

UNIVERSITY OF HAWAII NOTICE OF EXEMPTION CHAPTER 103D, HRS

The President, University of Hawaii, is in the process of reviewing the request from
Information Technology Services (Department/Campus)

for exemption from Chapter 103D, HRS, for the following goods and services:

Adobe Enterprise Term License Agreement (ETLA) for the University of Hawaii System for a three-year duration, to be paid on an annual basis, which includes:

1. 20,000 DC Enterprise Sign Transactions annually; and
2. Acrobat Pro software for all University of Hawaii faculty, staff, labs and classrooms on all University of Hawaii campuses.

Vendor: Adobe Inc.
(If known)
Address: 345 Park Avenue
San Jose, California 95110

Term of Contract: (If known)	From: November 28, 2021	To: November 27, 2024	Cost: \$290,748.00 + tax (cumulative)
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Direct any inquiries to: Department: Information Technology Services Contact Name/Title: Sandra Ann Matsumoto, Site License Administrator Address: 2520 Correa Road Information Technology Center, 5th Floor Honolulu, Hawaii 96822-2219	Phone Number: (808) 956-5783 Fax Number: (808) 956-7483
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Date Posted: October 29, 2021

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Office of Procurement Management
1400 Lower Campus Road, Room 15
Honolulu, Hawai'i 96822
email: OPM@hawaii.edu

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: OFFICE OF PROCUREMENT MANAGEMENT

FROM: Information Technology Services
(Department/Program)

Pursuant to APM Section A8.220, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

This request for the Adobe Enterprise Term License Agreement (ETLA) contract provides the following for the UH System for a three-year duration, to be paid on an annual basis:

1. 20,000 DC Enterprise Sign Transactions annually
2. Acrobat Pro software for all UH faculty, staff, labs and classrooms on all UH campuses

Estimated Cost: \$ 290,748.00 + tax (cumulative)

(1) Explanation describing how procurement by standard competitive means is either not practicable or not advantageous to the University;

Resellers are unable to competitively bid or quote for Adobe ETLA pricing. Establishment of pricing is established directly between Adobe and the customer (UH), based upon FTE counts, and inclusion of customer-specific additional features and capabilities are subject to unique direct-only offerings by Adobe. UH must purchase this directly with Adobe or select a single sales partner (reseller) to obtain the official quotation. Therefore requests through standard RFQ or IFB, or via NASPO are not applicable, any of the standard procurement means will result in a single offering, specific to the UH-Adobe ETLA offering.

(2) Details of the process or procedures to be followed in selecting the vendor to ensure as fair and open competition as practicable;

Per Adobe's policy, ETLA customers can either purchase directly from Adobe or purchase through a single sales partner (reseller). Selected resellers under the NASPO ValuePoint contract are all platinum resellers who can provide a quotation. However with no means of selecting a single reseller fairly, UH has opted to purchase directly from Adobe, to reduce any unnecessary Adobe channel overhead or added administrative costs.

In this situation, Adobe is the author/manufacturer/provider of the subject software, and therefore the sole entity that can provide the required solution for UH. The Adobe Acrobat product (current and all future offerings will be under the Adobe DC subscription method), is required to ensure the UH can comply with the active US DOE VRA relating to web accessibility. UH has ensured the subject subscription is being offered at a price-point lower than any comparable standard Adobe DC higher education subscription price point.

(3) A description of the Department's internal controls and approval requirements for the exempted procurement; and
 ITS site license administrator will oversee the execution and oversight of the administration of the procurement and licensing process. Any and all provisioning of the resulting license will be under the joint oversight of ITS site license administration and ITS administrative services functions.

(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract:
 Sandra Ann Matsumoto, Site License Administrator
 Craig Shinsato, Fiscal Administrator

Direct questions to: Sandra Ann Matsumoto Phone: (808) 956-5783

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

<u>Sandra Ann Matsumoto</u>	<u>Sandra Ann Matsumoto</u> Digitally signed by Sandra Ann Matsumoto Date: 2021.10.19 12:46:50 -10'00'	<u>10/7/2021</u>
Full Name of Principal Investigator, Department Head, or Administrator	Signature	Date

<u>Craig Shinsato</u>	<u>Craig Shinsato</u> Digitally signed by Craig Shinsato Date: 2021.10.20 11:29:09 -10'00'	<u>10/20/21</u>
Full Name of Fiscal Administrator	Signature	Date

APPROVED:

<u>Garret Yoshimi</u>	<u>Garret T. Yoshimi</u> Digitally signed by Garret T. Yoshimi Date: 2021.10.20 11:36:16 -10'00'	<u>10/20/2021</u>
Full Name of Vice President or Chancellor	Signature	Date

FOR OPM USE ONLY

OPM COMMENTS:

APPROVED DENIED

<u>David Lassner</u>	Digitally signed by David Lassner Date: 2021.11.12 13:33:14 -10'00'	
PRESIDENT, UNIVERSITY OF HAWAII		DATE