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STATE OF HAWAII

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

STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: DOD/ASO/Fiscal

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:

1. Title and description of health and human service(s): Provide educational support services based on Science, Technology, Engineering and Mathematics (STEM) related programs for at-risk youth on the islands of Oahu, Maui and Hawaii; in order to improve their academic performance. Please note that the geographic coverage of service may change due to this time-limited ARRA funding expiring in Federal Fiscal Year 2011.	
2. Provider Name and Address:	The Paxen Learning Corporation 710 Atlantis Road Melbourne, FL 32904
3. Total Contract Funds:	\$274,166
Contract Funds per Year (if applicable):	
4. RH No. of Previous Request for this Service (if applicable)	
5. Term of Contract:	Start: 1/12/11 End: 9/30/11
If the contract term is longer than 1 year, provide justification for the extended term:	
6. Describe the circumstances justifying a restrictive purchase: The DOD currently contracts The Paxen Learning Corporation (Paxen) to provide afterschool positive youth development programs to 10-19 y/o youth statewide. Workbooks containing comprehensive and copyrighted material on basic/functional life skills pre-employment skills, health and nutrition are completed over a course ranging from several weeks to several months. Interspersed with these formal lesson plans are ongoing tutoring in writing, science and math by instructors. Pre-and Post tests in math improvement are conducted. Since 2003, Paxen has been providing these services for the DOD via Sole Source and most recently via an RFP. Paxen's copyrighted program is called About Face and it is only one of several under their About Face Family of Programs. A MOA between the Governor and the DOD dated 11/26/10 agrees to provide the above funds for the DOD and its sponsored About Face Family of Programs. (See Exhibit I) *continued in section 7.	

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7.	<p>Describe the efforts and results in determining that this is the sole provider who can render services. Include approximate dates:</p> <p>As stated above, Paxen is the sole provider currently providing the program services dictated in the MOA between the DOD and the GOV. Paxen is the only company that has the About Face Program and the About Face Family of Programs as these are copyrighted coursework and curriculum. As such, no other provider/organization was contacted. (See Exhibit II)</p> <p>*continued from section 6: Due to the DOD receiving word of the availability of ARRA funds only on November 22, 2010, (see Exhibit III) adequate time is not available to implement a proper RFI and RFP course of action. To carry out an RFP process at this time would severely handicap and limit program participation and the use of these monies for direct services by September 30, 2011. According to SPO guidelines and timetables, a reasonable effective date for a newly procured service under a Competitive Purchase of Service is July 1, 2011, given the current situation and circumstances.</p>
8.	<p>List state agency personnel, by position title, who will be involved in the approval process and administration of the contract:</p> <p>Ken Nakagawa, Program Specialist Thomas T. Moriyasu, Business Management Officer</p>
9.	<p>Direct questions to (name & position): Ken Nakagawa</p> <p>Phone number: 733-4219</p> <p>e-mail address: knakagawa@dod.hawaii.gov</p>

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

 _____ <i>Department Head Signature</i>	<u>14 Jan 11</u> <i>Date</i>
<u>MG Darryl D.M. Wong</u> <i>Typed Name</i>	

STATE OF HAWAII
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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

Thomas T. Moriyasu
Business Management Officer
3949 Diamond Head Road
Honolulu, HI 96816

Head of Purchasing Agency

MG Darryll D.M. Wong
Adjutant General
3949 Diamond Head Road
Honolulu, HI 96816

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 9 of the request.

JAN 18 2011

Published:

FOR CHIEF PROCUREMENT OFFICER USE ONLY

Chief Procurement Officer's Comments:

Messrs. Ken Nakagawa and Thomas Moriyasu are identified as participants in this procurement. In conversation with SPO staff Mr. Nakagawa acknowledges that he and Mr. Moriyasu do not have the applicable written delegated procurement authority and have not attended the appropriate mandatory procurement training. Please be advised that Messrs. Nakagawa and Moriyasu shall not participate in any procurement activities until they have both written delegated procurement authority and have completed the appropriate mandatory procurement training requirements for the applicable procurement method, pursuant to Procurement Delegation No. 2010-01 and Procurement Circular No. 2010-05. This approval is conditioned on the above and is required to be posted on the Awards Reporting System.

APPROVED DISAPPROVED NO ACTION


Chief Procurement Officer Signature

2/9/2011
Date

Please ensure adherence to applicable administrative requirements.

COPY

MEMORANDUM OF AGREEMENT

Between

The Governor of the State of Hawaii

And

The Department of Defense

Regarding

American Recovery and Reinvestment Act (ARRA)
State Fiscal Stabilization Fund (SFSF), Government Services – Part B
For the
Science, Technology, Engineering and Mathematics (STEM) Program

The Memorandum of Agreement sets forth understandings of the Governor of the State of Hawaii and the Department of Defense (DOD) as they pertain to the provision and enhancement of educational opportunities and support programs targeted for at-risk youth to encourage participation in STEM related programs to improve their academic performance.

