

STATE OF HAWAII

**NOTICE OF AND REQUEST FOR
RESTRICTIVE PURCHASE OF SERVICE
PURSUANT TO §103F-403, HRS**

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To: Chief Procurement Officer

From: Department of Labor and Industrial Relations / Office of Community Services (OCS)
Department/Division/Branch or Office

Pursuant to §103F-403, HRS, and Chapter 3-144, HAR, the department head has made a determination that an adequate basis for a restrictive purchase of services exists and requests approval to make a restrictive purchase for the following:

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1. Title and description of health and human service(s):

Title: Assistance to Persons with Disabilities.

The OCS seeks to purchase services for persons with disabilities mandated by the following Federal statutes: (1) Protection and Advocacy for People with Developmental Disabilities, 42 U.S.C. 15001, PL 106-402; (2) Protection and Advocacy for Individuals with Mental Illness, 42 U.S.C. 15043, PL 106-402; (3) Protection and Advocacy for Individual Rights, 42 U.S.C. 15043, PL 106-402; and (4) Protection and Advocacy for Beneficiaries of Social Security, 29 U.S.C. 3011-3012, PL 105-394.

Specifically, the following services are being sought:

Assisting persons with disabilities to receive:

- Assistance with transitions plans, especially children with disabilities;
- Vocational rehabilitation and job training;
- Independent living services to which they are entitled;
- Assistive technology to which they are entitled;
- Appropriate services to return to gainful employment; and
- Technical assistance to resolve complaints about accessibility to polling places and/or complaints about the voting process.

Representing persons with developmental disabilities and/or mental illness will:

- Achieve emancipation from a guardian, under the proper circumstances;
- Properly prepare Advanced Mental Health Care Directives;
- Settle complaints concerning domestic abuse and/or neglect by their housing or service providers;
- Obtain relief from disability discrimination or unemployment insurance appeals;
- Resolve housing discrimination complaints; and
- Appeal denials of applications for services to which they may be entitled.

Advocating for persons with developmental disabilities and/or mental illness regarding the following issues:

- Access to affordable housing;
- Receiving appropriate care and treatment in the least restrictive environment; and
- Self-determination on decisions regarding treatment and health care.

Ensuring that:

- Persons with developmental disabilities and/or mental illness in facilities providing 24-hour care are not abused or neglected; and
- Children with developmental disabilities and/or serious mental disturbances are not unlawfully disciplined, suspended or expelled from school.

2. Provider Name and Address:

Hawaii Disability Rights Center (HDRC)
900 Fort Street Mall, Ste. 1040
Honolulu, HI 96813

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| 3. | Total Contract Funds: | \$165,505 |
| | Contract Funds per Year (if applicable) | \$ 165,505 |
| 4. | Term of Contract | Start: 10/01/06 End: 9/30/07 |
| | If the contract term is longer than 1 year, provide justification for the extended term: N/A | |
| 5. | Describe the circumstances justifying a restrictive purchase: The HDRC has been designated by the Governor of Hawaii, in accordance with Federal law and Hawaii Revised Statutes, Sec. 333F-8.5, as the sole agency charged with ensuring the State's compliance with Federal laws requiring the State to provide protection and advocacy services to developmentally disabled, handicapped, and mentally ill persons, to receive continued Federal funding. | |

