

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

TO: Chief Procurement Officer

FROM: Second 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: Provide maintenance service for the three (3) service elevators located at the Hoapili Hale complex.</p>	
<p>2. Vendor/Contractor/Service Provider: ThyssenKrupp Elevator Corporation 2880 Ualena St Honolulu, HI 96819</p>	<p>3. Amount of Request: \$91,305.00 plus tax</p>
<p>4. Term of Contract From: 01/01/2019 To: 12/31/2023</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable): JE14-23</p>
<p>6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means: It is not practicable or not advantageous for the Program/Division to procure by competitive means because ThyssenKrupp Elevator Corporation currently provides services to furnish new or refurbished parts meeting the quality standards under license name of ThyssenKrupp Elevator Corporation. With regards to repair and maintenance of State owned elevators and whether this service should be competitively bid or handled through manufacturer's maintenance. Extensive investigation by DAGS Central Services Division has determined that servicing by manufacturers affords the best liability protection and value for the State. The basis for this includes: a) liability issues, to protect the Judiciary's exposure to liability; b) cost and parts availability, as the manufacturer has access to original plans, specifications, parts and engineering support to perform repairs and maintenance work as the original manufacturer (OEM); c) manufacturer's factory trained technicians who have the technical expertise and access to the proper parts.</p>	
<p>7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider: ThyssenKrupp Elevator was the original installer, manufacturer and has the proper diagnostic equipment and factory trained personnel to service their equipment. Being that ThyssenKrupp Elevator has the service maintenance contract for the current elevators at Hoapili Hale to have another elevator company to perform services and/or upgrades 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, 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
Paul Petro	Second Circuit / Fiscal	808-244-2999	paul.m.petro@courts.hawaii.gov
Sandy Kozaki	Second Circuit / Administration	808-244-2929	sandy.s.kozaki@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/ Sandy Kozaki

\_\_\_\_\_  
*Department/Division/Program Head Signature*

10/31/2018

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

**For Chief Procurement Officer Use Only**

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

Inquiries about this request shall be directed to the contact nam .

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*