

COMPETITIVE SEALED BIDDING PART II

Procurement Training
For

State and County Purchasing Personnel

HAR Chapter 3-122, Subchapter 5

HRS Section 103D-302

Publicizing your IFB

Public Notice § 3-122-16.03

Public Notice and Release of the IFB

Public notice of the IFB is done for the purpose of securing competition. A copy of the solicitation shall be made available for public inspection and pick up at the office of the Procurement Officer issuing the solicitation.

Procurement notices for IFB shall be posted
on the SPO Procurement Notice Website at:

<http://hawaii.gov/spo/notices>

If the agency desires, additional posting in other
publications such as the newspaper can be
done as an option.

The public notice shall include:


1. Brief description of the goods, services or construction;
2. If for a federal grant contract, the title of grant
application and services being sought;
3. Where and when solicitation will be available;

4. Phone number or e-mail address where interested parties may request a copy;
5. How long the solicitation will be available;
6. If applicable, notice of intention to offer deadline;
7. If applicable, Pre-bid Conference information;
8. If Request for Interest (HAR 3-122-16.31), a statement that the request is to select a provider; and
9. If Multi-Step IFB, general statement that bid is a multi-step and due date(s) of unpriced technical and priced offer.

Important Note:

A copy of the public legal notice printed from the website and a completed attestation form must be included in the contract file. A fillable SPO Form 20 is available on the SPO website for this purpose.

If the deadline is changed, the date in the PNS must also be changed.




STATE OF HAWAII

STATE PROCUREMENT OFFICE

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Procurement Notices for Solicitation

Due Date after: -- / -- / --

Island: Statewide

Agency: Please select

Category: Please select

Show 10 entries

Search:

Island	Category	Description	Publication Date	Due Date	Info
Oahu	Goods & Services	Provide Refuse Collection and Disposal Services for Various Department of Education Schools on Oahu (Honolulu/Kailua/Windward Districts)	03/01/2012	03/21/2012	More Info
Hawaii	Construction	Pana'ewa Well #2 Repair, District of South Hilo, County of Hawai'i, State of Hawai'i	02/29/2012	03/15/2012	More Info
Kauai	Construction	REPAIR GUTTERS AND DOWNSPOUTS AT PIER 3 SHED, NAWILIWILI HARBOR, KAUAI, HAWAII, JOB H. C. 70070	02/29/2012	03/15/2012	More Info
Statewide	Health and Human Services	Request for Proposals (RFP): Resource Family Recruitment, Training, Home Study, & Support. The Department of Human Services, Social Service Division is seeking proposals to provide services statewide for resource families	03/02/2012	04/02/2012	More Info
Construction		Parker Ranch Deepwell Repair, District of South Kohala, County of Hawai'i, State of Hawai'i	02/07/2013	03/07/2013	More Info

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Solicitation Number: IFB#2798

Department:	Hawaii Director of Finance
County/Island(s):	Hawaii
Category (Select One):	Goods & Services
Publication Date:	02/27/2012
Due Date:	03/12/2012 - 14:00PM HST
Solicitation Number:	IFB#2798
Description:	FURNISHING AND DELIVERING AN ELECTRIC VEHICLE AND/OR PLUG-IN HYBRID ELECTRIC VEHICLES, TO THE DEPARTMENT OF RESEARCH AND DEVELOPMENT, COUNTY OF HAWAII
Contact Name:	STEVE WILHELM
Phone Number:	808 961-8441
E-mail Address:	swilhelm@co.hawaii.hi.us
Comments:	Any substitution(s) and/or exception request(s) and/or for clarification of any info must be submitted IN WRITING on or before 03/05/12.
IFB/RFP/RFI, Professional Svcs., etc. documents:	ifb-2798-notice-to-bidders.pdf

▼ Pre-Bid / Pre-Proposal / Orientation Conference

▼ Pre-Bid / Pre-Proposal / Orientation Conference

Conference Scheduled:

Date/Time:

Address:

City:

Zip Code:

Additional Info:

▼ Addenda

Amended:

Date Last Amended:

Submission Date:	02/12/2013 - 01:46PM
Last Modified:	02/12/2013 - 01:46PM

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**STATEMENT OF ATTESTATION
FOR INTERNET POSTING**

I, _____, _____
(Name) (Title)

of the _____, do attest that in
(Agency)

(Check appropriate statement)

- ☐ **Chapter 103D, HRS**
compliance with Section 3-122-16, Hawaii Administrative Rules, the attached
procurement notice was posted to the State & County Procurement Notice System
(PNS) Website, [<http://www4.hawaii.gov/bidapps/>]
- ☐ **Chapter 103F, HRS**
compliance with Procurement Circular No. 2003-04, dated May 9, 2003, the
attached procurement notice was posted to the State & County Procurement Notice
System (PNS) Website, [<http://www4.hawaii.gov/bidapps/>]

on _____
(Date(s))

(Signature) (Date)

Attached: Procurement notice

SPO Form-20 (04/11/05)

Solicitation Notice to Vendors

HRS § 3-122-16.04 List of potential offerors.