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| 6. | Describe the efforts and results in determining that this is the sole provider who can render services. Include approximate dates: The OCS has undertaken the following actions in determining that the HDRC is the sole provider able to render the services as detailed in Section 1, supra.: In May 2006, the OCS issued a Request for Information (RFI) listing all the services sought by the OCS as stated in Section 1, supra, and requesting input from potential and interested applicants on (1) whether the OCS should engage in a competitive RFP process to secure the services sought for Fiscal Years 2007 and 2008, or, whether the OCS should seek a Restrictive Purchase of Service from the State Procurement Office; and (2) whether seeking a Restrictive Purchase of Service would be in the best interest of the State. To date, no other service provider responded to the request. Additionally, in May 2006, OCS staff contacted Becky Ozaki, Ph.D., an administrator of a federally-funded program designed to assist children and families with developmental disabilities and an advocate for people with disabilities, to ask if she was aware of any other agency that could carry out the services currently performed by the HDRC. Dr. Ozaki stated that she was not aware of any other agency that works in the disability community that would be able to fulfill the dual mandate of providing the protection and advocacy services that the | |
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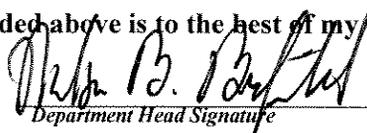
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HDRC currently provides.

7. List state agency personnel, by position title, who will be involved in the approval process and administration of the contract:
Michael Hane, OCS Acting Executive Director
Keith Yabusaki, OCS Research Planning & Resource Development Administrator
Jamesner A. Dumlao, OCS Program Specialist

8. Direct questions to (name & position): Keith Yabusaki, OCS Research Planning & Resource Development Administrator
Jamesner A. Dumlao, OCS Program Specialist
- Phone number: 586-8675
- e-mail address: keith.y.yabusaki@hawaii.gov

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


Department Head Signature

8/29/02
Date

Nelson B. Befitel
Typed Name

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NOTICE

Pursuant to §103F-403, Hawaii Revised Statutes and Chapter 3-144, Hawaii Administrative Rules, the aforementioned purchasing agency has submitted a request to the chief procurement officer for a restrictive purchase of service for health and human services, and if approved, intends to purchase the service without issuing a request for proposals.

Any person may file a written protest under the procedures established under Chapter 3-148, Hawaii Administrative Rules, located on the web at www.spo.hawaii.gov, click *Statutes and Rules* and *Procurement of Health and Human Services*. Protests shall be hand delivered or postmarked by United States Postal Service within seven (7) days after the date this notice is first published on the internet. If hand delivered it must be submitted by 4:30 PM, Hawaii Standard Time, within seven days after day this notice is first published. Protests must be submitted to the following procurement officer **and** head of the purchasing agency:

Procurement Officer for this Procurement
Patrick S. Fukuki
Business Management Officer
Department of Labor and Industrial Relations

Head of Purchasing Agency
Nelson B. Befitel
Director
Department of Labor and Industrial Relations

Protest forms and instructions are on the web at: www.spo.hawaii.gov, click *Health and Human Services, Chapter 103F...* and *Forms for Private Providers*. Questions should be directed to the contact person noted in item 8 of the request.

Published: AUG 31 2006

FOR CHIEF PROCUREMENT OFFICER USE ONLY

Chief Procurement Officer's Comments:

Approved Denied


Chief Procurement Officer Signature

9/18/06
Date

Please ensure adherence to applicable administrative requirements.

JENDA LINGEL
GOVERNOR



NELSON S. BERTEL
DIRECTOR

COLLEEN Y. LAIDLAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

850 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/abor
Phone: (808) 586-8842 Fax: (808) 586-8006
Email: dir.director@hawaii.gov

September 14, 2006

TO: Mara Smith, Health and Human Services Procurement Manager
Department of Accounting and General Services

FROM: Michael Hane, Acting Executive Director *Michael Hane*
Office of Community Services, Department of Labor and Industrial Relations

SUBJECT: Additional Information Concerning the Request for Restrictive Purchase of
Service for Hawaii Disability Rights Center

Below is the additional information that you requested concerning our Request for Restrictive Purchase of Service for Hawaii Disability Rights Center:

On September 11, 2006, OCS staff contacted Mr. Guy Tagamori, Staff Specialist with the State Department of Human Services - Vocational Rehabilitation & Services to the Blind. Mr. Tagamori who specializes in vocational rehabilitation echoed Dr. Ozaki's sentiments. Specifically, he stated that HDRC is the only provider designated under Federal statute to administer the Client Assistance Program (to ensure those with disabilities receive necessary services) and the only provider allowed to do so. Accordingly, he concluded that there would be no other competitor who could provide the comprehensive advocacy services provided by HDRC with respect to vocational rehabilitation.

