

LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LT. GOVERNOR



MARK E. RECKTENWALD
DIRECTOR

CLYDE S. SONOBE
CABLE TELEVISION ADMINISTRATOR

STATE OF HAWAII
CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS
335 MERCHANT STREET
P. O. BOX 541
HONOLULU, HAWAII 96809
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TRANSMITTAL MEMORANDUM

587-4703

VIA FACSIMILE

Cover page plus 2 pages

TO: Honorable Aaron Fujioka
Chief Procurement Officer
State Procurement Office

FROM: Mark E. Recktenwald *Mark E. Recktenwald*
Director of Commerce and Consumer Affairs

DATE: June 9, 2006

SUBJECT: Notice & Request for Sole Source (Hawaii Public Television Foundation)

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- | | |
|--|--|
| <input type="checkbox"/> For Your Files | <input type="checkbox"/> For Your Information |
| <input type="checkbox"/> Per Your Request | <input type="checkbox"/> For Your Signature & Return |
| <input type="checkbox"/> Per Our Conversation | <input type="checkbox"/> For Your Review & Comments |
| <input checked="" type="checkbox"/> Appropriate Action | <input type="checkbox"/> See Remarks Below |

Transmitted herewith is/are

Notice & Request for Sole Source (Services of Hawaii Public Television Foundation)

Remarks:

After it was determined that the State's Procurement Code applies to DCCA's contracts with PEG access organizations, DCCA reviewed its agreements with other entities to determine if any of these agreements are also subject to the Procurement Code. As part of that review, DCCA consulted with the Department of the Attorney General. The DCCA has determined that its contract with Hawaii Public Television Foundations (HPTF), dba PBS Hawaii, is also subject to the Procurement Code, but that the services provided by HPTF are unique and not available through other sources (i.e., HPTF is the only source that can provide the services and the educational and public programming under the contract). Consequently, DCCA requests the SPO's approval to award (and renew) the contract without competition to HPTF via sole source procurement (HRS §103D-306). Thank you for your consideration.



STATE PROCUREMENT OFFICE NOTICE & REQUEST FOR SOLE SOURCE

1. TO: Chief Procurement Officer
2. FROM: Mark E. Recktenwald, Director of Commerce and Consumer Affairs
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 broadcasting of Public Broadcasting Service (PBS) educational, cultural, and historic programs plus other forms of non-commercial programming at no direct cost to residents, businesses and visitors.

4. Vendor Name: Hawaii Public Television Foundation (HPTF),
dba PBS Hawaii
Address: 2350 Dole Street, Honolulu, Hawaii 96822

5. Price: For each franchise, 1% of the cable operator's system annual gross revenues. For 2006, this was approximately \$2,316,000

6. Term of Contract: From: 07/01/2006
(mm/dd/yyyy)

To: 06/30/2007 automatically
extended on an annual basis
thereafter unless terminated per
agreement terms

7. Prior Sole Source Ref
No.

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, dba PBS Hawaii, which is the non-commercial public television station (KHET) that broadcasts statewide. PBS Hawaii broadcasts PBS programming that is an important resource for the people of the State. PBS Hawaii is a member of PBS and is the only PBS member station in the State. PBS is an organization of more than 300 independent public broadcasting stations that share financial and technical resources to provide a nationwide satellite-delivered programming service. PBS provides TV programming and related services to its noncommercial member stations including PBS Hawaii. PBS membership is limited and is not available to any applicant that will duplicate the service provided by an existing PBS member station. As a PBS member, PBS Hawaii has access to the programs that are distributed as part of the PBS National Program Service (NPS) and may receive cash distributions or other benefits accruing from PBS's activities. The NPS provides affiliates with documentaries, arts, children's and news and public affairs programming, signature series like Frontline, American Experience, NOVA, Nature and American Masters, as well as a wide range of high-profile miniseries and specials. The NPS also distributes the PBS Ready To Learn Service, which provides hours of award-winning children's programming every day.

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

There are no other television stations in the State of Hawaii which are PBS members and have access to PBS programming. Under PBS policy, national PBS membership is limited, and membership would not be available to another television station which would duplicate services 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 sole PBS member entitled to use that programming in Hawaii.

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 and Consumer Affairs

Contact Name/Title: Clyde S. Sonobe, Cable Television 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.*

Mark E. Recktenwald

June 9, 2006

MARK E. RECKTENWALD, Director of Commerce and Consumer Affairs

Date

Reserved for SPO Use Only

15 Date Notice Posted: _____

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:

17. ☐ APPROVED ☐ DISAPPROVED

Chief Procurement Officer

Date