- A list may be compiled to provide the procurement officer with the names of businesses that may be interested in competing for various types of contracts.
- Businesses that fail to respond to solicitations or notices of availability may be removed from the list.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PROCUREMENT OFFICE

FACSIMILE TRANSMITTAL

DATE: December 28, 2005
TO: Potential Offerors FAX No.: Serial Broadcast
FROM: James Nakano Phone No.: 586-0563
FAX No.: 586-0570
SUBJECT: IFB-06-053-O, Furnishing New Mini Passenger Vans and Full Size Passenger Vans on Oahu, Adult Mental Health Division, Department of Health
SCHEDULED DEADLINE FOR OFFERS (subject to change): January 11, 2006

This solicitation is available as follows:

1. Hardcopy picked up at the State Procurement Office (SPO), 1151 Punchbowl Street, Room 416, Honolulu, Hawaii 96813, between the hours of 8:00 a.m. – 4:15 p.m.
2. Hardcopy picked up at any of the Department of Accounting and General Services (DAGS) district offices on Hawaii, Maui, or Kauai. Not all solicitations are available at the district offices, therefore, it is advisable to call the office first (phone numbers below).
Hawaii: 974-6401 **Maui:** 243-5772 **Kauai:** 274-3030
- *3. Hardcopy downloaded from the SPO website: <http://www2.hawaii.gov/bidapps/>, click on [Search Procurement Notices], enter the IFB No. (See SUBJECT above). If you choose to submit your offer on the downloaded document, **you MUST REGISTER your company by FAX or e-mail for this specific solicitation. If you do not register your company, you will not receive addenda, if any, and your offer will be automatically rejected and not considered for award.**
- *4. Electronic copy by e-mail. Not all solicitations are available by e-mail, therefore we will notify you if we are unable to e-mail the solicitation.
- *5. Hard copy by U.S. Postal Service first class mail or Fedex or equivalent. This option is available only to out-of-state vendors or neighbor-island vendors to whom the solicitation is not available at the DAGS district office on your island. Unless a Fedex (or equivalent) account number is furnished, the document will be sent by U.S. Postal Service first class mail.

***REGISTRATION or REQUEST FOR COPY OF SOLICITATION:**

Submit FAX or E-MAIL to: FAX no.: (808) 586-0570
E-mail address: robert.zamarron@hawaii.gov

Provide the following information:

•Name of company	•Mailing address	•Name of contact person
•Telephone number	•Facsimile number	•E-mail address
•Solicitation number		

If you have any questions, please feel free to contact me.

Example of a Vendor Tracking Log

Title <u>Paint & Primer for DAGS, Central Services</u>		Purchasing Specialist <u>Cara Sakata</u>						
Division and Dept. of <u>Eduction</u>		Legal Ad Date <u>August 10, 2004</u>						
VENDOR INFORMATION Date: _____ IFB/RFP: _____ Company Name: <u>Painter's Warehouse</u> Address: _____ Contact Person: <u>Wayne Kato</u> Ph: <u>845-6363</u> Fax: <u>845-6871</u> Email: <u>Wayne@painters-warehouse.com</u>			Bid	<u>A</u>	<u>B</u>	<u>C</u>	D	E
		D	<u>8/10</u>					
		F	X					
		T						
		E	<u>8/18</u>					
		P	<u>8/18</u>	<u>8/24</u>	<u>8/31</u>			

Company Name: <u>The Glidden Co.</u>		T					
Address: _____		E					
Contact Person: <u>Kerry Kiyabu</u>		P					
Ph: <u>841-3693</u> Fax: <u>847-0093</u>							
Email: _____							
Hawaii District Office Mailed _____							
Phone No. (808) 974-6400 FAX No. (808) 974-6422							
Kauai District Office Mailed _____							
Phone No. (808) 274-3030 FAX No. (808) 274-3035							
Maui District Office Mailed _____							
Phone No. (808) 243-5772 FAX No. (808) 243-5771							

D - Notification Date (insert under Bid/Alpha)
 F - Faxed (insert ✓)
 T - Telephoned (insert ✓)
 E - E-mailed (insert ✓)
 P - Pickup Date

IFB/RFP No. IFB-05-017-0

Bid Opening Date August 25.