Moreover, on September 11 and 12, 2006, OCS staff contacted Ms. Marge Sheehan, Section Supervisor, Contracts & Resource Development, Case Management and Information Services with the Department of Health - Developmental Disabilities Division. Ms. Sheehan, who specializes in the area of developmental disabilities, confirmed that HDRC is the only provider authorized under Federal law to provide comprehensive advocacy services for those with developmental disabilities under the Federal program with which she is familiar.

By way of background, OCS contacted Dr. Ozaki at the University of Hawaii, Center on Disability Studies (CDS) because OCS contracts with CDS to run a virtual one-stop center for the disabled. In the administration of this virtual one-stop center, CDS is charged with maintaining an advisory panel of experts, the Developmental Disability Advisory Council, which meets on a monthly basis to advise CDS. Accordingly, CDS and its panel have extensive contacts and expertise in the developmental disability field.

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES**

NOTICE OF REQUEST FOR INFORMATION (RFI)

Pursuant to Section 103F-106, Hawaii Revised Statutes and Section 3-142-202, Hawaii Administrative Rules, and as part of its planning process, the Department of Labor and Industrial Relations (DLIR), Office of Community Services (OCS), is seeking to identify and determine through this RFI (1) whether there are interested and qualified applicants to warrant issuing a competitive RFP for Fiscal Years 2007 and 2008, or to seek a Restrictive Purchase of Service from the State Procurement Office for the **Protection and Advocacy for Persons with Disabilities (PAPD) Program**; and (2) and whether it is in the best interest of the State to do so.

The basic mission of PAPD is to protect and promote the human, civil and legal rights of individuals with disabilities through the provision of information and advocacy.

Qualified applicants must be able to provide and perform statewide the following comprehensive services, activities and programs:

In 1984, Congress authorized and funded under the Amendments to the Rehabilitation Act (P.L. 98-221), Client Assistance Programs. Under the current authorization of the Rehabilitation Act (29 USC § 732, PL 105-220), the **Client Assistance Program** maintains the following authority and responsibilities:

- Inform and advise clients of all available benefits under the Rehabilitation Act;
- Assist and advocate for clients in their relationships with projects, programs, and services provided under the Rehabilitation Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of their rights through individual and systemic advocacy;
- Inform developmentally disabled individuals in the state, especially those who have traditionally been un-served or under-served by vocational rehabilitation programs, on available services and benefits under the Rehabilitation Act and Title I of the Americans with Disabilities Act of 1990 (42 USC § 12111 et seq.); and
- Assist and advocate for services directly related to facilitating the employment of the individual.

Additionally, Congress created a nationwide **Protection and Advocacy System for People with Developmental Disabilities** in the Developmental Disabilities Assistance and Bill of Rights Act of 1975. Congress has expanded the authority of the Protection and Advocacy Systems to serve all disabilities and to operate and enforce the following statutes:

- **Protection and Advocacy for Individuals with Developmental Disabilities (PADD)** is authorized in the Developmental Disabilities Assistance and Bill of Rights Act, 42 USC § 15001, PL 106-402;
- **Protection and Advocacy for Individuals with Mental Illness (PAIMI)** is authorized in the Protection and Advocacy for Mentally Ill Individuals Act, 42 USC § 10801, PL 106-310;

- **Protection and Advocacy for Individual Rights (PAIR)** is authorized in the Rehabilitation Act, 29 USC § 794e, PL 106-402;
- **Protection and Advocacy for [Individuals in Need of] Assistive Technology (PAAT)** is authorized in the Assistive Technology Act, 29 USC §§ 3011 - 3012, PL 105-394;
- **Protection and Advocacy for Beneficiaries of Social Security (PABSS)** is authorized in the Ticket to Work and Work Incentives Improvement Act, 42 USC § 1320b-20, PL 106-170;
- **Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI)** in the Children's Health Act of 2000, 42 USC § 300d-53, PL 106-310; and
- **Protection and Advocacy for Voter Access (PAVA)** in the Help America Vote Act of 2002, 42 USC § 15461-62, PL 107-252.

