



# STATE PROCUREMENT OFFICE NOTICE & REQUEST FOR SOLE SOURCE

CAPLAW DIVISION  
OFFICE OF THE ATTORNEY GENERAL

2008 JUL 24 P 4:00

- 1. TO: Chief Procurement Officer
- 2. FROM: Department of Commerce & Consumer Affairs/CATV  
Department/Division/Agency

Pursuant to §103D-306, HRS, and Subchapter 9, Chapter 3-122, HAR, the Department requests sole source approval to purchase the following:

3. Description of goods, services, or construction:

The statewide non-commercial broadcast of the wide range of educational, cultural, and historic television programs available through Public Broadcasting Service (PBS) plus other forms of non-commercial programming (locally and/or PBS Hawaii-produced and nationally), outreach and educational services available to residents, businesses and visitors across the State without a direct fee or service charge seven days a week.

4. Vendor Name: Hawaii Public Television Foundation

Address: dba PBS Hawaii  
2350 Dole Street, Honolulu, HI 96822

5. Price:

\$ Attached

64,927,000/yr ct

6. Term of Contract:  
(mm/dd/yyyy)

From: 7/1/2008

To: 2 year period

7. Prior Sole Source Ref No.  
06-063

8. Feature: The good, service, or construction has the following unique features, characteristics, or capabilities:

DCCA has an existing contract with Hawaii Public Television Foundation ("HPTF"), dba PBS Hawaii, the State's only noncommercial public television station that boasts statewide coverage to viewers free of charge. PBS Hawaii has a noncommercial license from the Federal Communications Commission ("FCC") and its signal reaches more Hawaii households than all other television providers in the State - commercial and cable - effectively reaching 98% of Hawaii's population. PBS Hawaii is a member station of the Public Broadcasting Service ("PBS"), a private nonprofit organization which provides access to quality television programming and related services to more than 355 noncommercial stations, including PBS Hawaii. In turn, PBS Hawaii is able to broadcast PBS' award winning quality programs seven days a week with more than 200,000 households tuning in each week to watch.

PBS membership is limited to television stations who are able to meet financial, technical, and programming obligations set forth by the organization (PBS) and the FCC. Because PBS Hawaii meets these requirements, it is able to provide programming that is available nowhere else in the State, programs such as "Frontline", "American Experience", "NOVA", "Nature", "Masterpiece Theater", "Mystery", "The NewsHour with Jim Lehrer", "Sesame Street", and "Barney". PBS Hawaii provides balanced, quality educational programming such as "Ready to Learn" and also provides local programming such as "Na Mele: Traditions in Hawaiian Song", "Long Story Short with Leslie Wilcox", and "Island Insights", which help to preserve Hawaiian culture and keep citizens informed. See, attachment for more information.

9. Essential features. How the unique features, characteristics, or capabilities are essential for the agency to accomplish its work:

PBS Hawaii is the only PBS member station in the State, and consequently, there are no other television stations or entities in Hawaii that have access to PBS programming. Under PBS policy, national PBS membership is limited, and PBS will not grant membership to an additional TV station because doing so would duplicate a service already provided by PBS Hawaii. If DCCA were to go out to bid for these services and another television station were selected, DCCA would require the new contractor to carry the same national programming as PBS Hawaii. However, the new contractor would not be able to provide that programming since PBS Hawaii is the sole PBS member entitled to use that programming in the State. PBS Hawaii works diligently to maintain its standing as a PBS member station, FCC noncommercial licensee, and nonprofit community oriented organization by complying with programming rules and regulations set forth by PBS and FCC, being fiscally responsible, serving the public through outreach events and "Ready to Learn" program and keeping up to date with technological advances.

11. Alternate source. The following other possible sources for the good, service, or construction were investigated but do not meet our needs because: N/A

12. Direct any inquiries to:

Department: Commerce & Consumer Affairs  
Contact Name/Title: Clyde S. Sonobe, CATV Administrator

13. Phone Number:

586-2620

Fax Number:

586-2625

Expenditure may be processed with a purchase order: Yes  No  If no, a contract must be executed and funds certified.

Agency shall ensure adherence to applicable administrative and statutory requirements.

14. I certify that the information provided above is to the best of my knowledge, true, correct and that the goods, services, or construction are available through only one source.

Lauren M Reijntje  
Department Head

6/2/08

Date

15. Date Notice Posted: 6/9/08

Submit written objections to this intent to issue a sole source contract within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer  
State Procurement Office  
P.O. Box 119  
Honolulu, Hawaii 96810-0119

16. Chief Procurement Officer's comments:

Pursuant to the Public Broadcasting Service (PBS) membership agreement provided by the DCCA, the Hawaii Public Television Foundation is the only licensed PBS member in Hawaii to receive PBS programs. PBS membership is not available to any other applicant that will duplicate the service provided by an existing PBS member station. This is a unique service that is currently not available from any other source to allow Hawaii residents to continue to receive PBS programs at no direct cost. The DCCA is required to notify the SPO if there is any change in the PBS policy to allow another PBS member in Hawaii within this approval period.

17.

APPROVED     DISAPPROVED     NO ACTION REQUIRED

Adams S. Feyer    6/24/08  
 Chief Procurement Officer    Date

Attachment to "Notice & Request for Sole Source"

To: Chief Procurement Officer

From: Lawrence M. Reifurth, Director, DCCA

Date: June 2, 2008

5. Price: Under the cable television franchises issued to Time Warner Entertainment Company, LP ("TWE"), currently the State's only cable operator, DCCA directs TWE to pay 1% of its annual gross revenue to HPTF. For 2007, this was approximately \$2,687,515.00.
  
8. PBS Hawaii is upgrading its transmission system and will be expanding services through new digital technology such as multichannel program streams and educational resources of interest to particular viewers. PBS Hawaii also provides free "Ready To Learn" workshops across the State for parents, childcare providers and early childhood educators to help prepare pre-school aged children for grade school. "Ready to Learn" was created as an education and outreach initiative in 1995 by the Corporation for Public Broadcasting, the U.S. Department of Education, and the U.S. Congress. "Ready to Learn" workshops train adults to regularly use and enhance the value of PBS' television and online content directly with children (up to 8 years old), particularly those children who may be at risk of educational failure because of poverty, geographic location (especially rural areas), limited English proficiency, disability, and/or community conditions.

S.S. No.

08-071-C