief Procurement Officer's comments:

SEE CPO COMMENTS ATTACHED AS PAGE 4.

17. APPROVED DISAPPROVED NO ACTION REQUIRED

Alvin S. Taylor
Chief Procurement Officer

5/5/2011
Date

CPO COMMENTS:

On 5/5/11, the State Procurement Office received a copy of ESRI's letter to David Rosenbrock, dated April 18, 2011, which states that "ESRI develops, owns and maintains the proprietary software code base for ArcGIS Server and ArcGIS Desktop. . ." which makes up parts of the basic ESRI's GIS platform. This platform is used to establish, promote, and coordinate the use of GIS technology among Hawaii State Government agencies.

According to Mr. Rosenbrock, the State owns four ESRI's GIS platform programs and only ESRI has the proprietary online redistricting online solution that will allow the users the ability to access the US census data in order to develop a reapportionment plan. Mr. Rosenbrock indicated that this online solution is referred to as ESRI managed solution and not available to any ESRI's resellers or distributors.

Mr. Rosenbrock also indicated that other companies have software (Maptitude and Auto Bound) capable of converting the TIGER/Line files and Population file; however they do not work seamlessly with the ESRI platform and introduced errors in the system. He indicated that even though there are other software's capable of converting the US census data, only ESRI's online solution is capable of working with the State's GIS platform to develop a reapportionment plan and maps. Mr. Rosenbrock gave an example, it's like the State uses Lotus Notes for email, any changes and updates need to go through Lotus Notes, yet there are other software's available such as Outlook that provide email services.

According to Mr. Rosenbrock, the State already owns software that make up the GIS platform, and only ESRI can provide the online solutions and ArcGIS server-based application capable to support reapportionment and redistricting. According to the Office of Elections, the ESRI GIS platform is used by 20 different state and county agencies and is unaware of any problems reported by the user agencies.

Approval is granted based on the information provided in this request, the additional information above and the statements contained in ESRI's April 18, 2011 letter to David Rosenbrock that ESRI develops, owns and maintains the proprietary software code base for ArcGIS Server and ArcGIS Desktop and only ESRI's online solution is capable of working with the State's GIS platform to develop a reapportionment plan and maps.

Sole source contracts in excess of \$100,000 require cost or pricing data pursuant to HAR chapter 3-122, subchapter 15. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply and award is required to be posted on the Awards Reporting System.

Mr. Rosenbrock, stated that he and Aaron Schulaner are responsible for this sole source request and resulting contract. Mr. Rosenbrock does not have written delegated procurement authority, but has taken the appropriate workshops. Mr. Schulaner has written delegated procurement authority and taken the appropriate workshops. 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.

Supplemental Information for Sole Source Request

Description of goods, services, or construction:

As provided for in the Hawaii State Constitution, reapportionment of the state occurs every ten years after the preceding year's national census. Article IV, Section 1. The Hawaii State Reapportionment Commission convened on April 14, 2011 for this purpose and is supported by the Chief Election Officer who serves as the secretary to the Reapportionment Commission and provides all necessary technical assistance. Article IV, Section 2. The initial eight members are appointed by the Speaker, House Minority Leader, Senate President, and Senate Minority Leader.

The Reapportionment Commission has 150 days from when all its members are certified to file a reapportionment plan with the Office of Elections after having conducted public hearings to get input on the plan. Article IV, Section 2 and HRS § 25-2. The final member is the chairperson, who has yet to be determined.

The Reapportionment Commission within one hundred days of all members being determined must prepare a proposed plan. This plan will then be presented for public comment at hearing in each basic island. At least twenty days' notice is required before each public hearing. After the public hearings the Reapportionment Commission must consider whether the plan should be corrected or modified and if so make those changes and file the plan by the deadline of one hundred fifty days after the selection of the chairperson. HRS § 25-2.

As such, it is critical that all requirements associated with the Reapportionment Commission be in place in place by the time a chairperson is put in place or shortly thereafter so the commission can meet its statutory and constitutional deadlines. In recognition of the time sensitive nature of the commission's work, the legislature notes that "[t]he commission may request and shall receive from every department, discussion, board, bureau, commission or other agency of the State cooperation and assistance in the performance of its duties." HRS § 25-6.

