

UNIVERSITY OF HAWAI'I NOTICE OF EXEMPTION CHAPTER 103D, HRS

The Chief Procurement Officer, University of Hawai'i, 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:
Characterizing and Categorize, Sort and Package, and Label and Manifest radioactive materials and waste generated by the University of Hawaii at Manoa authorized departments.

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

Term of Contract: (If known)	From:	To: June 2025	Cost: up to \$450,000.00 (est.)
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Direct any inquiries to: Department: Environmental Health & Safety Office, University of Hawaii at 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: February 10, 2025

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

UNIVERSITY OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

To: KALBERT YOUNG Date: 01/16/2025
Chief Procurement Officer, University of Hawaii

Via: Office of Procurement Management

From: EMMA KENNEDY, EHSO DIRECTOR
(Campus & Department/Program)

Vendor/Contractor: THOMAS GRAY AND ASSOCIATES

Estimated Amount: \$150,000 - \$450,000

Term of Contract, if applicable: UPON APPROVAL - JUNE 30, 2025

Pursuant to University Administrative Procedure 8.220, and consistent with Hawaii Revised Statutes §103D-102(b)(4) and Hawaii Administrative Rules Chapter 3-120, the department requests a procurement exemption to purchase the following (attach additional sheets if necessary):

1. Description of the goods or services:

(SEE ATTACHED)

2. Explain in detail, why it is not practicable or not advantageous for the University to procure by standard competitive means when multiple sources are available, or by other standard methods of source selection:

(SEE ATTACHED)

3. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor:

(SEE ATTACHED)

4. Provide a description of the department's internal controls and approval requirements for the exempt procurement:

(SEE ATTACHED)

5. Provide a list of department personnel, by position title, who will be involved in the approval process and administration of the contract:

(SEE ATTACHED)

6. Direct questions to: LORI TAKARA Email Address: takaralo@hawaii.edu

Certification: I certify that the information provided herein is true and correct to the best of my knowledge.

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

 1/17/25
Signature Date

LIANNE KAMEI-CHOW
Full Name of Fiscal Administrator

Lianne Kamei-Chow
Signature Date
Digitally signed by Lianne Kamei-Chow
Date: 2025.01.21 12:31:57 -1000'

APPROVED:
ALEXANDRA FRENCH
Full Name of Vice President or Chancellor

 01/24/2025
Signature Date
Digitally signed by Alexandra French

FOR OPM USE ONLY

OPM COMMENTS:

APPROVED DENIED

Sarah Allen
Digitally signed by Sarah Allen
Date: 2025.02.20 09:31:08
-10'00'

CHIEF PROCUREMENT OFFICER, UNIVERSITY OF HAWAII

DATE



Request for Exemption from 103D, HRS

1. Description of Goods, Services, or Construction:

Request for Exemption from Chapter 103D, Hawaii Revised Statutes (HRS)

The University of Hawai'i Radiation Safety Program, under the Office of the President and as a licensee of the United States Nuclear Regulatory Commission (NRC), formally requests an exemption from Chapter 103D, Hawaii Revised Statutes (HRS). This exemption is sought to secure comprehensive Health Physics Services from the vendor Thomas Gray and Associates (TGA).

Scope of Health Physics Services

The requested services encompass the specialized expertise required to:

- A. **Characterize and Categorize Waste**
Identify and classify chemical, radioactive, or Environmental Protection Agency (EPA) mixed waste (waste containing both chemical and radioactive materials) originating from known and unknown sources.
- B. **Sort and Package Waste**
Sort and package waste materials, including selecting appropriate drum types, sizes, and absorbent materials, and organizing them by destination.
- C. **Label and Manifest Waste**
Label and prepare required manifests in compliance with United States Department of Transportation (US DOT) regulations for transporting waste to licensed Treatment, Storage, and Disposal Facilities (TSDFs) for final processing.

Exemption Period

This exemption is requested to commence upon approval and extend through June 30, 2025.

Estimated Cost: \$150,000–\$450,000

2. Justification for Non-Standard Procurement:

Procuring these services through standard competitive means is impracticable and not advantageous due to the following reasons:

Interconnection of Health Physics Services

In addition to the NRC regulatory and licensing obligations to use a pre-approved broker, the scope of Health Physics Services required for the University of Hawai'i is inherently interconnected due to the complexity of handling, processing, and disposing of radioactive and mixed waste. These services cannot be separated without significant risks and complications in safety, costs, and regulatory compliance. Below is a detailed explanation:

Safety Considerations

- A. **Unified Protocols**
Managing these materials requires strict adherence to a coordinated protocol. Separation of responsibilities would disrupt continuity in procedures, leading to gaps in safety practices. For example, incorrect characterization at the start of the process could compromise the subsequent steps of packaging, labeling, and transportation.



B. Emergency Preparedness

A single vendor (TGA) ensures accountability and streamlined responses in case of emergencies, such as spills or regulatory inspections. Dividing services could lead to confusion over responsibilities during critical incidents, delaying containment efforts and escalating risks.

Technical Interdependencies

A. End-to-End Expertise

TGA specializes in managing the entire process, from waste identification to disposal. Their expertise ensures that the chain of custody remains unbroken, minimizing risks and ensuring that all stages comply with federal requirements.

There are no local vendors in Hawaii that can provide the required Health Physics Services. The highly specialized nature of managing radioactive and mixed waste necessitates a vendor with extensive experience and regulatory approval, which is unavailable locally. Utilizing TGA as the provider is essential to maintain compliance with NRC and EPA regulations while ensuring safe and effective waste management.

3. Vendor Selection Process:

The management of RAM and EPA mixed waste is highly specialized and regulated. Few companies meet the stringent licensing and operational requirements. Selecting a lower-bid vendor would require amending the NRC license, verifying vendor qualifications, and ensuring compliance, a process that would delay waste management and increase costs.

Thomas Gray & Associates (TGA) is the waste broker identified by UH license conditions for RAM and EPA mixed waste. This designation is explicitly stated in the U.S. NRC license issued to UH (License No. 53-00017-23, Amendment No. 75), which incorporates conditions from the July 30, 2015, licensing documents. TGA is already identified as the approved vendor for the pick up, transportation, and disposal of RAM and EPA mixed waste on a separate exemption.

The Radiation Safety Program (RSP) will negotiate costs with TGA directly, reviewing all pricing to ensure it is fair and reasonable.

4. Internal Controls and Approval Requirements:

All TGA quotations will be reviewed by:

- The Radiation Safety Officer (RSO)
- The Director of the Environmental Health and Safety Office

A requisition will be created for each order, and all required documentation will be obtained from TGA. The following offices will review the requisition and/or purchase order as needed:

- The Office of the Vice Provost for Research and Scholarship (OVPRS)
- The Mānoa Office of Business
- The Office of Procurement Management



UNIVERSITY
of HAWAII
MĀNOA

University of Hawaii
Radiation Safety Program
2040 East West Road, Honolulu, HI 96822
808-956-6475 radsafe@hawaii.edu
<https://calendly.com/uh-radiation-safety-program>

5. Personnel Involved in Approval and Administration:

The following personnel will oversee the approval and administration of the exempt procurement:

- Michael Soles, Radiation Safety Officer
- Emma Kennedy, Director - EHSO
- Lori Takara, Administrative Assistant - EHSO
- Lianne Kamei-Chow, Fiscal Administrator - OVPRS
- FA specialist - Manoa Business and Finance (as needed)
- Office of Procurement Management