

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

TO: Chief Procurement Officer

FROM: 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: Replace (2) ea. Carrier Package A/C units at Ewa District Court</p>	
<p>2. Vendor/Contractor/Service Provider: Oahu Air Conditioning Service</p>	<p>3. Amount of Request: \$59,040.70</p>
<p>4. Term of Contract From: 10/26/2018 To: 1/26/2019</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable):</p>
<p>6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means: Oahu Air Conditioning (OAC) has a contract with First Circuit to service and maintain, "in complete and satisfactory operations," the AC systems on Judiciary-operated buildings on Oahu, including Ali'iolani Hale. Their contract stipulates that they will "replace all worn, failed or doubtful components" with new that are of "similar design and quality to maintain system integrity and serviceability." In event replacement is required, OAC will provide new parts (in our case system components) with those exceeding \$4000 to be paid for by Judiciary. Both AC units are operating at a marginal condition, is no longer reliable and should be replaced because constant intermittent failure will become permanent. The bottom pans to protect motor has completely rusted away leaving motor unprotected from foreign external elements and copper tubings at both units does not hold refrigerants as long as it supposed to. Given that Oahu Air Conditioning is already under contract to service and maintain our systems as well as to provide replacement equipment at our costs, it is not practical or advantageous to procure replacement chillers by competitive means. Because Oahu Air Conditioning is responsible for maintaining our AC systems, it would likely to create conflicts and finger pointing were we to bring in another vendor to provide new equipment and service equipment selectively and independently that must otherwise tie into our system and function properly.</p>	
<p>7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider: Oahu Air Conditioning (OAC) submitted a competitive sealed bid, to "provide air conditioning and ventilation system maintenance service and chemical water treatment of air conditioning equipment at various Judiciary facilities on Oahu," that was accepted by The Judiciary as the lowest responsive and responsible bid based on criteria set forth in IFB No. J18030. Agreement was made and entered into as of 10th day of July, 2017. The IFB and agreement clearly state responsibilities for the company to replace system components on terms that apply to the AC part and components procurement.</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 Kaneshiro	Fiscal & Support Administrator	539-4351	Paul.T.Kaneshiro@courts.hawaii.gov
Wayne Taniguchi	Facilities Management Manager	539-4005	Wayne.S.Taniguchi@courts.hawaii.go

**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

11/21/2018

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