WHEREAS, the Governor of the State of Hawaii agrees to provide funds to provide education opportunities to encourage STEM Program participation for at-risk youth in the DOD sponsored About Face Family of Programs.

NOW, THEREFORE, the parties, the Governor of the State of Hawaii and DOD mutually agree to perform their respective duties and responsibilities with the provisions of the Agreement.

A. Background

1. ARRA authorizes states to use SFSF – Part B for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education, and for modernization, renovation, or repair of public school facilities and institutions of higher education facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.
2. The State of Hawaii has committed to using Part B of SFSF for education as well, to meet and make progress on the Assurances contained in the State's SFSF application to the federal government.

B. Purpose

The purpose of this Memorandum of Agreement (MOA) is to document for the public and the U.S. Department of Education the use of a portion of Part B SFSF funding to pay expenses associated with improving the quality of education in the fields of Science, Technology, Engineering, and Mathematics for students in middle and high schools in the DOD, State of Hawaii's About Face Family of Programs.

C. Amount of Allocation of SFSF – Part B Funding

\$274,166.17 has been allocated for the budget period 7/1/10 – 9/30/11 for SFSF Part B funding for the above stated purposes.

D. General Objectives/Goals of the SFSF Part B Funding Allocation

Grant funds shall be used to reimburse specific teacher salaries, paraprofessional support staff expenses, supplies, office equipment, instructional materials, textbooks, computer equipment, and subcontracts for consulting and instructional services related to specific programs of instruction pertaining to STEM.

The parties agree that the above stated amount shall be used to further the following objective:

Providing real-world lessons as students apply science, technology, engineering, and mathematics in contexts that make connections between school, community and work.

E. Deliverables

The DOD agrees to provide the following deliverables within the indicated time frame:

By March 31, 2011, the DOD will provide a report on the subcontractor's selection, their budget for personnel and non-personnel costs, and the subcontractor's progress to date on its program activities in achieving the above stated objectives and goals.

By September 30, 2011, the DOD will provide a report summarizing the expenditures of SFSF Part B funds, and updating its objectives/goals that have been attained, student participation data, and overall progress achieved to date.

By March 31, 2012, the DOD will provide a final report summarizing total expenditures, objectives and goals achieved, student achievements and student participation data.

F. Accountability and Reporting

The DOD agrees to:

1. Administer and use the Part B SFSF funding in accordance with ARRA and all other applicable federal and state statutes and regulations;
2. Submit required state and federal SFSF reports on a timely basis;
3. Use appropriate fiscal control and accounting procedures that will ensure proper disbursement of, and accounting for, Part B SFSF funding;
4. Respond to inquiries from the Office of the Governor, the ARRA Coordinator and the Department of Budget and Finance (B & F) about the use of Part B SFSF funding on a timely basis;
5. Make any required SFSF reports readily available to members of the public;
6. Obligate all Part B SFSF funding no later than September 30, 2011; and
7. Promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act (31 U.S.C. 3729-3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Part B SFSF funding.

G. Release of Funds

The parties agree to release Part B SFSF funding as follows:

1. On a reimbursement basis after execution of this MOA and documentation of expenditures related to the implementation of the execution of a contract to incorporate STEM activities in the About Face Family of Programs.
2. Once the required report of the expenditures are collected and reviewed by the DOD, Fiscal Office, a request for funds will be generated and submitted to B & F for processing.
3. The DOD will reimburse the general fund for expenditures incurred prior to reimbursement.
4. The drawdown of SFSF Part B funds shall be processed through B & F.

H. Modification of the Agreement

1. This MOA may be modified at any time by mutual agreement of the parties.
2. In the event a deliverable is not met, the parties shall meet within five (5) business days to reach a mutually satisfactory resolution. Such resolutions shall be incorporated into an amendment to this MOA.

I. Binding Effect of the Agreement

This Agreement is not a binding contract and can be changed at any time. It is not intended to create any rights, interest or remedies for any third party beneficiaries

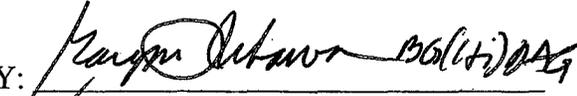
and third parties may not rely upon this Agreement to assert any claim against the State or any State employee, whether individually or in their official capacity.

IN WITNESSETH WHEREOF, The Governor of the State of Hawaii and the Department of Defense has executed this Agreement as of the date written below.

