

**DEPARTMENT OF EDUCATION - OFFICE OF FISCAL SERVICES
REQUEST and NOTICE OF EXEMPTION FROM PROCUREMENT**

PART I - REQUEST FOR EXEMPTION FROM PROCUREMENT

1. TO: DOE Chief Procurement Officer (send completed original form to OFS Procurement and Contracts Branch)

FROM: School Food Services Branch, OSFSS
(Name of School or Program)

The school/program named above requests a procurement exemption as follows below.

2. This exemption is requested pursuant to:
 §103D-102(b)(4), HRS and Chapter 3-120, HAR or
 §103F-101(a)(4), HRS and Chapter 3-141, HAR

3. Island/District: Statewide or
 Oahu Hawaii Kauai Maui

4. Description of the proposed purchase (attach additional sheets if necessary):
 Indicate one category: good service construction Health/Human service professional service
 Brief description: This exemption shall cover the purchase of fresh fruits and vegetables for the Department of Education's (HIDOE) USDA Fresh Fruit and Vegetable Program (FFVP).
 DOE has received a SY2016-17 allocation of \$1,951,747.50 of federal United States Department of Agriculture (USDA) funding to serve approximately 30,315 students in Grades K-12 in 64 schools to benefit from having Fresh Fruit & Vegetable Program snacks. The FFVP is a federally assisted program providing free fresh fruits and vegetables to students in participating elementary schools during the school day.

5. Vendor Information
 Name: Various Vendors Statewide
 Address:

6. Term of Contract
 From: Approval of CPO
 To: May 31, 2017

7. Total Cost:
 NTE \$2,000,000

8. Explanation describing how procurement by competitive means is either **not practicable or not advantageous** to the State (attach additional sheets if necessary):

The goal of the FFVP is to improve children's overall diet and create healthier eating habits to impact their present and future health. The FFVP will help schools create healthier school environments by providing healthier food choices; expanding the variety of fruits and vegetables children experience; and increasing children's fruit and vegetable consumption.

In 2011, the HIDOE competitively solicited for fresh produce, however that solicitation resulted in no offers being submitted. At that time, market research indicated vendors were hesitant to contract with the HIDOE as availability and pricing for these products were often unstable and subject to change. SFSB continues to engage with the vendors and the farmers in an effort to learn and conduct research on what the market would bear. In June and August 2016 the HIDOE competitively solicited for FFVP. While offers were received in response to both solicitations, errors in the documents submitted resulted in no responsive offers. In order to meet the goals of the FFVP for SY2016-17, providing fresh fruits and vegetables to the HIDOE children cannot wait as a successful competitive solicitation is conducted.

Although the HIDOE is working toward producing a successful solicitation, further communication and education between the vendors, the farmers, and the State is necessary. Availability and supply of fresh fruits and vegetables change with the seasons and further effort to engage with the vendors and the growers is necessary to discuss the competitive process and seasonal availability of fresh fruits and vegetables to help with a successful competitive solicitation.

Lastly, each FFVP school has the flexibility to develop their own implementation plan like choosing what to offer, how many days a week it will be offered (schools are encouraged to offer the FFVP no less than 2 days a week) and what times during the day to provide these free fresh fruits and vegetables to their students. Such flexibility allows each school to implement a successful FFVP however it creates a widely varying purchasing demand.

As 2016 comes to an end, it is not practicable and not advantageous for the HIDOE to procure fresh fruits and vegetables by competitive means and have contracts in place before the end of this school year to meet the goals and the needs of the FFVP.

9. Details of the process or procedure to be followed in selecting the vendor to **ensure maximum fair and open competition** as practicable (attach additional sheets if necessary):

The schools participating in the FFVP, in accordance with Small Purchases procurement method (§103D-305, Hawaii Revised Statutes and Subchapter 8, Hawaii Administrative Rules), will document adequate and reasonable competition using the Form 10-B.

10. A description of the school/program internal controls and approval requirements for the exempted procurement (attach additional sheets if necessary):

The SFSB requests exemption from formal competitive solicitation process only. All other aspects of the procurement code shall be complied with. The normal internal process for payment using the DOE's financial management system shall apply.

11. List of school/program personnel who will be involved in the approval process and administration of the contract (attach additional sheets if necessary):

Name	Title	Involvement in process
Glenna Owens	Director, SFSB	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration
Albert Scales	Supervisor, SFSB	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

12. This exemption should be recommended to the Procurement Policy Board to be considered for the list of exemptions attached to Chapter 3-120 or 3-141, HAR: Yes No

13. I hereby certify that the information provided above is, to the best of my knowledge, true and correct; and that all applicable statutory, administrative, policy and procedures have or shall be complied with.

Calenna Shim
 Administrator's Signature & Title 10/24/2016
Date

PART II - NOTICE OF EXEMPTION FROM PROCUREMENT

The school/program named below intends to exempt the goods, services, or construction (as described in the request above) from procurement for good cause. The Chief Procurement Officer is in the process of reviewing this request.

<p>Inquiries and questions about this request may be directed to:</p> <p>Name/Title: Albert Scales, Supervisor School/Program: School Food Services Branch Address: 1106 Koko Head Avenue Telephone No.: 808-733-8400 email address: Albert_Scales@notes.k12.hi.us</p>	<p>Written objections to this Notice of Exemption must be received within seven (7) calendar days from the date this notice was posted, and shall be directed to:</p> <p>Chief Procurement Officer, Department of Education Procurement & Contracts Branch, OFS 94-275 Mokuola Street Room 200 Waipahu, Hawaii 96797 Telephone Number: 808-675-0130 email address: DOEprocure@notes.k12.hi.us</p>
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Reserved for Procurement Office Use

14. Chief Procurement Officer's Comments:

15. Approved

Disapproved

No Action

Kathryn S. Matayoshi, Superintendent & CPO

Date

c: Administrator, State Procurement Office