



HAWAII STATE LEGISLATURE

STATE CAPITOL  
HONOLULU, HAWAII 96813

**NOTICE OF REQUEST FOR EXEMPTION FROM  
HRS CHAPTER 103D**

**TO:** Ronald D. Kouchi, Senate President  
Scott K. Saiki, Speaker of the House  
**FROM:** Carol T. Taniguchi, Senate Chief Clerk  
BT  
Brian L. Takeshita, House Chief Clerk

Pursuant to HRS §103D-102(b)(4) and HAR Chapter 3-120, we request a procurement exemption for the following:

**1. Description of services:**

Legal services to assist in drafting and filing of an amicus curiae brief in *League of Women Voters of Honolulu and Common Cause v. State of Hawaii*, Civ. No. 18-1-1376-09. May include any and all ancillary pleadings such as motions for leave to file, appearing in court to argue on behalf of the Legislature as needed, and any needed legal research and related tasks.

**2. Vendor/Contractor/Service Provider:**

Colleen Hanabusa, Esq.

**3. Amount of Request:**

Not to exceed \$50,000.00

**4. Term of Contract:**

November 5, 2018 through completion of allowed participation in amicus curiae capacity and anticipated appellate proceedings.

**5. Prior SPO-007 Procurement Exemption:**

None

**6. Explain in detail, why it is not practicable or not advantageous for the Legislature to procure by competitive means:**

Procurement by competitive means is neither practicable, advantageous, or feasible due to the fact that time is of the essence to consult, prepare, and file appropriate pleadings in order to have the Legislature be recognized as an amicus curiae participant in the 1<sup>st</sup> Circuit Court proceeding entitled, *League of Women Voters of Honolulu and Common Cause v. State of Hawaii*, Civ. No. 18-1-1376-09 GWBC. The State of Hawaii, through its counsel the Hawaii Attorney General, filed an answer to the complaint and a subsequent motion for summary judgment, with an original

hearing date of November 13, 2018. The time required to write the solicitation, allow applicants to respond, evaluate the responses, and select the highest scoring vendor (e.g. solicitation through RFP) would not allow the Legislature to respond in a timely fashion before November 13, 2018, thus jeopardizing its ability to participate in the case. Communication through appropriate parties have rescheduled the hearing, with the Court ruling in favor of the Legislature's motion for leave to file response as an amicus curiae party on December 19, 2018. Legal work on behalf of the Legislature is ongoing and expected to be required through the duration of the litigation and perhaps through the appellate process.

**7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:**


The litigation involved several issues, including but not limited to: (1) the constitutionality of the title of a bill that was signed into law; and (2) the constitutionality of the legislative process the bill underwent in becoming law. Several Honolulu attorneys were solicited for suggestions and Colleen Hanabusa, Esq. was the only suggested attorney that matched the Legislature's requirements in this case, including but not limited to, having intimate experience with the Legislature, its procedures and processes, the constitutional requirements to pass proposed legislation, and sufficient constitutional, Legislative and civil litigation experience. Subsequent to the State of Hawaii's filing of a motion for summary judgment, Plaintiffs filed a cross motion for summary judgment. Ms. Hanabusa was instrumental in having both motions rescheduled to allow the Court to favorably rule on the Legislature's motion for leave to file supporting and opposition briefs as amicus curiae.

**8. Identify the primary responsible staff person(s) conducting and managing this procurement:**

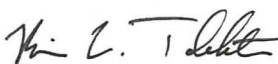
Brian L. Takeshita (Point of Contact)  
Chief Clerk  
House of Representatives  
586-6400  
[takeshita@capitol.hawaii.gov](mailto:takeshita@capitol.hawaii.gov)

Carol T. Taniguchi  
Chief Clerk  
Senate  
586-6720  
[c.taniguchi@capitol.hawaii.gov](mailto:c.taniguchi@capitol.hawaii.gov)

***All requirements/approvals and internal controls for this expenditure are the responsibility of the Legislature. We certify that the information provided above is, to the best of our knowledge, true and correct.***

  
\_\_\_\_\_  
Carol T. Taniguchi  
Senate Chief Clerk

12/31/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Brian L. Takeshita  
House Chief Clerk

12/31/18  
\_\_\_\_\_  
Date

Note: Due to the separate branch status of the Legislature, this record is used in lieu of form SPO-007.

Date Notice Posted: 12/31/18

Inquiries about this request shall be directed to the point of contact named in No. 8. Submit written objections to this notice to issue an exempt contract within seven calendar days to: [takeshita@capitol.hawaii.gov](mailto:takeshita@capitol.hawaii.gov)

Chief Procurement Officer comments:

\_\_\_\_\_ Approved      \_\_\_\_\_ Disapproved      \_\_\_\_\_ No Action Required

\_\_\_\_\_  
President Ronald D. Kouchi

\_\_\_\_\_  
Date

\_\_\_\_\_  
Speaker Scott K. Saiki

\_\_\_\_\_  
Date