

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

EX Number: 13-022

1. TO: Chief Procurement Officer		
2. FROM:	Charla Ota	
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: Legal services, including but not limited to, certificate of need, compliance, physician and other agreements, labor and employment.		
4. Name and Address of Vendor: Torkildson Katz Moore Hetherington & Harris	5. Price: \$250,000	
6. Term of Contract: From: As soon as possible To: One year, plus three option years	7. Prior Exemption Ref. No.	
8. Explanation describing how procurement by competitive means is either not practicable or advantageous to the State: Torkildson Katz Moore Hetherington & Harris was under contract with HHSC until 11/20/12. The contract was issued through the professional services method of procurement, executed on 11/21/10 and contained five (5) one-year option periods within the awarded contract. The first option period was exercised on 10/13/11, bringing the new end date to 11/20/12 with four (4) years remaining to be exercised under contract. The second option period was inadvertently not exercised, however critical legal services continued to be used by HHSC. The ongoing legal services being provided to HHSC is highly time sensitive and critical to the future of HHSC. It is not practical, advantageous or in the best interest of HHSC and the State to re-procure the legal services by competitive means in this situation as explained herein.		
9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: Due to the reasons outlined in #8 above, awarding a contract to Torkildson Katz et al to immediately secure their time is needed.		
10. A description of the agency's internal controls and approval requirements for the exempted procurement: The exemption request is reviewed by HHSC Director of Contracts and then forwarded to HHSC Senior Management for additional review in accordance with HHSC policies and procedures. The President and CEO of HHSC (or his delegated CPO) approves the exemption requests covering more than once facility and in accordance with internal procurement policies and procedures. HHSC policies and procedures will be followed and periodic reviews of the contract action will be performed.		
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
Joe Evanoff	Director Contracts/Materials Management	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Charla Ota	Asst General Counsel	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Edward N. Chu	HHSC CFO	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration

12. Direct inquiries to:

Contact Name: Charla Ota
Phone Number: 733.4022

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.


Department Head (Print: Joe Evanoff)

1/15/13
Date

14 .Date Notice Posted: 1-15-13

**system error 1/15/13 re posted 1-16-13*

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:

NO ACTION REQUIRED


HHSC Chief Procurement Officer - Signature

1/24/13
Date