STATE PROCUREMENT OFFICE

NOTICE OF REQUEST FOR EXEMPTION FROM HRS CHAPTER 103D

TO: Chief Procurement Officer

FROM: Office of Hawaiian Affairs Communications
Name of Requesting Department

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

1. Describe the goods and/or services:

Provide an online digital email platform used to send information to OHA's approximately 35,000 online subscribers, both for Ka Wai Ola newspaper as well as for general information and announcements. Communications uses this service to send links to monthly issues of Ka Wai Ola newspaper, legislative action alerts from OHA Advocacy, OHA press releases and other general announcements, survey links, Island Burial Council recruitment, etc.

2. Vendor/Contractor/Service Provide	Constant Contact	3. Amount of Request: $ 4114.71
4. Term of Contrac From: Sept. 2026 To: Aug. 2027		5. Prior SPO-007, Procurement Exemption (PE): 27-08

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

Vendor- Constant Contact was selected through a normal OHA Procurement competitive process in Summer 2025. Previously, OHA Comms was using MailChimp as its vendor - however, they declined to become HCE (Hawaii Compliance Express) compliant. A search for a replacement vendor was initiated in July 2025 via 25737PR following normal procurement processes. Constant Contact was selected - in part due to their willingness to be HCE compliant, PO# 260041 was generated, and OHA Comms has been using them ever since. At issue is their failure to maintain Hawai'i Compliance Express certification after the first 12 months despite months of back and forth communications between Procurement and the vendor, Constant Contact. Since the beginning of Aug 2026 (when our previous 12 month subscription expired), Constant Contact has continued to provide services to OHA via manual overrides despite not being paid due to the absence of their HCE certification which the vendor has been unable to reinstate their HCE status via their legal and Finance Depts. OHA Procurement has been informed by Constant Contact that continued manual overrides are no longer possible, leaving OHA without a way to send e-blasts information to its beneficiaries since services are now interrrupted, permanently until Constant Contact receives payment for their 12 month

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

A search for a replacement vendor (Constant Contact) was initiated in July 2025 via 25737PR following normal processes (see above for details).

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).
*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	e-mail address
Karina Macklin	Procurement		karinam@oha.org

All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
I certify that the information provided above is, to the best of my knowledge, true and correct.

Department Head Signature

10/19/2026
Date

For Chief Procurement Officer Use Only

Date Notice Posted: _____

Inquiries about this request shall be directed to the contact named in No. 8. Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

☐Approved ☐Disapproved ☐No Action Required

Chief Procurement Officer Signature *Date*