

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

TO: Chief Procurement Officer

FROM: Administrative Director of the Courts-State Judiciary
Name of Requesting Division/Program

Pursuant to HRS § 103F -101 (a)(4) and HAR Chapter 3-141, The Judiciary requests a procurement exemption for the following:

<p>1. Title and description of health and human service(s):</p> <p>Title: Agreement for Health and Human Services Transaction Exempt from Chapter 103F, HRS</p> <p>Description: This is a contract for mediation and related dispute resolution services.</p>	
<p>2. Provider Name and Address:</p> <p>Mediation Centers of Hawaii, Inc. 245 North Kukui Street, Suite 206 Honolulu, HI 96817</p>	<p>3. Amount of Request:</p> <p>NTE \$400,000.00</p>
<p>4. Term of Contract From: 07/01/2020 To: 06/30/2021</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable):</p> <p>JE20-03</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>For FY20-23, the Judiciary initially posted RFP J19100, SVC Spec 2.23, for mediation and related dispute resolution services, and MCH was the sole applicant. The Judiciary canceled the solicitation for SVC Spec 2.23 pursuant to Hawaii Admin. Rules § 3-143-613. Instead, the Judiciary signed a one-year exempt contract (J20015) to ensure continuity of the same services at then current levels, while the Judiciary implemented an online dispute resolution (ODR) pilot project for small claims cases in the First Circuit in FY20. Concurrently, in FY20, the Judiciary initiated a comprehensive online court system (OCS) project including e-filing and e-payment. OCS will significantly increase remote access to the courts and is a giant step in enhancing access to justice. The ODR pilot project, OCS, and the newly expanded civil JIMS and JEFS systems are now being integrated into a comprehensive system. The continued development of these programs requires more time, flexibility and adaptability in the contracting. A one-year exempt contract is necessary to maintain existing mediation and related dispute resolution services during this transition, and it would not be practicable for a different provider to attempt to get up to speed in delivering mediation and related dispute resolution services at current levels.</p>	
<p>7. Describe the reason for the selection of the provider including a description of how the procedure, as much as practicable, ensured maximum fair and open competition:</p> <p>MCH's current contract for mediation and related dispute resolution services (J20015) ends on June 30, 2020, and the Judiciary needs the same services for a one-year period. MCH is well positioned to ensure the continuity of the same services. MCH is a well-established organization of community mediation centers and programs located on Oahu, Maui, the Island of Hawaii, and Kauai. MCH has a track record of successful performance under prior mediation and related dispute resolution services contracts since 1991. MCH continues to work closely with the courts and CADR. MCH is familiar with the various courts, court procedures, and the Judiciary contract and billing processes. Continuing with MCH minimizes training a new contractor with the court system, the contract/billing processes, and CADR program expectations.</p>	

8. Describe the Judiciary's internal controls and approval requirements for the exempted procurement:

This exempt procurement will be effectuated in compliance with applicable state procurement laws through the Judiciary's Financial Services Department, Contracts and Purchasing Division.

9. 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	539-4237/4238	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/Cecelia Chang

Department/Division/Program Head Signature

11/26/2019

Date

NOTICE

Date Notice Posted: _____

The chief procurement officer is considering this request for exemption and, if there is good cause, the state intends to exempt the purchase as described in the request. Any inquiries regarding the purchase shall be directed to the contact person noted in item 9 of the request. Any concerns regarding the exemption shall be in writing and received by the chief procurement officer within seven days of the date the notice was first posted. Concerns shall be mailed to: **Chief Procurement Officer - The Judiciary; Financial Services Department; Contracts & Purchasing Office; 1111 Alakea Street, 6th Floor; Honolulu, Hawaii 96813-2807.**

For Chief Procurement Officer Use Only

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

Chief Procurement Officer Signature

Date