

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

TO: Chief Procurement Officer

FROM: Administration – Center for Alternative Dispute Resolution
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:

<p>1. Describe the goods, services or construction: This is a contract for services for the Judiciary Online Dispute Resolution (ODR) Program Development and Implementation in the First Circuit.</p>
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<p>2. Vendor/Contractor/Service Provider: The Mediation Center of the Pacific, Inc. 245 N. Kukui Street, Ste 206 Honolulu, HI 96813</p>	<p>3. Amount of Request: \$50,000</p>
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<p>4. Term of Contract From: 6/29/2019 To: 6/30/2020</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable):</p>
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6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means:

The State of Hawaii Judiciary is contracting with The Mediation Center of the Pacific, Inc. (MCP) for the development and implementation of a pilot project for online mediation services (OMS) for certain small claims cases in the First Circuit ("Contract 1").

The OMS pilot project will use an online dispute resolution (ODR) portal to be built by an IT vendor (RFP J19245, posted April 2, 2019, "Contract 2"). Under Contract 1, MCP will coordinate on the ODR testing and roll-out with the IT vendor chosen for Contract 2.

The Judiciary also contracted with the Mediation Centers of Hawaii (MCH) for mediation and related dispute resolution services statewide for FY2020 (J20015, "Contract 3"). As MCH's Oahu-based subcontractor, MCP will provide the Contract 3 services for the First Circuit including small claims mediations. MCP has provided such services to the Judiciary for decades under predecessor contracts and has specialized knowledge in this area.

MCP has a track record of successful performance under mediation and related dispute resolution services contracts since 1991. MCP continues to work closely with the Judiciary and is familiar with the CADR, the various courts, court procedures, and the Judiciary contract and billing processes. Contracting with MCP minimizes training a new contractor with the court system, the contract/billing processes, and Judiciary program expectations.

More important, MCP is uniquely qualified to deliver the specialized services under Contract 1. MCP has specialized knowledge in the area of OMS for small claims cases in the First Circuit consistent with the goals of the Judiciary. Last year, MCP launched its own separate OMS pilot program and targeted specific case types in the First Circuit (i.e., consumer merchant, landlord tenant, collection). MCP's OMS pilot project focused on cases where the need is greatest and mostly self-represented litigants, consistent with the goals of the Judiciary to increase access to justice and OMS. The research, experimentation, outcomes and experience that MCP gained from its pilot program distinguishes MCP from other vendors with OMS capabilities.

In addition, Contracts 1, 2 and 3 will run parallel and call for the coordination of intersecting services. For example, the ODR testing, identification/selection of target cases, OMS roll-out, and outcome assessments cannot be done unilaterally in isolation. MCP is familiar with Judiciary procedures and processes and has the experience necessary to work collaboratively with the Judiciary staff and the vendor chosen for Contract 2. This, too, sets MCP above other OMS vendors.

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

MCP was the vendor chosen for this OMS pilot project contract, because: (1) MCP is the vendor with specialized knowledge in providing mediation and related dispute resolution services for the First Circuit, (2) MCP has the technical expertise and experience in providing online mediation services for small claims cases in the First Circuit, (3) MCP is the only vendor that can recruit and train a sufficient number of mediators to provide services for the OMS pilot project, and (4) MCP is the only vendor able to provide services under the OMS pilot project in coordination with the IT vendor chosen for RFP J19245 (Contract 2).

MCP is the only vendor able to conduct such services with an eye toward expanding the use of OMS in the First Circuit and beyond.

MCP is the contract administrator for J20015 for the provision of mediation and related dispute resolution services statewide, including First Circuit small claims cases (Contract 3).

Contract 1 is for an OMS pilot project focused on certain types of small claims cases in the First Circuit. Thereafter, the Judiciary anticipates that the use of OMS will expand. MCP-- in its role as the MCH contract administrator for J20015 and predecessor contracts for mediation and related dispute resolution services statewide -- has specialized knowledge of the Judiciary's operations and procedures relating to such services. MCP's specialized knowledge is necessary to create and implement the Judiciary's OMS pilot project under Contract 1, as well as assess the outcomes with an eye toward future needs and potential expansion.

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
Cecelia Chang	ICRD/Center for ADR	539-4237	cecelia.c.chang@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/ Susan Gochros

Department/Division/Program Head Signature

5/9/2019

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 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, 6th Floor
Honolulu, Hawaii 96813-2807

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

Chief Procurement Officer Signature

Date