In order to draft a plan within this short time frame the Reapportionment Commission must have the necessary census data appropriately formatted to permit it to be utilized by it. As such, the present requested contract would, similar to the one submitted in 1991 and 2001, seeks permission for a sole source Professional Services Contract that contains the following:

1. Provide Professional services to convert TIGER/Line files to a topologically correct ARC/INFO coverage. The object of these tasks is to support the STATE in developing the basic spatial layers required for the Reapportionment 2011 project. In addition these services shall provide macros to load, verify, and produce reports, which will facilitate the correction of the ARC INFO coverage. Additionally these services shall provide for on-site guidance in how to use the

outputs of the macros and ARC INFO software to identify and correct topological attribute code errors.

2. Provide on-site consultant services and a document that illustrates methodologies for building and incorporating Voter Tabulation District (VTD) into the precinct boundaries in 2010 census geography. This document will include a description of how 2010 VTD boundaries will be created and incorporated into the redistricting database.
3. Provide on-site consultant services and provide documentation that illustrates methodologies for developing and incorporating the Congressional and Legislative district boundaries into the redistricting database.
4. Provide assistance and guidance for the structure of the redistricting database.
5. Provide for technical assistance in the integration of third party software macros into the ARC VIEW program format.
6. Provide for Website design and interim hosting for Reapportionment 2011 project.

The present request is contingent on compliance with all statutory, administrative, and legal requirements, in addition to funding. Specifically, the Office of Elections is currently seeking on behalf of the Reapportionment Commission a general fund emergency appropriation of \$732,430, of which \$610,000 is for the GIS consultant services. HB 838, HD 2. The bill is currently going through the legislative process. The Hawaii State Constitution provides that “[t]he legislature shall appropriate funds to enable the commission to carry out its duties.” Article IV, Section 2. As such, it is our expectation that the emergency appropriation will be approved in the immediate near future.

Additionally, applicable approvals requests, associated with information technology consultant contracts, have been submitted to the Governor and Comptroller, subject to appropriate funding being made available.

If you have any questions, please feel free to contact me at 453-VOTE (8683).



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STATE PROCUREMENT OFFICE
STATE OF HAWAII

April 18, 2011

David J. Rosenbrock
Supervisor – Computer Services
Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782

RE: Sole Source Justification for Reapportionment Consultant Contract

Esri is the world leader providing GIS software and services to international, federal, state and local government agencies.

In response to your request, Esri is providing the following sole-source justification factors for the provision of Esri software and services to support the State of Hawaii Office of Elections and the Hawaii Reapportionment Commission for reapportionment and redistricting activities. These factors are:

- Esri develops, owns, and maintains the proprietary software code base for ArcGIS Server and ArcGIS Desktop, COTS products currently deployed at the State of Hawaii, which are part of the ESRI ArcGIS family of GIS software products.
- Esri is the sole provider of the Esri Redistricting Online Solution, an ArcGIS Server-based application to support reapportionment and redistricting.
- Esri has a comprehensive understanding of reapportionment and redistricting through its provision of software and services to the U.S. Bureau of Census and the U.S. Department of Justice.
- Esri is the only company that has supported State of Hawaii reapportionment and redistricting in both 1991 and 2001.
- Esri has had an office in Honolulu since 1999 and regularly provides software and training support to federal, state and county agencies in Hawaii.
- The same Esri Honolulu staff who supported State of Hawaii 2001 reapportionment and redistricting are assigned to provide support in 2011. One of those staff, Hawaii-Pacific Region Manager Royce Jones, has been acknowledged for his expertise on Hawaii reapportionment and redistricting.
- Reapportionment and redistricting in Hawaii occur once every ten years and are time-critical activities. Plans must be completed on-time so that preparations for 2012 elections can proceed. In 2001 Hawaii reapportionment and redistricting, Esri completed all tasks on-time and within budget.

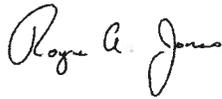
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These factors combine to establish that Esri is the only company that has the combination of software, personnel and specific Hawaii expertise to complete the work properly in the tight time frame required.

If you have any further question, please feel free to contact me at 808-947-0993 x5638 or via email at rjones@esri.com

Sincerely,



Royce A. Jones
Hawaii-Pacific Region Manager