Page No. 1

Deadlines for IFB Submittal

§3-122-16.02 Preparation Time for Offer.

The minimum time period between the first date of the public notice and the opening date (except for construction, including design-build projects):

- IFB (Single Step) – 10 calendar days
Multi-Step IFB- Phase I: 15 calendar days (< days if PO makes a determination. Phase II: 10 calendar days.
- Construction IFB- 15 calendar days between the pre-bid conference and the opening date.

What to do if changes are
needed in your IFB?

Changes/ Clarifications to Solicitation. §3-122-16.06

An addendum is issued for amendments and clarifications (i.e., quantity, purchase descriptions, delivery schedule, scope of work, etc.) to solicitations **prior to bid openings**.

Offerors may be required to acknowledge receipts of addendums issued; and

Shall be issued to all prospective offerors known to have received a solicitation or Notice of Intent .

Addendum Example

Addendum Example

STATE OF HAWAII
STATE PROCUREMENT OFFICE
HONOLULU, HAWAII

August 25, 2008

ADDENDUM B
TO
INVITATION FOR BIDS
No. IFB-09-017-O

FURNISHING AND DELIVERING
COARSE PAPER PRODUCTS ON OAHU

The following changes are hereby made:

1. Opening Date changed
From: August 27, 2008
To: September 3, 2008
Time and place to remain the same.
2. OFFER FORM – PRICING (OF-3 thru OF-5) shall be replaced to include new Item No. 15.
3. The following shall be added to SPECIFICATIONS, page S-2:
Item No. 15:
"Hard Roll" type (continuous), fully bleached (white), **approx.** 8" x 1000' to fit existing dispensers. 6-12 rolls per case. 1"-1.5" core diameter. Tensile strength (Machine Direction) shall be minimum 75 oz/inch (TAPPI-404), Wet Tensile strength (Cross Direction) shall be minimum 24 oz/inch (TAPPI-456). Absorbency shall be minimum 0.1 cc in 20 sec (TAPPI-432). Towel edges shall be cleanly cut and must fit and dispense properly from existing dispensing cabinets. Towels shall have no disagreeable odor, either wet or dry. (Kimberly Clark 1000 or equal).

Minimum Recycled Content, if applicable: Not less than 20% of the total weight shall consist of post-consumer recovered material.

ADDENDUM B

IFB-09-017-O

Addendum
Example

TO
REQUEST FOR PROPOSALS

NO. RFP-13-008-O

ENTERPRISE RESOURCE PLANNING (ERP)
ENTERPRISE ARCHITECTURE AND SYSTEMS
ENGINEERING CONSULTING SUPPORT

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
OFFICE OF INFORMATION MANAGEMENT AND
TECHNOLOGY

The following changes are made to the RFP:

1. SECTION 2.1, Background. Replace the last paragraph with the following:

The winning offeror (Primary or Subcontractor) may be precluded from any follow-on work directly related to implementations (e.g., ERP), if the State determines that there is a conflict of interest on any subsequent ERP solicitations. However, Offerors will not be precluded from submitting proposals on continued managing consulting support engagements for Governance, Strategic Planning, Program Management, Project Management and Subject Matter Expertise solicitations.

2. SECTION 5.20, Debriefing. Replace the last paragraph with the following:

A protest by the requestor submitted pursuant to HRS §103D-303(h), following a debriefing shall be filed within five (5) working days, as specified in HRS §103D-303(h).



Ruth E. Yamaguchi
Procurement Officer

Modification/Withdrawal of Offers

HRS §3-122-16.07

Bids may be modified/withdrawn prior to bid opening by:

- Submitting a written notice with the change to the receiving office;
- Submitting a written notice and change by facsimile provided original documents are received within 2 working days of receipt of facsimile.

Late Offer/Withdrawal/Modification

§3-122-16.08

- Any notice of withdrawal, modification, or actual bid is late when received by the receiving office after the established due date and time except when received before contract award and would have been timely but for the action or inaction of personnel within the procurement activity.
- Late bids, request for modification will not be considered for award and returned unopened with a letter stating the reason for its return.

- A late withdrawal request shall be responded to with reason for non-acceptance. Unless due to an obvious mistake, etc. § 3-122-31
- Records of each late offer, late modification or late withdrawal and any related correspondence shall be made a part of the procurement file.

