

**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:*

1. Title and description of health and human service(s):

Title: Agreement for Health and Human Services Transaction Exempt from Chapter 103F, HRS

Description: This is a contract for mediation and related dispute resolution services.

2. Provider Name and Address:

Mediation Centers of Hawaii, Inc.  
245 North Kukui Street, Suite 206  
Honolulu, HI 96817

3. Amount of Request:

NTE \$400,000.00

4. Term of Contract From: 07/01/2019 To: 06/30/2020

5. Prior Judiciary Procurement Exemption No.  
(if applicable):

6. Explain in detail why it is not practicable or not advantageous for the Program/Division to procure by competitive means:

The Hawaii State Judiciary has a contract, J16053, as amended, with the Mediation Centers of Hawaii, Inc. (MCH) for the provision of mediation and related dispute resolution services for FY2016 - FY2019. For FY2020-FY2023, the Judiciary initially posted RFP J19100, SVC Spec 2.23, for the same services, and MCH was the sole applicant. The Judiciary is canceling the solicitation for SVC Spec 2.23 pursuant to Hawaii Administrative Rules Section 3-143-613 because we no longer need a two-year initial contract with a two-year extension. Although our requirements have changed, we still need the same services for a one-year period and are proceeding with a one-year exempt contract with MCH, as MCH was the sole applicant for these services. A one-year exempt contract would be more advantageous, because the shorter period allows greater flexibility in adapting to upcoming technological innovations. Specifically, in the near future, the Judiciary will be seeking online dispute resolution services. In the meantime, it is important that existing mediation and related dispute resolution services be maintained to ensure positive outcomes (e.g., case resolution, participant satisfaction, courthouse mediations, smooth court operations, mediator training, outreach and education, etc.) at current levels.

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:

MCH's current contract with the Judiciary J16053 ends on June 30, 2019, 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.

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*

March 4, 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, 6<sup>th</sup> Floor; Honolulu, Hawaii 96813-2807.**

**For Chief Procurement Officer Use Only**

Chief Procurement Officer (CPO) Comments:

Approved

Disapproved

No Action Required

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*Chief Procurement Officer Signature*

*Date*