

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

TO: Chief Procurement Officer

FROM: Facilities Management/Family Court
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:

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| <p>1. Describe the goods, services or construction:</p> <p>To provide the monitoring and controlling of the heating, ventilation and air conditioning (HAVC) system through automation logic for Kapolei Judiciary Complex.</p> | |
| <p>2. Vendor/Contractor/Service Provider:</p> <p>Johnson Controls, Inc 550 Paiea Street, Suite 210 Honolulu, HI. 96819-1837</p> | <p>3. Amount of Request:</p> <p>\$29,587.70</p> |
| <p>4. Term of Contract From: To:</p> <p>From: 07/01/2022 To: 06/30/2023</p> | <p>5. Prior Judiciary Procurement Exemption No. (if applicable):</p> <p>JE22-10</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>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:</p> <p>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 |
|-----------------|----------------------------------|--------------|-----------------------------------|
| Dwight Sakai | Deputy Cheif Court Administrator | 954-8220 | dwight.s.sakai@courts.hawaii.gov |
| Jovita Martinez | ACFO | 954-8268 | jovita.martinez@courts.hawaii.gov |
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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/ Dwight A Sakai

5/4/2022

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, 6th Floor
Honolulu, Hawaii 96813-2807

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

Chief Procurement Officer Signature

Date