



STATE PROCUREMENT OFFICE
NOTICE & REQUEST FOR SOLE SOURCE

12 MAY 16 A8:27

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer
FROM: Department of Commerce & Consumer Affairs/CATV
Name of Requesting Department

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

1. Describe the goods, services, or construction to be procured.
The statewide non-commercial broadcast of the wide range of educational, cultural, historic and informational television programs available through Public Broadcasting Service (PBS) plus other forms of non-commercial programming (local and/or PBS Hawaii produced and nationally produced), outreach, story telling, and educational services available to citizens of all ages across the State, without a direct fee or service charge, available seven days a week with easy access for viewers through multiple content platforms.

Table with 2 columns and 2 rows. Row 1: Vendor/Contractor/Service Provider Name (Hawaii Public Television Foundation, dba PBS Hawaii) and Amount of Request (\$3,200,000/yr. approx.). Row 2: Term of contract (From: 7/1/2012 To: 6/30/2014) and Prior SPO-001, Sole Source (SS) No. (10-045-D).

6. Describe in detail the following:
a. The unique features, characteristics, or capabilities of the goods, service or construction. See Attached.
b. How the unique features, characteristics or capabilities of the goods, service or construction are essential for the department to accomplish its work. See Attached.

7. Describe the efforts and results in determining that this is the only vendor/contractor/service provider who can provide the goods, services or construction.
 If DCCA were to go out and bid for these services, DCCA would still require that a contractor provide national PBS programming. However, PBS Hawaii is the sole PBS member entitled access to, and broadcasting of, PBS national programming in the State. DCCA has confirmed that under the national PBS Policy on Admissions to PBS membership, no other Hawaii television station would be granted PBS membership since that would duplicate the statewide service provided by PBS Hawaii.

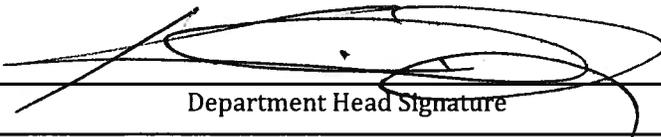
8. Alternate source. Describe the other possible sources for the goods, services, or construction that were investigated but did not meet the department's needs.
 There are no other statewide television stations who are eligible for PBS membership that can access PBS programming.

9. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) appropriate written delegated procurement authority; 2) completed mandatory training; and 3) who SPO may contact for follow up inquiry, if any.
 (Type over "example" and delete cells not used.)

Name of Department Personnel	Division/Agency	Phone Number	E-mail Address
Laureen K.K. Wong	DCCA/CATV	586-2820	Laureen.K.Wong@dcca.hawaii.gov

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

**All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
 I certify that the information provided is to the best of my knowledge, true and correct.**


5/15/2012

 Department Head Signature Date

For Chief Procurement Officer Use Only

Date Notice Posted: 5.16.12

Submit written objection to this notice to issue a sole source contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

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

If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or donna.tsuruda-kashiwabara@hawaii.gov.

Approved

Disapproved

No Action Required

Donn Tsuruda-Kashiwabara 6/18/2012
Chief Procurement Officer Signature Date

Attachment to "Notice & Request for Sole Source"

To: Chief Procurement Officer

From: Keali'i Lopez, DCCA

Date: May 11, 2012

5. Price: approx. \$3,200,000.00 per year. Under the cable television franchises issued to cable operators in the State, DCCA directs Time Warner Entertainment Company, LP ("TWE") and Hawaiian Telcom Services Company, Inc. ("HTSC") to each pay 1/9% of its annual gross revenue to HPTF. For 2011, this amount totaled approximately \$3,200,000.00.
6. Describe in detail the following
 - a. The unique features, characteristics, or capabilities of the goods, service or construction.

DCCA has an existing contract with Hawaii Public Television Foundation ("HPTF"), dba PBS Hawaii, the State's only noncommercial public television broadcast station. PBS Hawaii has a noncommercial license from the Federal Communications Commission ("FCC") and its signal reaches more Hawaii households than all other television providers in the State -- commercial and cable -- effectively reaching 98% of Hawaii's population. PBS Hawaii is the sole Hawaii member of the Public Broadcasting Service ("PBS"), a private nonprofit organization which provides access to quality television programming and related services to more than 355 noncommercial stations, including PBS Hawaii. In turn, PBS Hawaii is able to broadcast PBS' award winning, high quality programs seven days a week to more than 200,000 households.