OFFICE OF THE GOVERNOR

DEPARTMENT OF DEFENSE

BY: 
Linda Smith
Senior Policy Advisor

BY: 
Major General Robert G. F. Lee
Adjutant General

DATE: Nov 26, 2010

DATE: NOV 26 2010

PAXEN *Leaders in Learning*

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About Paxen

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- Press Releases

The Paxen Group, Inc. is a recognized leader in training and workforce development. Since 1980, Paxen has specialized in developing and delivering training programs that build academic and employability skills for at-risk youths and out-of-work adults. Many of these people are economically and socially disadvantaged. High dropout rates and lack of employment opportunities compound their problems.

Paxen is passionate about providing programs and services that put people in this underprivileged community back to work. Our youth development programs are recognized across the United States for quality learning materials and training methods that work. Paxen-created curricula enable these youth to build job skills through interactive experiences that are relevant to the real world.

As our reputation for successful programs has grown, so has the confidence of our customers. This confidence has led to the development of new products and programs to benefit an even broader scope of clients. From concept to completion - to training and delivery, Paxen can do it all. In other words we ...

The Paxen Group 710 Atlantis Road Melbourne, FL 32904 Phone: 800.247.2936 321.724.1033 Fax: 321.951.1617



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Programs

About Face!

About Face! gives at-risk youth the tools they need to stay in school and get a job. We teach the skills employers tell us they want. Our "learn to do by doing" philosophy means students practice these skills in a real-life setting.

Forward March

This hands-on program teaches adult men and women job skills so they can make the move from welfare to work. Forward March participants learn how to find and keep a job and practice business skills in a real-life setting.

GED Plus

Short-term, high intensity GED preparation designed to work with out-of-school students lacking a high school diploma and demonstrating a 9th grade entry academic level. The outcome is securing a GED.

You Can Be Fit

Young people learn how to work toward a healthy lifestyle with this combination of physical exercise and instruction. Students discover how to add fitness and good nutrition to their daily routine, tracking their progress throughout the program.

Breathe Easy

A unique smoking prevention program that helps young people make their own decisions about tobacco use. Students participate in fun activities, with little lecture time. Package includes

The Paxen Group 710 Atlantis Road Melbourne, FL 32904 Phone: 800.247.2936 321.724.1033 Fax: 321.951.1617



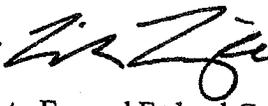
EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

November 22, 2010

MEMORANDUM

TO: General Robert G. F. Lee, Adjutant General
Department of Defense

FROM: Linda Lingle, Governor 

SUBJECT: Notice of Authorization to Expend Federal Grant Funds
(ARRA-SFSF Part B)

This Notice of Authorization to Expend is issued pursuant to the provisions of U.S. Department of Defense Grant Award Notification for State Fiscal Stabilization Funds-Government Services.

The Hawaii Department of Defense is advised that the following monies may be used for the purposes specified below.

1. Program I.D. and Title: GOV 100 – Office of the Governor (GOV)
2. Expending Agency: Hawaii Department of Defense
3. Title of Grant: State Fiscal Stabilization Fund - Government Services, American Recovery and Reinvestment Act of 2009
4. Amount of Grant Available: \$274,166.17 from Federal Grant Award S397A090012 for the budget period 7/1/10 - 9/30/11
5. Intended Program Use of Grant: These grant funds shall be used for educational support programs targeted for at-risk youth to encourage participation in Science Technology, Engineering, and Math (STEM) related programs to improve their academic performance.
6. The Department of Defense fiscal office should submit periodic requests to the Department of Budget & Finance (B&F) and provide necessary supporting documentation to support the draw down of funds.

Please submit the required documents to Budget & Finance to transfer these moneys and an A-19 Request for Allotment to reflect this notice of authorization.

c: Georgina Kawamura, Budget and Finance
Karen Matsunaga, Budget and Finance
Sana Chang, Office of the Governor
Mark Anderson, ARRA Coordinator
Tom Moriyasu, Department of Defense

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

Pursuant to §103F-403, Hawaii Revised Statutes and Chapter 3-144, Hawaii Administrative Rules, the Department of the Defense, Administrative Services Office, 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. (To see the request, go back to the [State and County Procurement Notices](#) page and click on "More Info.")

Any person may file a written protest under the procedures established under Chapter 3-148, Hawaii Administrative Rules, located on the web at <http://hawaii.gov/spo>, click "Statutes and Rules," then "Chapter 103F, Procurement of Health and Human Services." Protests shall be hand delivered or postmarked by United States Postal Service within seven 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 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 <http://hawaii.gov/spo>, click on "Health and Human Services, Chapter 103F..." then "Forms and Instructions for Private Providers/Applicants." Questions should be directed to the contact person noted in item 9 of the request.