

## UNIVERSITY OF HAWAII NOTICE OF EXEMPTION CHAPTER 103D, HRS

The President, University of Hawaii, is in the process of reviewing the request from  
Environmental Health and Safety Office, University of Hawaii at Manoa (Department/Campus)  
for exemption from Chapter 103D, HRS, for the following goods and services:  
Service package to pick up, transport, and/or dispose of radioactive materials and waste generated by the  
University of Hawaii at Manoa (UH Manoa) authorized departments.

**Vendor:** Thomas Gray & Associates, Inc.  
(If known)  
**Address:**  
1205 W Barkley Avenue  
Orange, California 92868

<b>Term of Contract:</b> (If known)	From: To be determined	To: To be determined	Cost: \$150,000.00 (estimated)
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<b>Direct any inquiries to:</b> Department: Environmental Health and Safety Office, UH Manoa  Contact Name/Title: Lori Takara, Administrative Assistant  Address: 2040 East-West Road Honolulu, Hawaii 96822	Phone Number: (808) 956-8660  Fax Number: (808) 956-3205
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Date Posted: July 26, 2023

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:** EMMA KENNEDY

(Department/Program)

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

Description of goods, services, or construction:  
(SEE ATTACHED)

Estimated Cost: \$ (SEE ATTACHED)

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

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

(3) A description of the Department's internal controls and approval requirements for the exempted procurement; and  
(SEE ATTACHED)

(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract:  
(SEE ATTACHED)

Direct questions to: LORI TAKARA Phone: 956-8660

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

EMMA KENNEDY  
Full Name of Principal Investigator, Department Head, or Administrator

*Emma Kennedy* 8/25/22  
Signature Date

LIANNE KAMEI-CHOW  
Full Name of Fiscal Administrator

Lianne Kamei-Chow Digitally signed by Lianne Kamei-Chow  
Date: 2022.08.25 11:11:01 -10'00'  
Signature Date

APPROVED:  
David Lassner, UH President  
Full Name of Vice President or Chancellor

*David Lassner* Digitally signed by David Lassner  
Date: 2023.07.19 13:45:29 -10'00'  
Signature Date

FOR OPM USE ONLY

OPM COMMENTS:  
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APPROVED  DENIED

*David Lassner* Digitally signed by David Lassner  
Date: 2023.08.04 09:04:10 -10'00'  
PRESIDENT, UNIVERSITY OF HAWAII 08/04/23  
DATE

## Request for Exemption from 103D, HRS

### Description of goods, services, or construction:

A service to package, pick up, transport, and/or disposal of radioactive materials (RAM) and waste generated by the University of Hawai'i at Manoa (UH Manoa) authorized departments. Excess RAM and/or wastes are packed in steel/poly drums and stored at the UH Environmental Protection Facility (EPF) for safe keeping until transportation and disposal can be done. Unlike chemically hazardous waste, radioactive materials/waste can be held longer until transportation/disposal can be done in a cost-effective manner. The cost per drum for this service is contingent upon the type of RAM as well as the weight of the items.

This exemption is requested for the acquisition of radioactive material transportation and/or disposal services for the period commencing upon approval (July 2023) through June 2024.

Estimated Cost: \$150,000.00 for the period July 2023 – June 2024

### **(1) Explanation describing how procurement by standard competitive means is either not practical or not advantageous to the University**

Radioactive materials are used by specifically permitted laboratories at UH Manoa, UHM based facilities, JABSOM, Cancer Center, and UH Hilo. These laboratories are authorized to use these materials under the authority of the Radiation Safety Committee (RSC). RAM and/or waste is picked up by the Radiation Safety Program (RSP) staff and held at the Environmental Protection Facility until enough material is collected and can be transported off island to the Richmond, WA radioactive waste facility.

As a condition of the UH license issued by the U.S. Nuclear Regulatory Commission (NRC) for radioactive material usage privileges, UH is required to identify a license brokerage to transport the materials across the Pacific Ocean and ultimately to Richmond, WA. The transportation of these items must be done by specifically trained personnel who have the knowledge of overseas and land transportation. Thomas Gray & Associates (TGA) is the company identified on the University of Hawai'i's license with the Nuclear Regulatory Commission (NRC). In conjunction with the licensing condition, and the identification of a reputable company (licensed and insured), the NRC is assured of the safe transportation of the radioactive materials from Hawai'i to its final destination in Richmond, WA.

If the Radiation Safety Program is required to use SuperQuote or the Invitation for Bid method and a lower bid is received, the Radiation Safety Program would need to amend the license with NRC and at the time of award would need to be able to verify the reliability of the vendor to safely transport radioactive materials from Hawai'i to Washington State. These additional tasks would be a lengthy process and cause significant delays in being able to pack and ship out the materials. Due to the economic situation, vendors may not be able to honor price quotes if there is a lengthy delay in issuing the purchase order.

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

TGA is the primary vendor that handles all west coast radiation material transportation across the Pacific and along the west coast. In 2019-2020, the University was approached to do a

comprehensive radioactive materials shipment/cleanup for various hospitals and universities throughout the US and the Pacific. The University was informed at that time that all west coast facilities would need to work through TGA as they were the established vendor on the west coast. As such, there are no other vendors that can provide this service.

The RSP will negotiate directly with TGA Gray the cost for each shipment of radioactive materials. To substantiate that cost the RSP will also perform a determination of cost and price reasonableness to ensure that the prices charged by TGA are fair and reasonable.

**(3) A description of the Department's internal controls and approval requirements for the exempted procurement**

All quotations provided by TGA will be reviewed by the Radiation Safety Program's Radiation Safety Officer and the Environmental Health and Safety Director. A requisition will be created for each order and all other required documentation will be obtained from the TGA. The requisition/purchase order will be reviewed by the Office of the Vice Provosts for Research and Scholarship (OVPRS) administrative officer. The purchase order may be reviewed by the Manoa Office of Business as well as the Office of Procurement Management if required.

**(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract**

Michael Soles, Radiation Safety Officer  
Emma Kennedy, Director – EHSO  
Lori Takara, Administrative Assistant – EHSO  
Lianne Kamei-Chow, Fiscal Administrator – OVPRS  
Thad Nakajima, Admin Officer – Manoa Business and Finance  
Office of Procurement Management