

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
Amendment to Chapter 3-122

Interim  
Hawaii Administrative Rules

October 28, 2014

SUMMARY

1. §3-122-66 is repealed

DRAFT

HAWAII ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

SUBTITLE 11

PROCUREMENT POLICY BOARD

CHAPTER 122

SOURCE SELECTION AND CONTRACT FORMATION

Subchapter 7 Procurement of Professional  
Services

§3-122-62	Repealed
§3-122-63	General provisions
§§3-122-64 to 3-122-65	Repealed
§3-122-66	[Waiver to requirement for procurement of professional services] " <u>Repealed</u> "
§3-122-67	Small purchases of professional services
§3-122-68	Repealed
§3-122-69	Review and selection committees
§3-122-70	Debriefing
§§3-122-71 to 3-122-72	(Reserved)

1. §3-122-66 is repealed.

§3-122-66 [Waiver to requirement for procurement of professional services.] (a) If the names of less than three qualified persons are submitted pursuant to section 103D-304(g), HRS, the head of the purchasing agency may determine that:

(1) Negotiations under section 103D-304(h), HRS, may be conducted provided that:

(A) The prices submitted are fair and reasonable; and

(B) Other prospective offerors had reasonable opportunity to respond; or there is not adequate time to resolicit through public notice statements of qualifications and expressions of interest;

(2) The offers may be rejected pursuant to subchapter 11 and new statements of qualifications and expressions of interest may be solicited if the conditions in paragraph (1) (A) and (B) are not met;

(3) The proposed procurement may be cancelled; or

(4) An alternative procurement method may be conducted to include but not be limited to direct negotiations with other potential offerors if the head of the purchasing agency determines in writing that the need for the service continues, but that either the price of the offers received are not fair and reasonable or that the qualifications of the offerors are not adequate to meet the procurement needs, and there is no time for resolicitation, or resolicitation would likely be futile.

(b) If no names are submitted pursuant to section 103D-304(g), HRS, the head of the purchasing agency may determine that for a given request it is neither practicable nor advantageous for the State to procure a service by again soliciting statements of qualifications and expressions of interest.

(1) When making this determination, consideration shall be given to the competition in the marketplace and whether the additional potential cost of preparing, soliciting, and evaluating responses is expected to exceed the benefits normally associated

with the solicitations; and

(2) In the event of this determination, a more cost effective procurement method may be selected, to include but not be limited to direct negotiations.

(c) Documentation of the alternative procurement method selected shall:

(1) State the reasons for selection and length of contract period;

(2) Receive written approval of the chief procurement officer or a designee; and

(3) Be made a part of the contract file upon award by the procurement officer.] "REPEALED [R \_\_\_\_\_]"

[Eff 12/15/95; am and comp 11/17/97; am and comp  
] (Auth: HRS §103D-202)

(Imp: HRS §103D-304)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to updates source notes to reflect these amendments are not underscored.

4. These amendments to chapter 3-120, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on September 29, 2014 by the Procurement Policy Board, and filed with the office of the Lieutenant Governor.

Amendments to Subsection 3-122-66, Hawaii Administrative Rules, on the Summary Page dated October 28, 2014 were adopted at the Procurement Policy Board meeting on September 29, 2014, pursuant to interim rulemaking authority authorized in §103D-202, Hawaii Revised Statutes.

The rules replace rules previously adopted and effective on 02/21/2008. The rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

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GREGORY L. KING  
Chairperson  
Procurement Policy Board

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DEAN H. SEKI  
State Comptroller

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NEIL ABERCROMBIE  
Governor  
State of Hawaii

Dated: \_\_\_\_\_

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Filed

APPROVED AS TO FORM:

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Deputy Attorney General