DEADLINE FOR BID SUBMITTAL

Receipt of Bids HRS § 3-122-30

- Receipt, Opening and Recording of Bids-Upon receipt by the receiving Office, each bid and modification shall be time-stamped but not opened and stored in a secured place until the time and date set for opening.
- Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time, date, and place designated in the IFB.
- The name of each bidder, the bid prices, and any other information shall be read aloud.

Sample of Stamp Envelop

Bidder Must Complete Below:

Bidder: Oceanit

Mailing Address: 1001 Bishop St. Suite 2970

Telephone: 808-531-3017

IFB No.: PN-01035-SW Title

Bid Opening Date & Time: 11-24-00 4:30pm.

200 NOV 22 P 4: 22
STATE PROCUREMENT OFFICE
STATE OF HAWAII

STATE PROCUREMENT OFFICE
STATE OF HAWAII
1151 PUNCHBOWL ST., RM. 416 (ZIP 96813)
P.O. BOX 119
HONOLULU, HI 96810-0119

- The name and addresses of the required witnesses shall also be recorded at the opening. The opened bids shall be available for public inspection at the time of bid opening.
- If the bidder designates trade secrets or other proprietary data to be confidential the procurement officer or designee shall examine the bids to determine the validity of any requests. If both parties do not agree to the disclosure of data, then the Attorney General or Corporation Counsel shall make the determination in writing. All bidder who were present at the opening shall be so notified in writing and the material shall be made available provided there is not protests under chapter 3-126.
- The prices, makes and models, or catalogue number of items offered, shall be publicly available regardless of any designation to the contrary.

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

BID OPENING RECORD

IFB/RFP _____ was received and opened by _____
(Purchasing Specialist)
ON _____ . The follow offer(s) was (were) received:
(Date Received/Opened)

Name of Offeror (Company)

Witness by: _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

The following individuals were present at the receipt and/or opening of the subject IFB/RFP:

Company Represented:

- | | |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |

CANCELLATION OF AN IFB

IFB Cancellation- Prior to Deadline

May be cancelled or an offer rejected in whole or in part pursuant to section HRS 103D-308.

Reasons for cancellation prior to opening, §3-122-96:

- Agency no longer requires the goods, services, or construction;
- Agency can no longer reasonably expect to fund the procurement;
- Proposed amendments to the solicitation would be of a magnitude that a new solicitation is desirable; or
- CPO or designee determines that cancellation is in the public interest.

Cancellation After Opening but Prior to Award

- The goods, services, or construction being procured are no longer required;
- Ambiguous or otherwise inadequate specifications were part of the solicitation;
- The Solicitation did not provide for consideration of all factors of significance to the agency;
- Prices exceed available funds and not appropriate to adjust quantities to come within available funds;

- All otherwise acceptable offers received are at clearly unreasonable price;
- There is a reason to believe that offers may not have been independently arrived at in open competition, may have been collusive or submitted in bad faith; and
- A determination by the CPO or designee that a cancellation is in the public interest.

A Notice of Cancellation shall be sent to all businesses solicited and include:

- Identification of the solicitation;
- Brief explanation of the reason(s) for cancellation; and
- Where appropriate, an explanation that an opportunity will be given to compete on any re-solicitation for any future procurements of similar goods, services, or construction.

STATE OF HAWAII
STATE PROCUREMENT OFFICE
HONOLULU, HI

[CURRENT DATE]

NOTICE OF CANCELLATION
INVITATION FOR BID

[IFB NO.]

[TITLE OF SOLICITATION]

Pursuant to Chapter 103D-308, Hawaii Revised Statutes, and Chapter 3-122-96(2)(G), Hawaii Administrative Rules, the subject IFB is hereby cancelled.

The State has determined that in the public's interest, the above-referenced solicitation be cancelled and re-solicited.

The requirements for the service shall be reviewed and possibly revised. A new solicitation shall be issued in the near future. Interested vendors should contact *[Name of Purchasing Specialist and telephone number]* for status update.

Bid Evaluation

- Offerors that are non-responsive
- Mistakes in Bids
- Award to the Lowest Responsive Responsible Offeror

Rejection of Offers

- Offeror is **non-responsible** as determined by HAR subchapter 13 (Responsibility of Bidders and Offerors). A person who does not have the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
- Offer is **non-responsive** (does not conform to solicitation by failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria). A person who has submitted a bid which does not conform in all material respects to the IFB.

