

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

TO: Chief Procurement Officer

FROM: First Circuit, Facilities Management Branch  
*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: To provide the monitoring and controlling of the heating, ventilation and air conditioning (HVAC) system through automation logic for Kapolei Judiciary Complex</p>	
<p>2. Vendor/Contractor/Service Provider: Johnson Controls, Inc. 420 Waiakamilo Rd., Suite 101 Honolulu, HI 96817-4950</p>	<p>3. Amount of Request:  \$28,686.90</p>
<p>4. Term of Contract From: 07/01/2020 To: 06/30/2021</p>	<p>5. Prior Judiciary Procurement Exemption No. (if applicable): JE20-17</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 the current HVAC system of which monitoring and controlling at KJC has been installed from the construction of building through Johnson Controls, Inc. and in accordance to service agreement of section O. JCI's Intellectual Property: "JCI shall retain all rights, title and interest in any (a) work provided to customer, including without limitation, all software source and object code, documentation, technical information, or data, specifications and designs and any changes, improvements or modifications ... Ownership of all deliverables and how shall vest solely in JCI and no deliverables shall be deemed "works for hire". Page 6 section O of service agreement</p>	
<p>7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider: Based on Johnson Controls, Inc. being the vendor to implement the monitoring and controlling of HVAC at KJC and in accordance to ownership of intellectual property to control system this was designed for.</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.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

4/21/2020

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

\_\_\_\_\_  
*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, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813-2807

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

\_\_\_\_\_  
*Chief Procurement Officer Signature*

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