

**UNIVERSITY OF HAWAII
NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS**

The President, University of Hawaii, is in the process of reviewing the request from
University of Hawaii Information Technology Services _____ (Department/Campus) _____ for exemption
from Chapter 103D, HRS, for the following goods, services, or construction:

THREE (3) months of Commodity Internet Service for the University of Hawaii System.

Vendor: Level 3 Communications, LLC
(If known)
Address: 550 Paiea Street, Suite 238
Honolulu, Hawaii 96819

Term of Contract: (If known)	From:	To:	Cost: \$20,570.40 (est.)
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Direct any inquiries to: Department: Information Technology Services Contact Name/Title: Chris Zane Manager, Network Engineer Address: 2520 Correa Road Honolulu, Hawaii 96822	Phone Number: (808) 956-0974 Fax Number: (808) 956-7483
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Date Posted: December 7, 2015

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 and Real Property Management
1400 Lower Campus Road, Room 15
Honolulu, Hawai'i 96822

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: OFFICE OF PROCUREMENT AND REAL PROPERTY 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:
Commodity Internet Service for the University of Hawaii for three (3) months

Estimated Cost: \$ 20,570.40

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

ITS issued an Invitation for Bid (IFB #16-0146) on October 1, 2015 in which only Level3 was the only responding vendor. Level 3 was disqualified as they included their terms and conditions that were to be negotiated and mutually agreed upon - which was not allowed per the IFB. Direct negotiations with Level 3 was approved by OPRPM on October 19, 2015. Delays within the OPRPM and ITS business processes, along with name change issues with twtelecom hawaii, inc being bought by Level 3 Communications, and then changing their name to twtelecom hawaii, llc complicated matters and delayed the drafting and review of the contract. Currently the draft contract is with Level 3 and is being reviewed. It is unlikely that the contract will be completed by the end of the current contract, hence the need to obtain a procurement exemption to purchase services from Level 3 for a three month period until the contract is finalized. Standard competitive bids would not be completed in time before the existing contract expires, nor would any vendor be able to active service on such a short notice, which would result in the loss of Internet services to the University on a systemwide level.

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

Level3 was the only vendor who responded to the original IFB. Direct negotiations with Level 3 was granted by OPRPM. There is contract currently in process of being finalized. The pricing that Level 3 has provided for the 3 month service is the same as the pricing offered via the IFB.

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

The availability of these services are monitored to ensure that ITS understands and is familiar with the capabilities of all potential vendors able to offer this class of services to the University. All such requirements are reviewed internally with the University's Chief Information Officer (ITS) to ensure that the approach and selection are sound; any selection and justification are also reviewed by ITS Fiscal Administration and OPRPM in accordance with current University administrative procedures.

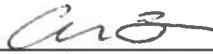
(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract:

Chris Zane, Network Engineering Manager
Craig Shinsato, Fiscal officer
Garret Yoshimi, VP/Chief Information Officer

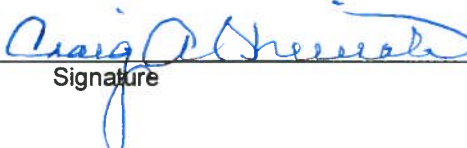
Direct questions to: Chris Zane Phone: 956-0974

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

Chris Zane
Full Name of Principal Investigator, Department Head, or Administrator

 12/4/2015
Signature Date

Craig Shinsato
Full Name of Fiscal Officer

 12/04/15
Signature Date

APPROVED:

Garret Yoshimi
Full Name of Vice President or Chancellor

 _____
Signature Date

FOR OPRPM USE ONLY

OPRPM COMMENTS:

APPROVED DENIED

 12/18/15
PRESIDENT, UNIVERSITY OF HAWAII DATE