- Upon determination of non-responsibility, the offeror shall be notified in writing and the decision shall be final unless the offeror applies for administrative hearing pursuant to HAR Section 3-126-42.
- Offers that have been rejected or a solicitation which has been cancelled but which the offers have been opened shall be retained in the procurement file. Any unopened offers shall be returned to the offerors upon request or otherwise disposed of.

● Rejection letter

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



STATE OF HAWAII
STATE PROCUREMENT OFFICE
P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
www.spo.hawaii.gov

PROCUREMENT POLICY BOARD
DARRYL W. BARDUSCH
LESLIE S. CHINEN
DARYLE ANN HO
KEITH T. MATSUMOTO
RUSS K. SAITO
PAMELA A. TORRES

September 17, 2008

Mr. Kevin Wong

TELECOM
Honolulu, Hawaii 96819-3100

SUBJECT: Invitation for Bids No. IFB-09-017-O
Furnishing and Delivering Coarse Paper Products on Oahu

Dear Mr. Wong:

Thank you for your response to the subject solicitation which opened September 3, 2008. Please be advised that your offer for Item No. 2, 8 and 10 will not be considered for award because the samples received (if any) did not have proper identification and no specifications or brochures were received when requested. Refer to Special Provisions, section 9.6, Samples.

9.6 Samples. When requested by the State, the bidder shall submit at his own expense, within five (5) working days from date of the State's request, detailed specifications, brochures, and sample(s) of the item(s) bid, properly identified. Failure to do so shall be cause for rejection of the bid. Any sample submitted for testing purposes will become the property of the State and will not be returned to the bidder. The State shall be the sole judge as to the suitability of the item, and its decision will be final.

Offeror shall identify all samples by brand name and product or model number, exactly as offered in the IFB in order for product to be acceptable.

When the product bid is a private label product, a permanent pre-printed impression on the container or the product itself must identify the product, or a label affixed by the manufacturer that will identify the product, will be acceptable. The mere attaching of an adhesive label by the bidder will not be considered positive identification.

Any sample of a private label product failing to meet this identification requirement will not be considered for award. No changes or clarification of product identification will be considered. Offeror is advised, however, that the mere meeting of product identification or labeling requirements does not mean that the product itself meets specifications and is acceptable.

Please direct any questions regarding this matter to Wendy Orita at (808) 586-0563, fax (808) 586-0570, or e-mail: wendy.m.rita@hawaii.gov.

Sincerely,

Ruth E. Yamaguchi
Procurement Officer

Mistakes in Bids

HAR § 3-122-31

An obvious mistake may be corrected or withdrawn or waived by the Offeror to the extent it is not contrary to the best interest of the purchase agency or to the fair treatment of other bidders.

- A mistake discovered before the deadline for receipt of bids may be corrected or withdrawn as provided in section 3-122-16.07.

A mistake discovered after the deadline for receipt of bids but prior to award may be corrected or waived if:

§3-122-31(c)

- Attributable to arithmetical error and the PO can correct the mistake;
- If mistake is minor informality which does not affect price, quantity, quality, delivery, or contractual conditions, the PO may waive or allow bidder to request correction by providing documentation of that mistake (i.e., typographical errors, transposition errors; failure to provide an original signature but only if unsigned bid or photocopy is accompanied by other material indicating the bidder's intent to be bound).

A mistake discovered after the deadline for receipt of bids but prior to award may be corrected or waived if:

Can be withdrawn if mistake is attributable to an obvious error which shall affect price, quantity, quality, delivery, or contractual conditions provided:

- Bidder requests withdrawal by submitting documentation that demonstrates a mistake was made; and
- The PO prepares a written approval or denial in response to the above request.

A mistake discovered after award may be corrected or withdrawn if CPO or HOPA makes a written determination that it would be unreasonable not to allow the mistake to be remedied or withdrawn.

Bid Evaluation and Award

Bid Evaluation and Award HAR 3-122-33

- Award shall be made to the lowest responsive, responsible bidder and based on criteria set forth in IFB. The solicitation may require the submission of samples, descriptive literature, technical data, or other material to verify product acceptability.
- It may also provide for inspecting or testing of a product for characteristics as quality or workmanship; examination of elements as appearance, finish, taste, or feel; or any other examinations to determine whether the product conforms to any other purchase description requirements.

Evaluation is to determine if a bidder's offer is acceptable as specified in the IFB and not whether a product is superior to another. Any offering not meeting acceptability requirements shall be rejected as nonresponsive.

The award shall be posted on the Procurement Reporting System (PRS) within (7) working days.

