MEMORANDUM

TO: Executive Departments/Agencies (DOE) (Excludes Charter Schools) Hawaii Health Systems Corporation (HHSC) University of Hawaii (UH) Office of Hawaiian Affairs (OHA) House of Representatives (House) Senate Judiciary

City & County of Honolulu (C&C of Honolulu) Honolulu City Council Honolulu Board of Water Supply Honolulu Authority for Rapid Transportation (HART) County of Hawaii Hawaii County Council County of Hawaii - Department of Water Supply County of Maui Maui County Council County of Maui - Department of Water Supply County of Kauai Kauai County Council County of Kauai - Department of Water Supply

FROM: Sarah Allen, Administrator

SUBJECT: Construction Precluded from Exemption under HRS §103D-102(b)(4)(L)

This memorandum is to remind all departments, agencies, and jurisdictions that the language of Hawaii Revised Statutes (HRS) §103D-102(b)(4)(L) does not include provision for construction services. HRS §103D-102(b)(4)(L) provides the following:

(b) Notwithstanding subsection (a), this chapter shall not apply to contracts by governmental bodies: . . .

(4) To procure the following goods or services which are available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State: . . .

(L) Any other goods or services which the policy board determines by rules or the chief procurement officer determines in writing is available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State; . . . (emphasis added)

Definitions for "goods", "services", and "construction" are set forth in HRS §103D-104.
The State Procurement Office (SPO) is currently reviewing all SPO forms, training materials and other documentation to correct any statements that differ from this guidance. We appreciate your assistance; if you or your staff detect a statement in SPO literature contrary to this guidance, please contact our office at 586-0554 or at state.procurement.office@hawaii.gov.

If you have any questions, please contact Mrs. Paula Youngling at (808) 586-0554 or at Paula.A.Youngling@hawaii.gov.