

**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: Baldwin, King Kekaulike, Maui Complex Area  
*(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: Provision of IDEA educational services (general education and special education) in a private separate facility under the IDEA's Least Restrictive Environment (LRE) provisions to students on Maui in the Baldwin-King Kekaulike-Maui Complex Area (BKM).

5. Vendor Information  
Name: Horizons Academy of Maui, Inc.  
Address: 2679 WaiWai Pl. Kihei Hawaii 96753

6. Term of Contract  
From: 08/01/16  
To: 07/31/17 with 2, 12-month optional extensions

7. Total Cost:  
Not-to-exceed  
\$975,520.00per year

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

The BKM complex has recently identified a need to expand educational placements on the island of Maui. The Hawaii Department of Education is required by the federal Individuals with Disabilities Education Act (IDEA) to provide a continuum of alternate placements. Certain students with behavior disorders may require educational placement in a separate private facility.

A placement outside student's neighborhood public school is time limited with the Student's return to his/her neighborhood school as the goal. To accomplish the successful return to the neighborhood school, the private separate facility must have a structured integrated education and behavioral support system in place to enable the student to make positive behavioral changes in a controlled environment. To accomplish the behavioral changes needed to be successful in a public school, students will receive structured behavioral intervention supports by staff who have certifications such as Board Certified Behavior Analyst (BCBA) in the private separate facility. The program at Horizons Academy of Maui already has behavioral support systems in place and BCBA on staff.

It is necessary that students who require education in a private separate facility receive the State approved curriculum for English Language Arts and Math.

It is not practicable or advantageous for the HIDOE to competitively obtain these services, as Horizons Academy of Maui is the only provider on Maui that can provide the services and environment required for these students. Although there are other vendors that can provide these services within the State, transporting student's off-island for daily education is not beneficial to the student. This can create undue stress and hardship on student, their families, and their communities. Additionally, the cost to the State and its taxpayers would be prohibitive as the HIDOE would be required to pay for transportation costs for students placed off island.

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):

BKM researched schools who could meet the following: 1) The school must be able to immediately, provide IDEA educational services to secondary students with behavior disorders. 2) The school needs to be in the Wailuku, Kahului or Kihei area. 3) The school must have at least one special education teacher and one Board Certified Behavior Analyst (BCBA) on staff. 4) The school must be able to deliver the statewide adopted curriculum in ELA and Math.

Horizons meets all these requirements while offering a full-time professional program staff, including but not limited to, Licensed State of Hawaii Special Education Teacher(s) and Board Certified Behavior Analysts(s). No other schools met these criteria.

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

BKM Complex requests exemption from the competitive solicitation process only. All other aspects of the procurement code shall be complied with where possible. The normal internal process for payments using the HDOE financial management system shall apply. BKM will monitor and administer 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):

Name	Title	Involvement in process	
Leila Hayashida	Complex Area Superintendent	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Denise Guerin	District Educational Specialist	<input 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.

  
 \_\_\_\_\_  
 Administrator's Signature & Title

07/07/16  
 \_\_\_\_\_  
 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.

Inquiries and questions about this request may be directed to:

Name/Title: Denise Guerin, District Educational Specialist  
 School/Program: BKM Area Special Education  
 Address: 54 High Street, Wailuku, Hawaii  
 Telephone No.: 808-264-5880  
 email address: denise\_guerin@notes.k12.hi.us

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:

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

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14. Chief Procurement Officer's Comments:

15.  Approved  
 Disapproved  
 No Action

\_\_\_\_\_  
Kathryn S. Matayoshi, Superintendent & CPO

\_\_\_\_\_  
Date

c: Administrator, State Procurement Office