

UNIVERSITY OF HAWAII
NOTICE OF EXEMPTION FROM STANDARD METHODS OF SOURCE SELECTION

The Vice President for Budget and Finance/Chief Financial Officer, University of Hawaii, is in the process of reviewing the request from
MANOA CHANCELLOR'S OFFICE (Department/Campus) for exemption from Standard Methods of Source Selection for the following goods, services, or construction:

CONSULTANT SERVICES TO ASSIST THE UNIVERSITY IN MATTERS REGARDING REPATRIATION OF A BOOK HELD BY THE UNIVERSITY OF HAWAII AT MANOA WHICH MAY CONTAIN NATIVE HAWAIIAN OBJECTS AS DEFINED UNDER THE NATIVE AMERICAN GRAVES PROTECTION & REPATRIATION ACT (NAGPRA).

Vendor: KU'IWALU
(If known)
Address: 1003 Bishop St Ste 2750 · Honolulu, HI 96813

Term of Contract: (If known)	From: -----	To: -----	Cost: 30,000.00
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Direct any inquiries to: Department: Manoa Chancellor's Office Contact Name/Title: Brian Higaki/Administrative Officer Address: 2500 Campus Road, Hawaii Hall 102, Honolulu, HI 96822	Phone Number: 956-5501 Fax Number: 956-5079
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Date Posted: AUGUST 30, 2010

Submit written objections to this notice to issue an exemption from Standard Methods of Source Selection, within seven (7) calendar days from the date posted to:

Office of Procurement and Real Property Management
1400 Lower Campus Road, Room 15
Honolulu, Hawaii 96822

REQUEST FOR EXEMPTION FROM STANDARD METHODS OF SOURCE SELECTION

TO: OFFICE OF PROCUREMENT AND REAL PROPERTY MANAGEMENT

FROM: Manoa Chancellor's Office
(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: \$ 30,000.00

(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.

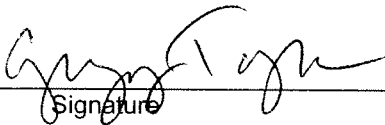
(3) A description of the Department's internal controls and approval requirements for the exempted procurement; and
See attached.

(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: Brian Higaki Phone: 956-5501

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

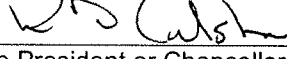
Gregg Takayama
Full Name of Principal Investigator, Department Head, or Administrator

 8-19-10
Signature Date

Brian Higaki
Full Name of Fiscal Officer

 AUG 19 2010
Signature Date

APPROVED:

Kathy Cutshaw  →
Full Name of Vice President or Chancellor

 AUG 26 2010
Signature Date

FOR OPRPM USE ONLY

OPRPM COMMENTS:

Recommend Approval.

APPROVED DENIED

 9.13.10
VICE PRESIDENT FOR BUDGET & FINANCE/CHIEF FINANCIAL OFFICER, UNIVERSITY OF HAWAII DATE

Description of goods, services, or construction:

The University of Hawai'i at Mānoa (UHM), Hamilton Library, is in custody of a book which contains objects which UHM believes to be unassociated funerary objects as the term is defined under the Native American Graves Protection and Repatriation Act (NAGPRA). UHM desires to repatriate the objects. This is a case of first impression and the process that is developed for these objects will most likely set the standard for future cases of this nature. Because the objects involved have high cultural significance and sensitivity, it is extremely important for UHM to develop a process which not only complies with the law (NAGPRA) but also is appropriately cognizant of the significance and special sensitivities associated with these objects, particularly to the people who will file a claim for these objects.

The description of the services includes the development of the process to shepherd the claims from their filing to their resolution, which is expected to include many and perhaps multiple meetings with individual claimants as well as group meetings with all the claimants.

It is also anticipated that the consultant will assist with the coordination of the formation of the Cultural Advisory Council, as well as coordination with core UHM administrators who will be involved in the Repatriation process.

The Consultant will also assist with resolution of the various issues that may arise during the Repatriation process, including potential conflicts within the various groups as well as between the various groups that will be coordinating the Repatriation process.

Finally, since this is the first Repatriation process that UHM will be undergoing, the Consultant will be defining roles and responsibilities of various participants who will be involved throughout the Repatriation process. This will include documenting each step of the process for purposes of recordkeeping for this matter and for future matters involving similar issues.

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

The Consultant needs to be extremely adept at understanding the cultural significance and sensitivity of the objects involved and the Repatriation process but also must be familiar with the legal and procedural requirements involved in the Repatriation process to ensure legal compliance. However, perhaps of most importance is that the Consultant must be someone who is not only familiar to the Hawaiian people and is regarded as someone with knowledge and expertise in the area but also someone who is without a personal agenda with respect to the objects. Also, time is of the essence. Ku'iwalu and Ms. Chang in particular, have provided

services in developing the Comprehensive Management Plan for the Mauna Kea Science Reserve. Ms. Chang was effective in that matter because she has familiarity, expertise and is objective.

Finally, time is of the essence as claims have already been filed and while the deadline to file claims may be extended to September 30, 2010, UHM must be ready to begin processing the claims as soon thereafter as possible.

For all of these reasons, procurement by standard competitive means is not practicable or advantageous to the University.

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

Due to the unique nature of the services being procured, Ruth Tsujimura of the Office of the VP for Legal Affairs and University General Counsel was asked to identify and recommend potential vendors. Ms. Chang of Ku'iwalu was recommended based on her extensive expertise and long experience in matters involving cultural resource services and consultation, particularly with native Hawaiian communities and organizations. Further, Ku'iwalu has established a reputation for successfully addressing very sensitive cultural issues in a timely and professional manner. Ku'iwalu and Ms. Chang in particular were previously retained by the University to develop the Comprehensive Management Plan for the Mauna Kea Science Reserve and were effective in that matter.

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

Requests for exemption from standard methods of source selection are reviewed for appropriateness by the Department's fiscal officer and the Vice Chancellor for Administration, Finance and Operations.

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

Committee consisted of Maenette Benham (Dean, School of Hawaiian Knowledge), Elmer Kaai, Jr. (Government Relations Manager, Manoa Chancellor's Office), Gregg Takayama (Director of Community and Government Affairs, Manoa Chancellor's Office), Ruth Tsujimura (Associate VP for Legal Affairs & University Deputy General Counsel, Office of the VP for Legal Affairs and University General Counsel). Final approval by Chancellor Virginia Hinshaw. The contract will be closely administered by Dean Maenette Benham, with the assistance of Ruth Tsujimura who will serve as legal advisor to the individuals involved, as appropriate, and will comply with all the procedural administrative requirements.