

**THE JUDICIARY, STATE OF HAWAII  
NOTICE OF REQUEST FOR EXEMPTION  
FROM HRS CHAPTER 103D**

TO: Chief Procurement Officer

FROM: Office of the Deputy Chief Court Administrator, Client Services Division  
*Name of Requesting Division/Program*

*Pursuant to HRS § 103D -102 (b)(4) and HAR Chapter 3-120, The Judiciary requests a procurement exemption for the following:*

1. Describe the goods, services or construction:  S5112 Request to purchase two (2) uninterruptible power supply (UPS) units for the Hale Hoomalu Juvenile Detention Facility (HHJDF) electronic security system. (A UPS is used to protect hardware such as computers, surveillance cameras, communication devices, and other electronic equipment where unexpected power disruption or surges could cause damage.)	
2. Vendor/Contractor/Service Provider: Justice Systems Corporation	3. Amount of Request:  \$26,591.90
4. Term of Contract From: To:  N/A	5. Prior Judiciary Procurement Exemption No. (if applicable):

6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means:

Approval is respectfully requested for an exemption from Chapter 103D, HRS, to purchase two UPS units for the HHJDF. The existing UPS unit was damaged beyond repair by a power spike on September 28, 2015, and the electronic security system at HHJDF currently remains unprotected. At present, Justice Systems Corporation (JSC) maintains and services the electronic security system at the Ronald T.Y. Moon Judiciary Complex (Kapolei Courthouse and HHJDF). JSC provided a cost quotation for replacing the UPS unit; however, JSC recently fell out of compliance with Hawaii Compliance Express (HCE). Under Hawaii law, vendors must provide proof of compliance in order to receive a contract worth \$2,500 or more with the State and County government entities.

JSC fell out of HCE compliance in October 2015. JSC has ensured the Judiciary that they will be able to regain compliance "soon;" however, to this date they remain non-compliant. The most recent communication with JSC on February 29, 2016 indicated that they are still working with the IRS to resolve the matter, but a time-frame for resolution is undetermined.

An exemption from Chapter 103D, HRS, is required to proceed with the purchase of the UPS units as described. We are confident that JSC will regain HCE compliance; however, it is felt that delaying the purchase of the UPS units any longer unduly extends the risk of damage to the HHJDF electronic security system from a power disruption. Damage or disabling of the HHJDF electronic security system could affect the safety and security of detainees and staff at the facility.

JSC is otherwise in good standing with the Judiciary and continues to perform service and maintenance work on the HHJDF electronic security system pursuant to their current contract, although they have not been paid since they fell out of HCE compliance. We believe the technical expertise JSC has accumulated with the Ronald T.Y. Moon Judiciary Complex electronic security system makes procurement by competitive means not practicable nor advantageous to the Judiciary at this time.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

JSC was a member of the original team of contractors that designed and installed the electronic security system for the Ronald T.Y. Moon Judiciary Complex. The Department of Accounting and General Services contracted with JSC to perform service and maintenance on the electronic security system for the Ronald T.Y. Moon Judiciary Complex until June 30, 2012; subsequently, the responsibility for future contracts was transferred to the Judiciary. At present, JSC maintains and services the electronic security system at the Ronald T.Y. Moon Judiciary Complex and has performed well during maintenance and service repair work.

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).

\*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Program	Phone Number	email address
Cheryl Marlow	Office of the Deputy Chief Court Administrator/Client Services	954-8220	cheryl.r.marlow@courts.hawaii.gov
Marvin Nakagawa*	Court Operations Specialist	954-8227	marvin.h.nakagawa@courts.hawaii.gov

**All requirements/approvals and internal controls for this expenditure is the responsibility of the Division/Program. I certify that the information provided above is, to the best of my knowledge, true and correct.**

/s/ Cheryl Marlow

*Department/Division/Program Head Signature*

4/3/2016

*Date*

**For Chief Procurement Officer Use Only**

Date Notice Posted: 4/19/2016

Inquiries about this request shall be directed to the contact named in Item 8. Submit written objection to this NOTICE OF REQUEST FOR EXEMPTION within seven (7) calendar days, or as otherwise allowed, from the Date Notice Posted to:

Chief Procurement Officer – The Judiciary  
Financial Services Department  
Contracts & Purchasing Office  
1111 Alakea Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813-2807

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

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*Chief Procurement Officer Signature*

\_\_\_\_\_  
*Date*