PBS membership is limited to television stations that are able to meet financial, technical, and programming obligations set forth by the organization (PBS) and the FCC. PBS Hawaii is able to bring award-winning programming such as "Sesame Street," "NOVA," "Frontline," and "Masterpiece" to Hawaii audiences, as well as a full suite of curriculum-based PBS Kids programming and other balanced quality educational programming such as Electric Company, Martha Speaks and other educational and entertaining programs for children. PBS' Sesame Street and PBS KIDS are an invaluable source of educational programming for children that is only available on broadcast media through PBS Hawaii. PBS KIDS was named the most educational TV/media brand, the safest destination for children to watch television, and the top provider of content that helps children build reading and math skills. Other diverse, quality and popular programming made available to Hawaii audiences include "Nature," "NHK World," "Great Performances" and "Antiques Roadshow."

In addition PBS Hawaii produces six weekly local programs that explore the historical and cultural significance of the people, places and issues unique to

Hawaii. These programs are: HIKI NO: the Nation's First Statewide Student News Network; Long Story Short with Leslie Wilcox; Leahey & Leahey; Insights on PBS Hawaii (sharing of diverse viewpoints); PBS Hawaii Presents (stories of independent local filmmakers); and NA MELE: Traditions in Hawaiian Song. PBS Hawaii recently launched HIKI NO, a statewide student news network that produces a weekly half-hour broadcast. PBS Hawaii collaborated with the Hawaii Department of Education, the Association of Independent Schools and the Hawaii Charter School Administrative Office to conceptualize and develop the series at no cost to the schools. 475 students across the State, working in teams of nine schools under the supervision of 80 teachers, conceived, reported, wrote, shot, and edited stories that were broadcast. PBS Hawaii shows offer greater diversity and more variety in local programming than any other television broadcast station in Hawaii. No other broadcast media organization in Hawaii provides this caliber of non-commercial instructional and cultural programming statewide.

- b. How the unique features, characteristics or capabilities of the goods, service or construction are essential for the department to accomplish its work.

DCCA has long recognized in connection with the issuance of cable franchises, that cable service is not only an important source of entertainment for the public but is also an important means of providing access to a wide variety of programming and informational services in the public interest. This includes providing access to Hawaii viewers to trusted, educational and enrichment programming that includes diverse viewpoints and local stories that may get limited coverage on commercial broadcast television. PBS Hawaii, because of its unique position as a statewide, non-profit, PBS affiliated station, can bring to an extensive audience, exclusive national PBS programming of quality documentaries, non-commercialized news programs and cultural programming that keep citizens informed on world events, and expose them to cultures, music theater, and dance that serve to enrich the lives of the viewing public. As a member station of PBS, PBS Hawaii is the only television broadcast station to have access to PBS programming since no other television broadcast station in Hawaii would be granted PBS membership because doing so would duplicate a service already provided by PBS Hawaii. In addition PBS Hawaii also produces local shows that highlight the unique culture in Hawaii. This is a key component in bringing communities together and strengthening their ties throughout the State.



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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KEALI'I S. LOPEZ
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

May 11, 2012

Re: Notice and Request for Sole Source, Hawaii Public Television Foundation,
dated May 11, 2012

Written Determination of Multi-year Contract

Written determination is made that the contract between Hawaii Public Television Foundation, dba PBS Hawaii, and the Department of Commerce and Consumer Affairs ("DCCA") referred to in the above-identified Request is a multi-term contract. Pursuant to Hawaii Administrative Rules ("HAR") §3-122-149(b), the DCCA/PBS Hawaii contract extends more than one year from July 1, 2012, and under cable television franchises issued by DCCA to Time Warner Entertainment Company, LP ("TWE") and Hawaiian Telcom Services Company, Inc. ("HTSC"), DCCA directs TWE and HTSC to make annual payments equivalent to 1 % of their annual gross revenue to PBS Hawaii, unless otherwise ordered by DCCA.

KEALI'I S. LOPEZ
Director of the Department of Commerce and
Consumer Affairs

CS 12-068D