



**STATE PROCUREMENT OFFICE
NOTICE OF AMENDMENT TO EXEMPTION FROM CHAPTER
103D, HRS, CONTRACT**

1. TO: Head of Purchasing Agency

2. FROM: Alice Hall

Department/Division/Agency

3. Name of Contractor: Merdjanian And Associates

4. P.E. Reference No. Ex: 05-022

5. Description of goods, services, or construction: purchase orthopedic surgical equipment and devices

6. Scope of work for the contract is revised as follows:

Scope is not revised.

Original Contract Price: \$20,000

Amended Contract Price: no change

7. Reason: This / These amendment(s) are necessary because:

Withdrawal of the exemption is appropriate since it should have been accomplished via the small purchase method. The purchase orders were issued on August 16, 2005. Notice of the exemption was properly filed 7 days prior to the approval, as documented in the file.

8. Direct questions to: Alice Hall, Director of Contract Management

Phone: 733-4168

Agency shall ensure adherence to applicable administrative and statutory requirements.

9. *Pursuant to § 103D-102, HRS, and § 3-120-5, HAR, I certify that the information provided above is, to the best of my knowledge, true and correct*

Alice M Hall

3-23-06

Department Head

Date

Date Posted: _____

11. Submit written objections to this notice of intent to amend a procurement exemption contract within seven calendar days or as otherwise allowed from the above posted date to:

Head of Purchasing Agency
HHSC
3675 Kilauea Ave.
Honolulu, HI 96816

Head of Purchasing Agency's Comments:

12. APPROVED DISAPPROVED

Head of Purchasing Agency

Date

13. P.E. No. _____

EX 05-22

JUL 14 2005 3:13PM

No. 6742 P. 2
Withdrawn

Submit in Duplicate

STATE OF HAWAII REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief Procurement Officer

FROM: _____
(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:

Description of goods, services, or construction:	
See attached	

Name of Vendor:	Mardjanian And Associates	Cost:
Address:	2786 Booth Road Honolulu, HI 96813	NTE \$20,000.00

Term of Contract:	From: June 1, 2005 To: May 31, 2006	Prior Exemption Ref. No. (if applicable):

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

See attached

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: There are other orthopedic vendors but they do not provide the same equipment/instruments specific to the surgeon's knowledge of repairing total joints, no other vendor considered at this time.

Jul 14 2006 3:13PM

No. 5742 P. 3

Submit in Duplicate

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

A description of the agency's internal controls and approval requirements for the exempted procurement:

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:
Peter Matsuura, MD
Christine Takahashi, Surgical Services Supervisor
Malia Lewis, Nurse Manager of of the Operating Room

Direct questions to: Malia Lewis Phone Number: 808-974-7041

This exemption should be considered for list of exemptions attached to Chapter 3-120, H.A.R.: Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

[Handwritten Signature]

Department Head or Designee Date
EMC, CEO Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

APPROVED DISAPPROVED

[Handwritten Signature] 07/29/06 Date

cc: Administrator, State Procurement Office

Procurement

Jul 14, 2005 3:13PM

No. 5742 P. 4

**Attachment to State of Hawaii REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS.
From HHSC/HMC/Operating Room for Merdjanian and Associates**

Description of goods, services or construction:

Vendor services for orthopedic equipment/instruments/consult for specific orthopedic procedures in the operating room (OR). Equipment/instruments include surgical implants, instruments and other medical products specific to total joint procedures. They are equipment/sets that are not kept at Hilo Medical Center (HMC) but flown in on an on-call basis for the surgeon. The volume of total joint procedures specific to this vendor does not allow HMC to store it in the OR, nor lease or buy. Vendor has limited equipment/instruments available for the entire state.

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Dr. Peter Matsunra is the only orthopedic surgeon who is able to perform total joint procedures at HMC. He is specifically trained in the use of the vendor's equipment/instruments. This vendor also provides clinical consult and is present during total joint procedures at no extra charge. No other vendor able to provide equipment/instruments specific to Dr. Matsunra's surgical technique and training. It is not advantageous and reasonable for the State to require a Surgeon to change his method or practice and use of equipment/instruments. He has been using this vendor for 10+years at HMC with good results for his patients. Vendors/instruments equipment is specific to the total joint procedures and is not interchangeable with other companies.

Adhering to HRS Chapter 103D would have dire consequences for the patients at HMC because the Surgeon would not be able to perform certain total joint procedures without the equipment/instruments from this specific vendor. It is not practical to make a surgeon change his technique or practice.

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