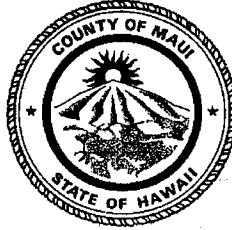


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761


DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

2017 DEC 14 PM 2:00
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

December 14, 2017

MEMO TO: Donald Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

FROM: Moana M. Lutey, Esq. 
Deputy Corporation Counsel

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits
PRL (1)(30)

SETTLEMENT OF CLAIM: AUTHORIZING SETTLEMENT OF CLAIM
NO.: 30178022844-0001 OF ENTERPRISE RENT-A-CAR

This responds to the Parks, Recreation, Energy, and Legal Affairs Committee request regarding possible coverage from Enterprise-Rent-A-Car or the credit card company associated with the County's rental of vehicles for County business.

I. INSURANCE THROUGH ENTERPRISE RENT-A-CAR

The contract with Enterprise was negotiated through the State of Hawaii State Procurement Office. This contract is binding on the County and is in effect until August 31, 2019. See attached.

According to the attached contract, insurance cannot be purchased by an employee: "No car insurance. . . shall be purchased by an employee as the State is self-insured. . .". See p. 4 of the attached contract. If the County chooses to have its employees purchase insurance through the rental company, the cost would be approximately \$12 per rental day. The County rents approximately

Memo to Donald Guzman, Chair

December 14, 2017

Page 2

700 rental days per year, which would total approximately \$8,400. There may also be a deductible for any collision damage claim filed.

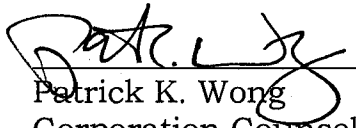
If the County is interested in seeing whether collision coverage can be included in the next vehicle rental contract, we can ask the State Procurement Office.

II. P-CARD COVERAGE FOR COLLISION DAMAGE

County P-cards are used to rent vehicles. I have checked with Purchasing and there is no collision coverage available with our P-cards.

If you have any questions, or concerns, please do not hesitate to contact me.

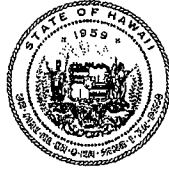
Approved for Transmittal:


Patrick K. Wong
Corporation Counsel

MML:cs

Enclosures

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR
MARA SMITH
ASSISTANT ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 586-0554
email: state.procurement.office@hawaii.gov
<http://spo.hawaii.gov>
Twitter: [@hawaiispo](https://twitter.com/hawaiispo)

August 22, 2017

TO: Executive Department/Agencies
Department of Education
(Excludes Charter Schools)
Hawaii Health Systems Corporation
Office of Hawaiian Affairs
Judiciary
City & County of Honolulu
Honolulu City Council
County of Kauai
County of Maui
County of Hawaii

FROM: Sarah Allen, Administrator *Allen*

SUBJECT: **New SPO Price List Contract**
COMMERCIAL CAR RENTAL SERVICES - STATEWIDE
RFP 17-004-SW
Expires: August 31, 2019

The new State Procurement Office (SPO) Price List Contract No. 18-07 for Commercial Car Rental Services - Statewide is effective September 1, 2017.

Panda Travel, Inc. is the awarded vendor and reservations will continue to be made at <https://hawaiistatecars.com>. All reservations after September 1, 2017 shall be made with this pricelist. Rates and procedures for this price list can be found on pages 4 and 5 of the instructions.

This contract is available on the SPO website: <http://spo.hawaii.gov>. Click on *Price & Vendor List Contracts* on the home page.

If you have any questions, please contact Shawn Richey at (808) 586-0577 or shawn.l.richey@hawaii.gov

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

**SPO Price List Contract No. 18-07
Replaces SPO PL Contract No 12-14
Effective: 09/01/2017**

COMMERCIAL CAR RENTAL SERVICES - STATEWIDE

(RFP-17-004-SW)

September 1, 2017 to August 31, 2019

GENERAL INFORMATION. "Rental of cars shall be allowed where it would be impractical to obtain necessary transportation in government owned vehicles or privately owned vehicles on a mileage basis, and where public carriers are not available to the point to be visited." As stated in HAR Section 3-10-10(d)(1). A cost analysis should be done to determine if the cost and benefits of a car rental outweighs public transportation, taxis, airport, and/or hotel shuttle alternatives. Car rentals should not be used solely on the basis of convenience. As a reminder this **PRICE LIST IS FOR INTRA-STATE CAR RENTALS ONLY.**

PARTICIPATING JURISDICTIONS listed below **are required** to utilize this price list contract to make their reservations for intra-state car rental services.

Executive Departments/Agencies
Department of Education (DOE)
(Excludes Charter Schools)
Hawaii Health Systems Corporation (HHSC)
Office of Hawaiian Affairs (OHA)
Judiciary
City and County of Honolulu (C&C Honolulu)
Honolulu City Council
County of Kauai
County of Maui
County of Hawaii

EXCEPTION TO THE PRICE LIST. The participating jurisdictions are required to purchase from this price list contract, an exception may be granted when the price list contract does not meet the purchasing agency's needs. For this purpose, Executive Branch Department Heads (or as delegated by the department head) are granted the authority to make the exception approval. This procedure will allow departments to make their own determination when not practicable or advantageous to use the contract vendor(s). All other jurisdictions may create and instruct on their own policy and procedures for exemption from this contract.