Review Procurement Circular No. 2010-01, Posting Procurement Awards, Notices and Solicitation (PANS)

In the event all bids exceed available funds, the HOPA may under certain conditions (time or economic considerations) negotiate with the lowest responsible, responsive bidder to reduce the scope of work to bring the bid within the available funds. §103D-302(h)

Tie Bids § 3-122-34

Low tie bids are bids from responsive, responsible bidders that are identical in price meet all requirements and criteria of the bid. At the discretion of the PO, award may be made in any manner to resolve tie bids, including but not limited to:

- award to business providing goods produced or manufactured in the State or to a business that maintains a business in the State;
- award to bidder who received the previous award;
- award may be made by drawing lots.

Abstract

- A record showing the following information shall be made a part of the procurement file:
- The IFB number;
- A description of the good, service, or construction; and
- A listing of all the bidders and prices submitted.

BID ABSTRACT
IFB-09-022-SW, Inventory Decals
release: 9/24/08; open: 10/8/08
ps: wendy

Example of Abstract

			Seton Identification Products		Whitlam Label Company		Novavision, Inc.	
<u>Item No.</u>	<u>Quantity Differential**</u>	<u>Estimated Quantity</u>	<u>Price per 100</u>	<u>Estimated Total Price</u>				
1 STATE OF HAWAII INVENTORY DECALS								
a	100 thru 500	26,800 ea.	\$ 3.23	\$ 865.64	\$ 5.30	\$ 1,420.40	\$ 29.00	\$ 7,772.00
b	600 thru 1,000	10,500 ea.	\$ 3.23	\$ 339.15	\$ 8.29	\$ 870.45	\$ 8.50	\$ 892.50
c	1,100 thru 2,000	14,800 ea.	\$ 3.23	\$ 478.04	\$ 6.95	\$ 1,028.60	\$ 6.75	\$ 999.00
d	2,100 thru 5,000	28,400 ea.	\$ 3.23	\$ 917.32	\$ 5.18	\$ 1,471.12	\$ 5.25	\$ 1,491.00
e	5,100 thru 7,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 4.50	\$ 4.50
f	7,100 thru 10,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 4.35	\$ 4.35
g	10,100 thru 15,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 4.25	\$ 4.25
h	15,100 thru 25,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 4.15	\$ 4.15
i	25,100 thru 50,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 3.95	\$ 3.95
j	50,100 thru 75,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 3.75	\$ 3.75
k	75,100 thru 100,000	100 ea. *	\$ 3.23	\$ 3.23	\$ 439.01	\$ 439.01	\$ 3.50	\$ 3.50
ESTIMATED TOTAL PRICE (Item No. 1, a thru k):				\$ 2,622.76	\$ 7,863.64		\$ 11,182.95	
2 Change in Bar Code or Human Readable Sequences								
		130 ea.	\$ 0	\$ 0.00	\$ 7.88	\$ 1,024.40	\$ 0.00	\$ 0.00
3 Change in Color to "State of Hawaii"								
		50 ea.	\$ 0	\$ 0.00	\$ 3.28	\$ 164.00	\$ 10.00	\$ 500.00
ESTIMATED TOTAL SUM BID PRICE (Item No. 1, 2, 3):				\$ 2,622.76	\$ 9,052.04		\$ 11,682.95	
Brand Name and Model No. of pressure sensitive adhesive (3M adhesive or equal):			Seton Temp-Chem Decals M1684		3M polyester material with adhesive		Flexcon; V-344 permanent acrylic	

Single Offer to an IFB § 3-122-35

If there is only one responsive, responsible offeror for an IFB, the award may be made to the single offeror provided:

- The PO determines that the price is fair and reasonable;
- Other prospective bidders had reasonable opportunity to respond; or there is not adequate time for resolicitation.
- Conduct an alternative procurement method, not limited to direct negotiations with the sole bidder first.

STATE PROCUREMENT OFFICE

INTEROFFICE MEMORANDUM

DATE: August 12, 2013

TO: Donna Tsuruda-Kashiwabara
Procurement Officer

THROUGH: Kevin Takaesu, Purchasing Specialist *KT*

FROM: Stacey Kauleinamoku, Purchasing Specialist *clw*

SUBJECT: Award of Single Responsive Offer Received in Response to:
IFB-14-001-SW, Crystallite Window Envelopes- Statewide

Pursuant to ☒ §3-122-35(a)(1), HAR ☐ §3-122-59(a)(1), HAR, concurrence to award to the single responsive, responsible offeror is requested based on the following determination:

The price submitted is fair and reasonable;

Explain: Prices submitted, on average, are about 3.83% higher than prices submitted in 2012. The higher prices are most likely due to increase in production and fuel costs.

and:

- ☒ Other prospective offerors had reasonable opportunity to respond to the subject solicitation;

Explain: Solicitation was released on HePS on July 23, 2013 under commodity codes 966-31, which notified 1898 email recipient of which 141 Vendors viewed the Solicitation. Solicitation opened on August 6, 2013. There were 14 days to respond to the solicitation.

