

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

TO: Chief Procurement Officer

FROM: First Circuit Court / Facilities Management  
*Name of Requesting Division/Program*

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

<p>1. Describe the goods, services or construction:</p> <p style="margin-left: 20px;">Performs replacement of elevator door edges for elevators #1, 2, 3 &amp; 4 at Ka'ahumanu Hale. With the constant breakdown of elevators due to doors being a constant problem of either not opening nor shutting at various times has caused a safety issue of passenger injuries waiting to happen. Needs to furnish and install electronic door edges which will replace existing mechanical safety edges. Parts for these mechanical type edges are no longer manufactured but has to be taken from other elevators of this type that has been modernized with state of the art electronic components.</p>	
<p>2. Vendor/Contractor/Service Provider:</p> <p>ThyssenKrupp Elevator Corporation</p>	<p>3. Amount of Request:</p> <p>\$ 28,511.78</p>
<p>4. Term of Contract From: Sept 15, 2018 To: Dec 31, 2018</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable): None</p>
<p>6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means:</p> <p style="margin-left: 20px;">It is not practicable or advantageous to procure through obtaining of three quotes means. ThyssenKrupp Elevators has a contract with First Circuit Court to furnish new or refurbished parts meeting the quality standards under license name of ThyssenKrupp Elevator Corporation. With regards to repairs and maintenance of State-owned dumbwaiter, escalators and elevators and whether this service should be competitively bid or handled manufacturers' maintenance, extensive investigation by DAGS Central Services Division has determine that servicing by manufactures affords the best liability protection and value for the State. The basis for this include: a) liability issues, accountability through single sole manufacturer to protect the Judiciary exposure to liability; b) costs and parts availability, as the manufacturer has access to original parts, specifications, parts and engineering support to perform repairs and maintenance work as being the original equipment manufacturer (OEM); c) manufacturer's factory-trained technicians who have technical expertise and access to proper parts.</p>	
<p>7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:</p> <p style="margin-left: 20px;">Being that ThyssenKrupp Elevator has the service maintenance contract for the nine elevators at Ka'ahumanu Hale, to have another elevator company to perform the upgrade to the elevators will cause disruption when trouble calls come about between ThyssenKrupp and third party vendor. Liability is critical for the Judiciary. Elevators are expected to operate reliably to transport building occupants without failure. Given the usage of elevators at Ka'ahumanu Hale, protecting the Judiciary's exposure to liability is the priority. Problems, failures and continued performance issues are clearly attributable to one source and resolution is expedient. To have another elevator company diagnosis the problem which is not their licensed equipment will not be feasible and in violation of present service agreement already in place with ThyssenKrupp Elevator Corporation. The Judiciary will always be in dispute with two companies for the same problem if we were to compromise in such matter as who gives the best pricing.</p>	

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
Wayne Taniguchi	Facilities Management	539-5490	wayne.s.taniguchi@courts.hawaii.gov
Paul Kaneshiro	Ct. Administrative Services Officer	539-4351	paul.t.kaneshiro@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/ Paul Kaneshiro

Department/Division/Program Head Signature

8/16/2018

Date

### For Chief Procurement Officer Use Only

Date Notice Posted: \_\_\_\_\_

Inquiries about this request shall be directed to the contact named in Item 8. Submit written objection to this NOTICE OF 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

Chief Procurement Officer Signature

Date