All approvals shall be made prior to purchase. Purchases made after-the-fact, without prior approval, shall be processed as procurement violations through form SPO Form-016, *Procurement Violation: Report of Findings and Corrective Action and/or Request for After-the-Fact Payment Approval.*

Executive departments and participating jurisdictions may use form SPO-005, *SPO Price or Vendor List Contract Exception* as a template to record and file requests. Form SPO-005 may be edited to meet specific department needs. SPO forms are available on the SPO website at <http://spo.hawaii.gov>. Click on *Forms* on the main menu.

When the price list contract is not used, agencies shall purchase using the applicable method of procurement and its procedures, such as small purchases or IFB.

POINTS OF CONTACT. Questions regarding the products listed, ordering, pricing, and status should be directed to the Contractor(s).

Procurement questions or concerns may be directed as follows:

Jurisdiction	Name	Phone	FAX	E-mail
Executive	Shawn Richey	586-0577	586-0570	shawn.l.richey@hawaii.gov
DOE (Excludes Charter Schools)	Procurement Staff	675-0130	675-0133	DOEProcure@notes.k12.hi.us
HHSC	Joe Evanoff	733-4168	733-4460	jevanoff@hhsc.org
OHA	Phyllis Ono-Evangelista	594-1833	594-1865	phylliso@oha.org
Judiciary	Tritia Cruz	538-5805	538-5802	tritia.l.cruz@courts.hawaii.gov
C&C of Honolulu	Procurement Specialist	768-5535	768-3299	bfspurchasing@honolulu.gov
Honolulu City Council	Heather Murakami	768-5084	768-1363	hmurakami@honolulu.gov
County of Hawaii	Purchasing Division	961-8231	961-8248	purchasing@hawaiicounty.gov
County of Maui	Greg King	249-2403	249-0839	Greg.king@co.maui.hi.us
County of Kauai	Ernest W. Barreira	241-4295	241-6297	ebarreira@kauai.gov

USE OF THIS PRICE LIST CONTRACT BY NONPROFIT ORGANIZATIONS. Pursuant to HRS §103D-804, nonprofit organizations with current purchase of service contracts (HRS chapter 103F) have been invited to participate in the SPO price and vendor list contracts.

A listing of these nonprofit organizations is available at the SPO website: <http://spo.hawaii.gov>. Click on *For Vendors > Non-Profits > Cooperative Purchasing Program > View the list of qualifying nonprofits eligible to participate in cooperative purchasing*.

If a nonprofit wishes to purchase from an SPO price or vendor list contract, the nonprofit must obtain approval from each Contractor (participation must be mutually agreed upon, for example). A Contractor may choose to deny participation by a nonprofit. However, if a nonprofit and Contractor mutually agree to this arrangement, it is understood that the nonprofit will retain its right to purchase from other than an SPO price list Contractor(s).

CONTRACTOR. The following Contractor is authorized to provide intra-state Commercial Car Rental Services Statewide under SPO PL Contract No. 18-07.

Company Name: Panda Travel, Inc.
 Contact: Ken Ikeda
 Address: 1017 Kapahulu Ave, Honolulu, HI 96816
 Telephone: (808) 738-3352
 Toll free (888) 726-3288
 Facsimile: (808) 738-3375
 Hours of Operation: Monday - Friday: 8:00 am to 5:00 pm
 Website: <https://hawaiiatacars.com> to make reservations or to check current contract car rental rates

AVAILABILITY AND GUARANTEE. Compact cars are available on all islands with the exception of Lanai and Hana, Maui. Subcontractors, Enterprise Rent-A-Car, National Car Rental, and Alamo Rent-A-Car guarantee availability of compact cars Monday through Friday (except State holidays) statewide. All other car sizes are subject to availability when reservations are made.

VEHICLE SIZE. The size of the vehicle shall be determined by the number of people in the group.

Compact Car	1-2 Passengers
Mid-Size Car	3-4 Passengers
Full-size Car	3-5 Passengers
Mini Van	5-7 Passengers
15-Passenger Van	8 or More Passengers
SUV	As Needed
Pickup Truck	As Needed

CAR INSURANCE. No car insurance, such as collision damage waiver, personal accident, personal effects, or supplemental liability shall be purchased by an employee as the State is self-insured. Employees choosing to purchase insurance shall be responsible for the cost.

VEHICLE INSPECTION. Employees are required to inspect vehicle for damages prior to leaving the rental pick up area. Any damages shall be reported to the respective rental agent immediately. A copy of the report, if any, shall be retained with the employee's travel documents for verification, if required.

ACCIDENT CLAIMS for all automobile accidents or incidents involving rental cars shall be reported to the jurisdiction's Risk Management Office.