Hawaii Revised Statutes Section 333F-8.5 also seeks protection and advocacy for developmentally disabled persons. The qualified agency shall serve as the statewide protection and advocacy agency for developmentally disabled persons. The client information and assistance program provided by the qualifying agency will allow the State to satisfy the Federal requirements for Federal funds. To accomplish the above-mentioned mission, the service agency will engage in comprehensive activities including, but not limited to: outreach; intake; assessment; referral; supervised short-term guidance; individual as well as systems advocacy; case intervention; and if necessary full legal representation including litigation.

Contractual responsibilities for the qualifying agency also include the following: assisting children with disabilities with transition plans; assisting persons with disabilities receive vocational rehabilitation and job training; assisting persons with disabilities obtain independent living services to which they are entitled, assisting persons with disabilities obtain the assistive technology to which they are entitled; assisting persons with disabilities to return to gainful employment; ensuring that persons with developmental disabilities and/or mental illness in facilities providing 24-hour care are not abused or neglected; advocating that persons with developmental disabilities and/or mental disabilities receive care and treatment that is appropriate and in the least restrictive environment; reviewing individual service plans of persons with developmental disabilities and advocating for self-determination regarding decisions about healthcare and treatment; preparing Advance Mental Health Care Directives for persons with mental illness; ensuring that children with developmental disabilities and/or serious mental disturbances are not unlawfully disciplined, suspended or expelled from school; representing persons with developmental disabilities and/or mental illness who want to achieve emancipation from a guardian; representing people with developmental disabilities and/or mental illness with complaints about abuse and/or neglect by their housing or service providers; representation of persons with mental illness to obtain relief from disability discrimination or unemployment insurance appeals; represent persons with mental illness who have abuse complaints against their housing providers; represent persons with mental illness with housing discrimination complaints; representation of persons with mental illness to appeal denials of applications for services to which they may be entitled; represent persons with disabilities with complaints of inaccessible public facilities; advocate for more accessible and affordable housing for people with disabilities; and providing technical assistance to person with disabilities who have complaints about accessibility to polling places and/or complaints about the voting process.

Interested parties may make inquiries, share their concerns or ask questions between 8:00 a.m. and 4:30 p.m. Monday thru Friday, except State holidays, at the Office of Community Services, 830 Punchbowl Street, Room 420, Honolulu, Hawaii 96813, by phone at (808) 586-8675, or by e-mail at keith.y.yabusaki@hawaii.gov. The deadline for receipt of responses from qualified applicants interested in applying for this PAPD program is June 12, 2006. Subject to availability of funds, it is anticipated that \$165,000 will be made available for these services.

Participation in this RFI process is optional and is not required to respond to any subsequent procurement by OCS. Furthermore, neither OCS nor any interested party responding to the RFI has any obligation under this RFI.

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Any person may file a written protest under the procedures established under Chapter 3-148, Hawaii Administrative Rules, located on the web at www.spo.hawaii.gov, click *Statutes and Rules* and *Procurement of Health and Human Services*. Protests shall be hand delivered or postmarked by United States Postal Service within seven (7) days after the date this notice is first published on the internet. If hand delivered, it must be submitted by 4:30 p.m., Hawaii Standard Time, within seven (7) days from the date this notice is first published. Protests must be submitted to the procurement officer and head of the purchasing agency as specified in the request. Protest forms and instructions are on the web at www.spo.hawaii.gov, click on *Health and Human Services, Chapter 103F...* and *Forms for Private Providers*. Questions should be directed to the contact person noted in item 8 of the request.