

**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: State Office of Curriculum, Instruction and Student Supports, Special Education Section
(Name of School or Program)

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

2. This exemption is requested pursuant to:
 s 103D-102(b)(4), HRS and Chapter 3-120, HAR or
 s 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: To provide two teachers and two paraprofessionals, in addition to training and consultation in Applied Behavior Analysis by a licensed behavioral analyst, for the Hawaii Department of Education's (HIDOE) Po'okela Special Day Program (PSDP).

Reference Previous Request: PE/F E16-227

This amendment request is to add the use of the facility the vendor is currently using for the period of 7/1/16 – 7/15/16.

5. Vendor Information
 Name: Behavioral Counseling and Research Center, LLC
 Address: 5729 Sonoma Drive, Suite F.
 Pleasanton, CA 94566

6. Term of Contract
 From: July 1, 2016
 To: June 30, 2017
 with 1-12 month
 optional extension

7. Total Contract Price:
 Not to Exceed
 Original: \$600,000.00/yr
 Change: \$25,000.00/yr
 New: \$625,000.00/yr

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

See attached.

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):

See attached.

10. A description of the school/program internal controls and approval requirements for the exempted procurement (attach additional sheets if necessary):
The Administrator and Educational Specialist (ES) for Autism will be responsible for the negotiation and execution of the contract. They will be responsible for monitoring the Contractors compliance with the terms, conditions, and specifications of the contract. The contract will specify the scope of work, personnel, performance, educational, training requirements and all other requested services. The ES for Autism will approve payments to the vendor upon receipt of accurate and verified invoices. The payment schedule for services will be documented in the contract.

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

<u>Name</u>	<u>Title</u>	<u>Involvement in process</u>
Debra Farmer Tubbs	Acting Director	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration
Patricia Nichols	Educational Specialist	<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

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.



 Administrator's Signature & Title

 Date 6/9/16

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: Patricia Nichols School/Program: Office of Curriculum, Instruction and Student Support, Special Education Section Address: 475 22nd Avenue, Hon. HI 96816 Telephone No.: (808)305-9806 email address: Patricia_Nichols@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

8. Explanation describing how procurement by competitive means is either **not practicable or not advantageous to the State:**

HIDOE will establish the PSDPC on July 1, 2016, which will service the students currently being serviced by this BCRC contract, and needs experienced teachers, paraprofessionals, and a licensed behavior analyst. For the past five (5) years, BCRC has been successfully working with these same students with disabilities who have intensive communication, social, cognitive, and behavioral needs.

BCRC is the only vendor that has prior knowledge of and experiences with the students who are currently enrolled at BCRC and will be transitioning to the PSDPC. Furthermore, parents of the students that attend BCRC, have developed relationships with the BCRC staff, and know that the staff has the rigorous training and knowledge to work with their child.

These students often do not respond well to changes, and keeping the continuity of their current teachers and paraprofessionals will ease their transition to the new school site. Without highly skilled teachers and paraprofessionals, the students may harm themselves as well as their classmates and adults in the program.

The HIDOE transfer and recruitment process for teachers has been unsuccessful in finding teachers to work with this specific population. BCRC has teachers that are trained to work with this student population.

Finally, with the passage of S.B. No. 40 in 2015, the PSDPC is in need of a licensed behavior analyst to provide training, and consultation to the special education teachers and paraprofessionals, and to develop behavior support plans for students enrolled in the PSDPC.

The Principal BCRC had on staff was a licensed behavior analyst and was able to provide the training and behavior support plans for the school. BCRC has first-hand knowledge of the students and their intensive needs, and will be able to provide specific individualized training and consultation by a licensed behavior analyst to build the capacity of HIDOE teachers. Extending the existing contract with BCRC (with a narrower scope) is advantageous to the HIDOE as it will lessen the strain on HIDOE's limited resources, help students and schools with the difficult task of transitioning students back to their home schools, and comply with S.B. No. 40.

Utilizing the BCRC staff who are familiar with each individual student and their intensive needs, would be the best solution for the students, parents, and HIDOE, as compared to bringing in a new vendor with staff not knowledgeable about the students, which could be a detriment to the students and progress they have made.

This amendment is necessary because:

The newly built Special Day Center on the campus of Kapolei High School, has not received the Certificate of Occupancy (CO) from the City and County, so the opening has been delayed. No one is allowed in the classrooms until the CO has been approved. The severity of the students; disabilities are such that they need time to transition from their current facility run by the Behavioral Counseling and Research Center to the new Po'okela site. Adding the extension of the facility portion of this contract for no more than two weeks, will enable the students to gradually transition to the new site, and for the new site to prepare for the students.

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):**

If the HIDOE were able to find and hire two (2) teachers, two (2) paraprofessionals and a licensed applied behavior support specialist qualified to work with these students with intensive needs, including fringe, their salaries would be approximately \$450,000.00. Add an additional cost of \$200,000.00 for 6 days of teacher and staff training, 30 days of support and the development of behavior support plans. The contract cost of \$600,000.00 is fair and reasonable.

This proposed contract extension will allow the HIDOE to continue to recruit and train staff, with the goal of transitioning out the contracted personnel as the HIDOE personnel become equipped to work with these students. This will provide benefit for the HIDOE as we continue to build the capacity of HIDOE employees.

The current BCRC contract was procured competitively via a RFP in 2011.