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In reply, refer to
SPO 15-355

June 26, 2015

MEMORANDUM

TO: Executive Departments/Agencies
Department of Education (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.