

**HAWAII HEALTH SYSTEMS CORPORATION
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS**

EX - 184

1. TO: Chief Procurement Officer													
2. FROM:	A.A. Stransky												
Department/Division/Agency Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:													
3. Description of goods, services or construction: Locum Tenens Physician and Advanced Practice Healthcare Provider Services													
4. Name and Address of Vendor: CHG CompHealth, 7259 S. Bingham Jct. Blvd, Midvale, UT 84047 CHG Weatherby, 6451 N. Federal Hwy, St. 800, Ft. Lauderdale, FL 33308	5. Price: \$4,500,000.00 each												
6. Term of Contract: From: Est. 8/1/23 To: 7/31/2030	7. Prior Exemption Ref. No. None												
<p>8. Explanation describing how procurement by competitive means is either not practicable or advantageous to the State:</p> <p>In 2016 HHSC facilities identified a need for a streamlined approach to obtain locum tenens physicians. As a result HHSC selected a vendor managed solution (VMS) through which locums physician services could be acquired. Via the VMS agreement HHSC has access to an unlimited number of locums agencies across the United States. However, two locums agencies owned by CHG Corporation do not participate in the VMS protocol; CompHealth and Weatherby Locums.</p> <p>In 2020 the Hawaii Governor's <i>Emergency Proclamation related to COVID-19</i> (2003020-GOV) authorized HHSC to award locums contracts directly, without competition, and accordingly HHSC issued additional contracts for locums physician services. Despite HHSC's access to multiple locums agencies via its VMS platform and the Governor's <i>Proclamation</i>, it is CompHealth and Weatherby who have consistently provided HHSC hospitals with reliable, high-quality physician candidates. Due to acute on-going physician shortages in the state of Hawaii it is essential for HHSC patient care and safety to maintain uninterrupted access to the services of these agencies.</p> <p>The requirement for open competition for locums physicians services is met via the terms of HHSC's VMS. It is neither practical nor advantageous for HHSC to issue a competitive solicitation since all interested parties desiring to provide services at HHSC may do so via the HHSC VMS protocol.</p>													
<p>9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: The requirement for open competition for services is met via the terms of HHSC's VMS. All locums agencies are welcome to access the VMS protocol at HHSC provided they meet federal and state compliance requirements. Fair pricing within the CompHealth/Weatherby agreements is established two ways; pricing negotiations may be conducted at the time of candidate placement request, and the overall pricing structure for CompHealth/Weatherby agreements with HHSC have received an independent Fair Market Value analysis.</p>													
<p>10. A description of the agency's internal controls and approval requirements for the exempted procurement:</p> <p>This exemption shall be from HRS, Section 103D-303, and all other guidelines, rules and policies under chapter 103D shall be upheld. HHSC policies and procedures will be followed and periodic reviews of contract action will be performed.</p>													
<p>11. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Name</th> <th style="text-align: left;">Position</th> <th style="text-align: left;">Involvement in Process</th> </tr> </thead> <tbody> <tr> <td>A.A. Stransky</td> <td>Sr. Corp. Contracts Manager</td> <td><input type="checkbox"/> Approval X Administration</td> </tr> <tr> <td>Juanita Lauti</td> <td>VP & Chief Human Resources Officer</td> <td>X Approval <input type="checkbox"/> Administration</td> </tr> <tr> <td>Edward N. Chu</td> <td>HHSC CFO & CPO</td> <td>X Approval <input type="checkbox"/> Administration</td> </tr> </tbody> </table>		Name	Position	Involvement in Process	A.A. Stransky	Sr. Corp. Contracts Manager	<input type="checkbox"/> Approval X Administration	Juanita Lauti	VP & Chief Human Resources Officer	X Approval <input type="checkbox"/> Administration	Edward N. Chu	HHSC CFO & CPO	X Approval <input type="checkbox"/> Administration
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Edward N. Chu	HHSC CFO & CPO	X Approval <input type="checkbox"/> Administration											

12. Direct inquiries to:

Contact Name: Alison Stransky
Email: astransky@hhsc.org

13.

Agency shall ensure adherence to applicable administrative and statutory requirements
I certify that the information provided above is, to the best of my knowledge, true and correct.



Jun 8, 2023

Department Head (Print: Juanita Lauti)

Date

Reserved for CPO/Delegee Use Only

14 .Date Notice Posted: 6/8/23

The CPO is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days or as otherwise allowed from the above posted date to: Chief Procurement Officer, HHSC, 3675 Kilauea Ave., Honolulu, Hawaii 96816

Chief Procurement Officer's comments:

Services are critical for access to staffing for patient care, particularly now that the demand for hospital services is high.

