

## NOTICE OF REQUEST FOR SOLE SOURCE

Department of Water, County of Kauai

The Chief Procurement Officer has received a Request For Sole Source in accordance with Hawai'i Administrative Rule §3-122-81 and Hawai'i Revised Statutes §103D-306. A preliminary review has been conducted and approved for posting of this Notice.

Accordingly, by posting of this Notice, constructive notice is provided to permit interested parties an opportunity to review a copy of the Request For Sole Source, attached and posted herewith, and to submit written objections within seven (7) days from the date this Notice was posted. Objections shall be submitted to:

Chief Procurement Officer or Designee  
Department of Water  
4398 Pua Loke Street  
Lihue, Hawaii 96766

Questions may be directed to the Chief Procurement Officer or Designee at phone: (808) 245-5409 or Email: cerorita@kauaiwater.org.

A summary of the Sole Source Request follows:

Proposed Vendor's Name and Address:

Four Winds Group, Inc.  
PO Box 3411  
La Jolla, CA 92038

Brief description of proposed Sole Source Item:

This request to utilize the sole source procurement method to procure the M-PET.NET license is based on the compatibility of the software to existing equipment. The Department currently uses and has used the software, M-PET.NET, to track inventory and work orders in the Operations Division for the past 25 years since the pilot project began in September 1998. Further, Four Winds Group (FWG) is the sole source for this software license and service.

One year of M-PET.NET software and services currently used by the Department of Water is quoted at \$38,000 for the first year of the contract.

The contractor understands and agrees that the General Terms and Conditions for Goods and Services of the Department of Water, County of Kaua'i dated August 25, 2010 (General Terms) shall be incorporated into any contract awarded under this solicitation. Any exceptions or amendments to the General Terms must be raised by the contractor to be negotiated with the Department and remain subject to Board approvals. The Board will accept reasonable licensing provisions.

Any contract awarded under this sole source procurement will be a multi-term contract in accordance with HAR 3-122-149. Time of performance shall be:

- a. The total term of this Contract shall begin from and include the date as specified in the written Notice to Proceed and for a period of **SEVEN HUNDRED THIRTY (730) CALENDAR DAYS**.
- b. Multi-Term Contract: Funds will be available and appropriated only for the first fiscal year of the contract. The contractual obligation of both parties in each fiscal period succeeding

the first is subject to the appropriation and availability of funds. The contract will be cancelled if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the initial fiscal year. In this event, the contract shall automatically terminate at the end of the fiscal year for which funds have been appropriated. In the event the contract is cancelled because funds are not appropriated or otherwise made available to support the continuation of the contract after the first fiscal year, no breach of contract shall be deemed to have occurred as a result of this termination, which shall be considered as a normal termination of the contract, provided that the contractor shall be reimbursed for its unamortized, reasonably incurred, nonrecurring costs. The Board will notify the Contractor on a timely basis regarding the availability of funds for the continuation of the contract for each succeeding year.

- c. After the initial multiterm period of performance the Board may extend the period of performance. Any extensions of the Contract will be by written amendment to the Contract and may occur on a month to month basis, or by terms thereof, not to exceed a total of **THIRTY-SIX (36) MONTHS**. Any extension of the Contract will be subject to the availability of funds and will be at the same contract unit prices and under the same terms and conditions as specified in the Contract Documents.

BY: /s/Wayne Takabayashi  
Date Notice Posted: August 22, 2023

SPACE BELOW RESERVED FOR RESPONSE TO REQUESTING DIVISION
--

TO: Wayne Takabayashi  
Division Head/Lead

Sole Source No. SS-2024-03 is assigned. This Notice was posted for seven (7) days. No objections were received. Please proceed with (1) processing of a requisition for a purchase order, or (2) contract preparation be sure to reference the assigned Sole Source No. in the contract.

Objection was received. Please contact the CPO or Designee.

\_\_\_\_\_  
Chief Procurement Officer or Designee