

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

1. TO: Head of Purchasing Agency

2.FROM: Kelley Roberson, COO/CFO, Finance Department, HHSC
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:

Acquisition for Professional Services to Assist in Legislative Actions (Lobbyist) and provide Advisory Services to HHSC Board of Directors and Executive Management on legislative and other strategic and tactical issues that may have a direct or potential impact on HHSC.

This exemption request pertains to two Purchase Requests, both for Lobbyist services. One, PR No. 1175 is for the services of Mr. Charles Toguchi. The second, PR No 1176 is for the services of Ms. Linda Takayama. Both Purchase Requests contain Scopes of Service which are identical, and both Purchase Requests are for the same period of performance and dollar value. In the interest of efficiency a combined exemption process is hereby requested.

4. **Name of Vendor:**
Charles T. Toguchi & Assoc., LLC
Address: 47-460 Hui Ulili St., Kaneohe, HI
96744

Name of Vendor:
Linda Takayama, Attorney at Law
Address: P.O. Box 1196, Honolulu, HI 96807

5. Price:
\$31,000 plus GET for each PR

6. Term of Contract: From: Sept. 22, 2008 To: Sept. 21, 2009

7. Prior Exemption Ref. No.
EX 06-16

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

Procurement of lobbyist services by competitive means is neither advantageous to HHSC, nor to the State, due to the loss of continuity that would result from the introduction of Lobbyists other than Mr. Toguchi and Ms. Takayama. Mr. Toguchi and Ms. Takayama have worked with HHSC for many years in this capacity and have been involved in highly sensitive and confidential communications as advisors to HHSC. Their history with HHSC and knowledge of confidential issues renders them uniquely qualified to provide lobbyist services. Further, Mr. Toguchi and Ms. Takayama have extensive experience and knowledge with House and Senate members, as well as extensive knowledge of the legislative process and State government operations. Mr. Toguchi is a former Senator and Director of the Department of Education. His personal contacts make him uniquely qualified to act as HHSC's liaison in presenting issues and concerns, and coming to resolution on behalf of the health care needs of our rural communities. Ms. Takayama has been associated with HHSC for over seven years in a Consultant/Advisor/Lobbyist capacity and has extensive knowledge of the unique issues regarding HHSC.

It would not be in HHSC's nor the State's best interests to disrupt the continuity that has been developed by Mr. Toguchi and Ms. Takayama over the years. Because of the many sensitive, political and sometimes controversial issues and actions that a Lobbyist must address on a regular basis, it is neither appropriate nor practical to solicit competitive bids for Lobbyist services. Exemption is therefore requested.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

HHSC conducted an extensive search and determined that Mr. Toguchi, along with Ms. Takayama, together would give HHSC the compliment of lobbyists and political advisors needed. No other competition has been sought.

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

Kelley Roberson, COO/CFO and Thomas Driskill, Jr., Pres/CEO of HHSC personally direct these procurement actions and the resulting agreements. Rene McWade, General Counsel, and Joseph Evanoff, Director of Contract Management will assist them.

11. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:			
Name	Position	Involvement in Process	
Thomas Driskill, Jr.	Pres/CEO	Approval	Administration
Kelley Roberson	COO/CFO	Approval	Administration
Rene McWade	General Counsel	Administration	
12. Direct inquiries to:	Department: Corporate Contact Name: Kelley Roberson Phone Number: 808. 733-4171 Fax Number:		

Agency shall ensure adherence to applicable administrative and statutory requirements

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

Department Head (Print: _____) Date _____

Reserved for CPO/Delegee Use Only
14. Date Notice Posted __ September 11, 2008
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:

15. APPROVED DISAPPROVED

Chief Procurement Officer Date

NO ACTION REQUIRED