Pursuant to ☒ §3-122-35(a)(1), HAR ☐ §3-122-59(a)(1), HAR, concurrence to award to the single responsive, responsible offeror is requested based on the following determination:

The price submitted is fair and reasonable;

Explain: Prices submitted, on average, are about 3.83% higher than prices submitted in 2012. The higher prices are most likely due to increase in production and fuel costs.

and:

- ☒ Other prospective offerors had reasonable opportunity to respond to the subject solicitation;

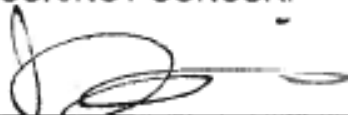
Explain: Solicitation was released on HePS on July 23, 2013 under commodity codes 966-31, which notified 1898 email recipient of which 141 Vendors viewed the Solicitation. Solicitation opened on August 6, 2013. There were 14 days to respond to the solicitation.

OR

- ☒ There is not adequate time for re-solicitation.

Explain: This solicitation has an order deadline date of October 15, 2013 in which all 2014 requirements orders shall be placed.

CONCUR/NOT CONCUR:



Donna Tsuruda-Kashiwabara

Date: 8.12.13

SPOP Form-1 (5/18/04)

No Bids Received for IFB §3-122-35

If there is no bids received or there are no responsive, responsible bidders for an IFB, an alternative procurement method may be done provided it is not practicable or advantageous to issue a new solicitation due to time constraints, competition in the marketplace, costs to re-solicit.

Documentation for the alternative procurement shall:

- State the reasons for selection and length of contract period;
- Receive prior approval of the CPO; and
- Be a part of the contract file upon award.



STATE PROCUREMENT OFFICE
USE OF ALTERNATIVE PROCUREMENT METHOD

1. TO: Chief Procurement Officer
2. FROM: DAGS Central Services
Department/Division/Agency
3. SUBJECT: Request for Approval to Use an Alternative Procurement Method
Pursuant to
☒ § 3-122-35 (c), HAR [IFB]
☐ § 3-122-59 (c), HAR [RFP]
☐ § 3-122-66 (c), HAR [Professional services]

4. Direct Negotiations For	IFB No. 07-101-O	OR	RFP No.
5. Title or Description Furnishing Maintenance Service of Air Conditioning and Ventilation Energy Management Control Systems at Various State Buildings on Oahu, Department of Accounting and General Services, Central Services Division			
6. Contract Period From: 10/1/2007 To: 9/30/2008		7. Formally Advertised 6/20/2007	8. Deadline for Receipt of Offers 7/10/2007

There was (select and complete either Item #9 or Item #11)

9. ☒ **ONLY ONE RESPONSIVE AND RESPONSIBLE OFFEROR** and the option to do an alternative procurement method has been selected because the need for the subject procurement continues, but the price was not fair and reasonable, and (select one and explain)

☐ There is no time for re-solicitation because: OR ☒ Re-solicitation would likely be futile because:

American Controls was the only responsive bidder, and is the manufacturer's local representative of our STAEFA equipment. They have the most knowledge of the equipment and what is installed at our facilities. Other companies, who may have the ability to perform the work, will most likely not submit an offer as has occurred with the original bid of the contract.

American Control's offer of \$121,360.00 (for the first year of the contract) was much higher than the anticipated amount of \$60,000-\$75,000. The bid was created as a one year contract with three (one year) options to extend for a possible four year period. The discrepancy between the amounts is probably due to the difference in knowledge of the installed systems and the work and equipment involved in completing the required tasks.

To award this contract at the bidder's offer price will require postponement, cancelation or a deminished capacity of other planned work.

The offerer has agreed to meet and discuss the scope of work and offer price to ensure they and the State have the same interpretations/expectations and agree that the pricing is justified. We feel the work within this contract is important due to the age of our systems, the high system replacement/upgrade costs and the increase in problems we have been having with the existing system.

Based on the above, an alternative procurement method, specifically direct negotiations will be conducted with the sole offeror first, and then with any contractor or vendor should negotiations with the sole offeror fail.

