



10 MAY 19 P1:16

STATE PROCUREMENT OFFICE  
STATE OF HAWAII  
**NOTICE & REQUEST FOR SOLE SOURCE**

- 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:

<p>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, storytelling and educational services available to residents, businesses and visitors across the State without a direct fee or service charge seven days a week with easy access for viewers though multiple content platforms.</p>	
<p>4. Vendor Name: Hawaii Public Television Foundation Address: dba PBS Hawaii 2350 Dole Street Honolulu HI 96822</p>	<p>5. Price: <u>\$3,100,000/yr approx</u></p>
<p>6. Term of Contract: (mm/dd/yyyy) From: <u>7/1/2010</u> To: <u>2 year period</u></p>	<p>7. Prior Sole Source Ref No. <u>08-071</u></p>
<p>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 offers at no cost to viewers statewide coverage of high quality local and national programming. 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 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, high quality programs seven days a week to more than 200,000 households. 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 marquee programming content that is available nowhere else in the State, programs such as Nova, Frontline, American Experience, Great Performances, Independent Lens, Nature, Live from Lincoln Center, Masterpiece Theater, Washington Week and PBS Newshour. PBS Hawaii provides balanced quality educational programming such as Sesame Street, Super Why!, Electric Company, Martha Speaks and other educational and entertaining programs for children and also televises a variety of award winning local and/or PBS Hawaii-produced productions. No other organization in Hawai'i provides this caliber of instructional and cultural programming.</p>	

9. Essential features. How the unique features, characteristics, or capabilities are essential for the agency to accomplish its work: DCCA/CATV has long recognized that cable service is not only an important source of entertainment for the public but is also a means of providing informational and educational programming. In its oversight of the cable franchise operation, DCCA/CATV ensures that there is a wide diversity of programming and informational sources available to viewers. As a member station of PBS, PBS Hawaii is the only television station to have access to PBS programming since no other television station in Hawaii would be granted PBS membership because doing so would duplicate a service already provided by PBS Hawaii. If DCCA were to go out and 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, a new contractor would not be able provide that programming since PBS Hawaii is as the sole PBS member entitled to the national programming in the State. PBS Hawaii also provides programs that not only educate and lead to a better informed public but also enrich the lives of viewers.

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:

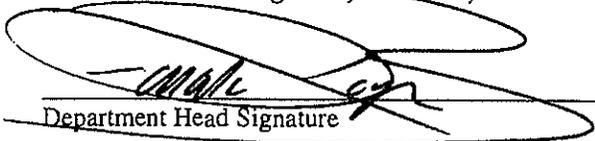
Department: Commerce & Consumer Affairs  
 Contact Name/Title: Clyde Sonobe, CATV Administrator

13 Phone Number: 586-2620  
 Fax Number: 586-2625

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

Agency shall ensure adherence to applicable administrative and statutory requirements, including HAR Chapter 3-122, Subchapter 15, Cost or Pricing Data, if required.

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.

  
 Department Head Signature

17 MAY 10  
 Date

Reserved for CPO Use Only

15 Date Notice Posted: 5-18-10

Submit written objections to this notice 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:

This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. Department is reminded that a sole source procurement over \$100,000 requires cost or pricing data pursuant to HAR Chapter 3-122 and subchapter 15.

17.

APPROVED     DISAPPROVED     NO ACTION REQUIRED

Adrian J. Jahn    5/27/2010  
Chief Procurement Officer    Date

Attachment to "Notice & Request for Sole Source"

To: Chief Procurement Officer

From: Ron Boyer, Director, DCCA <sup>RB</sup>

Date: May 17, 2010

5. Price: approx. \$3,100,000.00/year. 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 2009, this was approximately \$3,100,000.00/year.
  
8. PBS Hawaii has the most far-reaching transmission signal in the State, effectively reaching 98% of Hawaii's population. PBS Hawaii became one of the country's first public television stations to make the digital transition. For residents in some rural areas, PBS Hawaii is the sole source of television. In 2010, PBS Hawaii added live news and lifestyle programming from Tokyo by NHK World, a new English language global news and information source. PBS Hawaii continues to produce programming focused on exceptional local content. Five locally produced programs air each week: Na Mele: Traditions in Hawaiian Song; Long Story Short by Leslie Wilcox; Leahey and Leahey; Insights on PBS Hawaii; and PBS Hawaii Presents. PBS Hawaii is working with public, private and charter high schools and middle schools to create a statewide student news network. Student newscasts and other content will be made available on PBS Hawaii's broadcast and web platforms. "Hiki Nō" is the first of its kind and the Hiki Nō newscasts will be added to the PBS Hawaii's lineup in early 2011.