From: Gordon Lum
To: Hamayasu, Toru
Sent: 7/21/2009 12:17:14 PM
Subject: RE: Selection Committee Determination Request

Toru,

Okay.

I called the State Procurement Office this morning after not hearing from them. The person I spoke with said he talked to Aaron Fujioka and he said Aaron thought it might be alright. However, Aaron felt more comfortable if I were to make the request in writing, which included email. My email was sent shortly thereafter.

On another note, I had asked Aaron at a workshop many months ago whether the selection committee was subject to the Sunshine Law as the selection committee was created by state law, thereby is considered a "board". He said no; that there was a provision in the State procurement law that shielded the committee from having their meetings open to the public (again confirmed by his deputy). I know we discussed this earlier and came with a different conclusion. We will be using Aaron's interpretation if need be.

Gordon

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From: Hamayasu, Toru [mailto:thamayasu@honolulu.gov]
Sent: Tuesday, July 21, 2009 11:44 AM
To: Gordon Lum
Subject: RE: Selection Committee Determination Request

Please ask AG to treat this information and his response confidential because your possible inclusion in the selection committee needs to remain confidential until the procurement is over.

From: Gordon Lum [mailto:Gordon.Lum@oahumpo.org]
Sent: Tuesday, July 21, 2009 11:35 AM
To: aaron.fujioka@hawaii.gov
Subject: Selection Committee Determination Request

Aaron,

I am requesting your determination as to whether state procurement laws allow me to serve on a consultant selection committee for the City and County of Honolulu.

The Rapid Transit Division of the Honolulu Department of Transportation Services (DTS) will be issuing several contracts relating to the rail project on behalf of the City and County of Honolulu. Because the OahuMPO is a city-state agency and is perceived as a "neutral" body with respect to resolving city-state transportation planning issues, I have be asked to serve on the selection committee on two contracts related to the rail project.

I am appointed by the OahuMPO Policy Committee which consists of six members of the state legislature, five members of the Honolulu City Council, the DTS Director, and the Hawaii Department of Transportation Director.

Please let me know if you require any additional information. Your timely response will be greatly appreciated.

Gordon

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