

**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: OCISS / SSB / Comprehensive Student Support Services 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:
 §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: Provide Communication Access Services, American Sign Language (ASL), Communication Access Real Time captioning (CART) and Computer Assisted Note-taking (CAN) for the Deaf and Hard-of-Hearing Students in schools Statewide.

Reference Previous Request: PE/F E16-229

This request is to amend the start date and total cost of the contract.

5. Vendor Information
Name: Isle Interpret, LLC
Address: P.O. Box 1380, Kaneohe, HI 96744

6. Term of Contract
From: Upon Execution
To: July 31, 2017 with
one (1) optional 12
month extension

7. Total Cost: Not to exceed:
\$550,000.00.
\$600,000.00/yr thereafter.

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

Please 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):

Please see attached.

Exemption: #8 and #9

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

With one company capable of providing all of the 6 services {American Sign Language (ASL), Computer Assisted Note-taking (CAN), Communication Access Real Time (CART) onsite and remote} as a full package, the Hawaii State Department of Education (HIDOE) is better able to tailor services that best meet the needs of a student for each class they attend to ensure access. The ability to package the separate services, rather than just providing a single service, can also keep overall communication access costs down. For example; CART services at \$100 per hour may only be needed for advanced courses whereas other courses may only require CAN, with a cost of \$45 per hour. A company that offers a full package of access services has a broader range of experience and expertise in providing multiple communication access services. This helps ensure a stronger capability of assessing an individual student's needs, and a higher level of competency in assisting Individualized Education Program (IEP) teams in decision-making as to which combination of access services would best meet the needs of students to meet their educational goals at the best value to the HIDOE.

This is also advantageous especially for schools where this expertise is not available in the school staff. In addition, with this proposed package of communication access services, a company would be more likely to have the capacity to provide some level of service to meet the needs of students should a single provider become ill and not be available during a school day. A company that offers a full package of on-site and remote services would be better able to ensure a student always has access to their education with the most appropriate package of services, and with the best continuity for the student in relation to the lesson plan/goals. For example, Isle Interpret is a company that can provide all 6 services and has demonstrated that they can meet the HIDOE requirements of a secure system to meet the remote needs of students to ensure confidentiality under Family Educational Rights and Privacy Act (FERPA). They have also shown a willingness and capability to use and upgrade, as needed, the necessary technology that will be compatible with the HIDOE system requirements. Based on the above, it would not be advantageous for the HIDOE to competitively solicit for separate services.

Isle Interpret has been identified as the only company in the state of Hawaii that can provide all of the services required (ASL, CAN, CART), both on-site and remote, through a secure means that will protect student privacy and confidentiality under FERPA. Isle Interpret has been providing services in our schools for three years and has demonstrated that they are familiar with, and capable of providing, all of the services in the manner unique to an educational setting, and unique to each student, at all levels. This experience makes them

better positioned to meet the HIDOE's needs in School Year (SY) 2016-2017. Isle Interpret provides the ongoing training, hands-on assistance and support to school staff, students, and parents, frequently at no charge to the HIDOE. This helps ensure that the necessary hardware and software is set up and functioning properly and that the school staff, students and parents are all working effectively together to enable the student to successfully access and maximally benefit from the different communication access services, especially those provided remotely. Special skills and knowledge of the unique requirements of providing these services in the school setting is of great benefit in working successfully with this target population. To that end, Isle Interpret offers specialized training to their providers which specifically addresses the effective provision of the communication access services within the school setting.

This amendment is necessary because:

contract negotiation with Isle Interpret has taken longer than originally expected.

#9 Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable

Overall, Isle Interpret's advertised costs for the 6 services they would provide (ASL, CAN, CART both onsite and remote) are within a fair and reasonable range when compared to market research conducted with three companies providing communication access services both in Hawaii and on the mainland. For example, company 1 advertises CART for \$100 per hour, but their system of provision does not appear to be FERPA compliant for confidentiality and services would only be available remotely. No other services are available. Company 2 only provides ASL remotely, however, the security of the service is unclear, and their advertised costs were in line with Isle Interpret. It is the only service this Company 2 provides. The Company 3 does not advertise for all six of the services, and the remote services of ASL and CART do not appear to be available in a secure manner as required under FERPA. The overall costs for onsite and remote services are in line with the \$45 to \$100 per hour costs for the different services advertised by Isle Interpret. There is an approximately 10% additional charge by Isle Interpret for administrative activities. However, their fees are still within a fair and reasonable range as these administrative activities relieve the DOE and school staffs from the administrative burden of identifying and scheduling individuals to provide communication access services for each individual student. The single source invoicing for all services at each school keeps the fiscal activities to a minimum for schools and districts rather than handling invoices from a variety of providers. Therefore, the 10% additional charge also provides the best value to HIDOE.