15.

APPROVED



Aug 23, 2023

HHSC Chief Procurement Officer - *Signature*

Date

DISAPPROVED:

NO ACTION REQUIRED

HHSC **EXEMPTION REQUEST INSTRUCTIONS**
PUR 007 (Rev. 1/30/12)
HHSC PUR 007

HHSC PUR FORM 007- NOTICE OF AND REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS:

A. When Used

This form is used by HHSC Corporate Office and System-Wide procurements to declare that the identified goods, services, or construction are under review for procurement with an exemption under Chapter 103D, HRS. The form will be posted by the HHSC Contract Management office – Alison Stransky, on a designated HHSC public website for seven (7) calendar days.

The procurement **EXEMPTION No. (EX #)** located at the top right of the page is the number that will be assigned by the HHSC Contracts Mgt. Office for record keeping purposes.

B. General

This form has been formatted to be completed, and then printed. The completed and signed exemption request shall be sent to HHSC Director of Contracts & Materials Mgt. for final review and acceptance:

Hawaii Health Systems Corporation

Contracts Department
Attn: Joe Evanoff
jevanoff@hhsc.org
3675 Kilauea Avenue
Honolulu, HI 96816

C. Form Item Usage

- BOX No 1. To.** The form is submitted to the Chief Procurement Officer (CPO) **after** review by HHSC Director of Contracts.
- BOX No 2. From Department.** The name of the department or organization that is requesting the purchase exemption from HRS Chapter 103D.
- BOX No 3. Description of the goods, services, or construction.** Provide a brief, concise description. The description should be limited to the actual good, service, or construction and not how or why it is being requested.
- BOX No 4. Vendor, Address.** The name and address of the vendor that is to provide the goods, services, or construction. If this request involves multiple vendors, please attach a separate sheet providing the required information or each vendor.
- BOX No 5. Price.** Please provide the total price for the goods, services, or construction. If not known, provide an estimated amount.
- BOX No 6. Terms of Contract.** The FROM and TO dates associated with the purchase exemption, format = mm/dd/yyyy. The start date **cannot** be earlier than the date approved by the CPO. If this is a “one-time purchase,” designate this in the space
- BOX No 7. Prior Exemption Reference No.** If a similar request was previously submitted to the HHSC, please provide the number that was assigned to the prior request by the HHSC. HHSC Contract Management Dept. will provide Exemption # for “new” Exemptions.

- BOX No 8. Explanation by procurement by competitive means is either not practicable or advantageous to the State.** The HHSC or requestor must explain why it is not practicable or advantageous to procure the goods, services, or construction by competitive means. The fact that a vendor has prior knowledge or experience is not, by itself, sufficient to justify the exemption. Also, statements such as, "There are no other vendors that have the specialized knowledge to provide the good, services, or construction" must be supported with facts.
- BOX No 9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable.** The HHSC requestor must provide how the vendor was or will be selected. If not issuing a public notice, describe how vendors will be notified and afforded the opportunity to provide the goods, services, or construction as practicable. If direct negotiation with a single vendor, provide the determination for not allowing open competition.
- BOX No 10. A Description of the HHSC's internal controls and approval requirements for the exempted procurement.** Provide a description on the HHSC's processes for review and approvals for the exempted good, service or construction.
- BOX No 11. A list of HHSC personnel, by position, who will be involved in the approval process and administration of the contract.** List the name(s) of personnel who will be responsible for the approval and administration of the exempted good, service, or construction.
- BOX No 12. Direct any inquiries to.** The name of the contracts/purchasing department or HHSC Technical Rep, contact person, contact telephone and fax number to which questions regarding the Notice of and Request for Exemption From Chapter 103D, HRS, are to be directed.
- BOX No 13. Certification by Department Head.** The Department Head or designee by written delegation must certify the information in the request by signing and dating the request.
- BOX No 14. Date Notice Posted/Process to Submit Written Objections/CPO's comments.**
- a. Date notice posted is the date that the Notice of Exemption Form HRS Chapter 103D was posted on the HHSC website by the HHSC Contract Mgt. Office.
 - b. The process to submit written objections is provided. Written objections will be received up to the deadline by the CPO.
 - c. The CPO may provide comments/explanations/conditions to an approved or disapproved request.
- BOX No 15. Approved/Disapproved/No Action Required.** Reserved for the CPO to check the appropriate box, sign, and date the request.

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