Jurisdiction	Risk Management Office Phone No.
Executive Branch (including DOE, HHSC, OHA, Judiciary)	586-0547

City & County of Honolulu (Including Honolulu City Council)	768-3858
County of Maui	270-7897
County of Kauai	241-4915
County of Hawaii	961-8068

Enterprise Rent-A-Car, National Car Rental and Alamo Rent-A-Car shall submit claims directly to the Risk Management Office, and not to the jurisdictions employee or authorized driver. If the State/County denies liability on the basis that the employee was not operating the vehicle within the scope of employment at the time of the loss, the Company may handle the matter directly with the employee. Claims for damage to a vehicle may not include administrative fees.

RATES vary by car Rental Company.

Rental Agency	Enterprise	National	Alamo
Car Size/Daily Rates			
Economy	\$51.00	\$52.00	\$53.00
Compact	\$51.00	\$52.00	\$53.00
Midsize/Intermediate	\$51.50	\$53.50	\$54.50
Full	\$61.00	\$63.00	\$64.00
Mini-Van (7-8 passenger)	\$84.00	\$85.00	\$86.00
2 door, 4 WD Jeep	na	na	\$81.00
4 door, 4WD Jeep	na	na	\$85.00
Sports Utility Van(standard)	\$82.00	\$84.00	\$86.00
Sports Utility Van(full size)	\$175.00	na	na
Pickup Truck (standard)	\$84.00		
Pickup Truck (large)	\$84.00		
Cargo Vans (optional)	\$70.00	na	na
15 – passenger van (optional)	\$165.00	na	na
Drop Charges	\$27.50 + tax (Oahu, Maui, Kauai, Molokai) \$38.50 + tax (Hilo/Kona or reverse)		
Additional Driver Fee	waived	waived	waived
Under Age Driver Fee (21-25 years)	waived	waived	waived
Grace Period	59 minutes	59 minutes	59 minutes
Overtime Charges	\$15.00 per hr.	\$15.00 per hr.	\$15.00 per hr.

INCLUSIONS. All rentals include unlimited mileage, daily rate, state and county taxes, airport concession fees, customer facility charge, highway surcharge, vehicle licensing fees, and one full tank of gas. Vehicles **DO NOT** need to be refueled upon return. If additional fuel is required, to complete authorized business, employees can purchase gas at any retail station and seek reimbursement from the purchasing agency. Alternatively, on multiple day rentals, the vehicle may be returned to the station for a new vehicle with a full tank of gas (reservations are required).

CANCELLATIONS. There are no cancellation penalties, however the contractor reserves the right to impose fees for agencies or drivers who repeatedly do not call and do not show up for

their reserved rental. As a courtesy to car rental companies, reservations should be cancelled as soon as possible.

PROCEDURES TO FOLLOW when a car rental is required for intra-state travel. This price list contract is not applicable to out-of-state car rental.

On the Panda State website, <https://hawaiiatacars.com>, renters shall have the choice to make reservations online or by telephone for Enterprise Rent-A-Car, National Car Rental, or Alamo Rent-A-Car.

Online reservations: Access via <https://hawaiiatacars.com> Login or access as a guest to make reservations. Creating a login will allow you to access user information and history. The pCard information is required when making reservations. A Panda Travel booking number will be provided at the time reservations are made. A confirmation number will be sent to the e-mail address provided in the reservation. Requests received after reservation hours will receive a car rental confirmation on the next business day.

Rates: <https://hawaiiatacars.com> is pre-populated with the State's contracted rates

Phone Reservations: Oahu: (808) 924-5459 (Call Center) - Supervisor Kana Yamamoto
Toll free: (855) 853-2390

Reservation Hours: Monday – Friday 8:00 am to 5:00 pm

Car Company	Enterprise Rent-A-Car	National Car Rental	Alamo Rent-A-Car
Merchant Category Code (MCC)	3405	3393	3387
Corporate Account No.	HAWGOV	5028691	7014899

Special Note: Molokai's pick up and return location code is **MKK**.

COMPLIANCE PURSUANT TO HRS §103D-310(c). Prior to awarding this contract, the SPO verified compliance of the Contractor(s) named in the SPO Price List Contract No. 18-07. *No further compliance verification is required prior to issuing pCard payment when utilizing this contract.*

PURCHASING CARD (pCard) is the only acceptable form of payment. The pCard is required when making reservations, however, the pCard will not be charged until the vehicle is returned at the closing of the rental agreement. The pCard charges will reflect amounts paid to the respective car companies; Enterprise Rent-A-Car, National Car Rental, and Alamo Rent-A-Car.

VENDOR AND PRODUCT EVALUATION. Form SPO-012, Evaluation: Vendor or Product, for the purpose of addressing concerns on this price list contract, is available to agencies at the SPO website: <http://spo.hawaii.gov>. Click on *Forms* on the home page.

PRICE OR VENDOR LIST CONTRACT AVAILABLE ON THE INTERNET at the SPO website: <http://spo.hawaii.gov>. Click on *Price & Vendor List Contracts* on the home page.