

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendment and Compilation of Chapter 3-140
Hawaii Administrative Rules

December 29, 2005

SUMMARY

1. §3-140-101 is amended.
2. Chapter 140 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

SUBTITLE 11

PROCUREMENT POLICY BOARD

CHAPTER 140

DEFINITIONS

§3-140-101 Definitions

§3-140-101 Definitions. As used in chapters 3-140 to 3-149:

"Administrator" means the administrator of the state procurement office.

"Advantageous" means the determination by the State of how well its best interests will be served.

"Agency" means any department, authority, commission, council, board, committee, institution, legislative body, agency, or other establishment or office of the executive, legislative, or judicial branch of the state, and includes the office of Hawaiian affairs.

"Applicant" means an organization or individual that responds to a request for proposals or solicitation for statements of qualifications by submitting either a proposal or statement of qualifications.

"Capability" means the ability of a provider to provide the health and human services required by a purchasing agency. "Chief procurement officer" means those officials designated by section 103D-203, HRS.

"Contract" means all types of agreements, regardless of what they may be called.

"Contract amendment" means any written alteration of scope of services, time of delivery, payment terms, amount of payment, or other provisions of any contract accomplished by mutual action of the parties to the contract.

"Cost or pricing data" means all facts as of the date of price agreement that prudent buyers and sellers would reasonably expect to affect price negotiations significantly. Cost or pricing data are factual, not judgmental, and are therefore verifiable. While they do not indicate the accuracy of a prospective provider's judgement about future costs or projections, they do include the data forming the basis for that judgement. Cost or pricing data are more than historical accounting data; they are all facts that can reasonably be expected to contribute to the soundness of estimates of future costs and to the validity of determinations of costs already incurred.

"Departmental coordinator" means any person designated by the head of the purchasing agency to be the lead in coordinating activities or processes on behalf of the purchasing agency related to purchases of health and human services.

"Designee" means a person to whom a head of a purchasing agency or a chief procurement officer delegates all or a portion of his or her power and authority under chapters 103D and 103F, HRS, or other applicable body of law.

"Health and human services" means services to communities, families, or individuals which are intended to maintain or improve health or social well-being through methods including, but not limited to:

- (a) Assessment, treatment, diagnosis, prevention, and education services provided directly to a target clientele; or
- (b) Insurance coverage for assessment, treatment, diagnosis, prevention, and education services to be provided to a target clientele.

"Practicable" means what may be accomplished or put into practical application.

"Procurement officer" means any person with delegated authority from the head of a purchasing agency, the chief procurement officer, or a designee of either, to enter into and administer contracts, and to make written determinations with respect thereto.

"Protestor" or "protesting applicant" means any party who is aggrieved in connection with the award of a contract under section 103F-402, or 103F-403, HRS, and who files a protest in accordance with the procedures established in chapter 3-148.

"Provider" means an organization or individual contracted by an agency to provide health or human services on its behalf.

"Public funds" means funds from any combination of federal, state, and local government sources.

"Purchase of service" means an award of public funds to a provider by an agency under a contract for health and human services pursuant to chapter 103F, HRS.

"Purchasing agency" means an agency authorized to provide, or responsible for providing, or entering into contracts to provide health or human services to the public.

"Quotation" means a statement of amount, terms, and description of services, by a prospective provider, usually for small purchases.

"Request for proposals" means all documents, whether attached or incorporated by reference, soliciting providers to submit a detailed plan to provide health or human services to the public, on behalf of a state agency.

"Responsible provider" means an applicant that has the capability in all respects to perform fully the contract requirements.

"Responsive provider" means an applicant that has submitted a proposal or statement of qualifications that conforms in all material respects to a purchasing agency's request for proposals or solicitation for statements of qualifications.

"Scope of service" means any description of the health and human services required by a purchasing agency, which may include the estimated number of

persons to be served, activities, outcomes being sought, target group, and geographic area in which the services are to be provided.

"Treatment" means services to individuals and families by health or social work professionals which attempt to alleviate physical or mental illness or behavioral problems, including but not limited to, medical treatment, counseling, physical, occupational and other therapeutic services, and referral and case management services for medical treatment, counseling, and other therapeutic services.

"Unit of service" means a measurable unit of service activity, productivity, or performance as determined by the purchasing agency, including but not limited to:

- (a) A unit of time, such as an hour of counseling, or a residential day;
- (b) The completion of prescribed procedure, such as a client evaluation; or
- (c) Any other measurable unit of service.

"Unit rate" means the monetary rate charged per unit of service. [Eff 6/19/99; am and comp

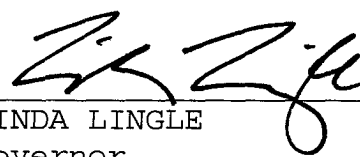
JAN 23 2006] (Auth: HRS §103F-106) (Imp: HRS §§103F-101 to 103F-504)

Amendments to and compilation of chapter 3-140, title 11, Hawaii Administrative Rules, on the Summary Page dated December 29, 2005 were adopted on December 29, 2005 following a public hearing held on November 30, 2005 in Honolulu, Hawaii; and via video conference from Honolulu, Hawaii on November 30, 2005 to Hilo, Hawaii; Wailuku, Maui; and Lihue, Kauai; after public notice was given in the Honolulu Star-Bulletin, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island on October 28, 2005.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.


GREGORY I. KING
Chairperson
Procurement Policy Board


RUSS K. SAITO
State Comptroller


LINDA LINGLE
Governor
State of Hawaii

Dated: JAN 11 2006

Filed

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Robert A. Anderson".

Deputy Attorney General