SPO -15

USE OF ALTERNATIVE PROCUREMENT METHOD (Cont.)

11. ☐ NO OFFERS WERE RECEIVED OR THERE WERE NO RESPONSIVE AND RESPONSIBLE OFFERS, and it has been determined that it is neither practicable, not advantageous to the State to issue a new Solicitation. The following have been considered (provide an explanation for each)

- Time constraints (not applicable to Section 103D-304, HRS, professional services)
- Competition in the marketplace
- It is anticipated that additional potential cost of re-solicitation will exceed benefits associated with the solicitation process

Based on the above, an alternative procurement method, specifically direct negotiations will be conducted for this procurement.

12. Direct questions to: Dean Shimomura Phone: 831-7929

13. I certify that the information provided above is to the best of my knowledge, true and correct.

Russ K. Sat 9/7/07
Department Head Date

THIS DOCUMENT SHALL BE MADE A PART OF THE CONTRACT FILE

Reserved for SPO Use Only

14. Chief Procurement Officer's Comments:

15. ☒ APPROVED ☐ DISAPPROVED

James S. Fitch
Chief Procurement Officer

9/11/07
Date

10. P.W. No 08-004-J

SPO-15

Protests of Solicitation / Award HRS § 103D-701

Protests, HRS § 103D-701

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with a solicitation or award may protest to the CPO or a designee specified in an IFB.

- The protest must be submitted in writing within 5 working days after the posting of award of the contract on the PRS (requirement of HRS 103D-302 or 103D-303) if no request for debriefing has been made, as applicable. and
- Further, no protest based on the content of the IFB shall be considered unless submitted prior to date for receipt of offers.

Protest Continued

The CPO or designee may resolve a protest concerning award or on a solicitation prior to an administrative proceeding or action in court. If a protest cannot be resolved by mutual agreement (resolution by agency and aggrieved protestor), the CPO or designee shall promptly issue a decision in writing to either uphold or deny the protest.

Protest Continued

The decision shall:

- State the reasons for the action (uphold or denial); and
- Inform the protestor of their right to an administrative proceeding.

A copy of the decision shall be provided (mailed or otherwise furnished) immediately to the protestor and any other party intervening (attorney for protestor).

May 28, 2010

Sample Protest letter

[Protestor]
[address]

Dear Mr. /Ms. / Mrs. xxxxxxx:

Subject: Protest of [RFP/IFB number]
[Title of solicitation]

This is in response to the protest of subject solicitation submitted on behalf of your client [vendor name, if represented by attorney firm]. After careful review and consideration of the written submittals, the arguments therein, and discussions with the affected agencies, it would be in the State's best interest to cancel the subject solicitation. [Edit this section as need to fit circumstances of Procurement Officer's determination to deny or sustain protest; if denied, reasons for denial]

Consequently, the protest is denied, and this decision is final and conclusive. Pursuant to HRS §103D-709, and as amended by ACT 175, SLH 2009, this decision may be appealed by filing a request for administrative review along with a cash or protest bond within seven (7) calendar days from issuance of this letter to:

Office of Administrative Hearings
Department of Commerce and Consumer Affairs
335 Merchant Street, Suite 100
Honolulu, HI 96813

The Procurement Officer of the [dept / agency] also shall be notified within seven calendar days after the issuance of this decision, if a request for an administrative review will be filed.

ACT 175, SLH 2009, requires the following. The protestor may request an administrative review only when all of the following are met:

1. The subject contract is conducted pursuant to HRS §§ 103D-303 competitive sealed proposals;
2. The estimated value of the contract is:
 - (1) Less than \$1,000,000, and the protest concerns a matter that is greater than \$10,000; or
 - (2) \$1,000,000 or more, and the protest concerns a matter that is equal to no less than ten per cent of the estimated value of the contract; and
3. A cash or protest bond is submitted with the request in the amount of:
 - (1) \$1,000 for a contract with an estimated value of less than \$500,000;
 - (2) \$2,000 for a contract with an estimated value of \$500,000 or more, but less than \$1,000,000; or
 - (3) One-half (1/2) percent of the estimated value of the contract if the estimated value of the contract is \$1,000,000 or more; but in any event the bond amount shall not exceed \$10,000.

In both items 2 and 3, the 'estimated value' means: for procurements pursuant to HRS §103D-303, the amount of the responsible offeror's proposal that is determined to be the most advantageous.

If the protestor prevails in the DCCA administrative proceeding, the cash or protest bond shall be returned. If the protestor does not prevail, the cash or protest bond will be deposited into the general fund. Bonds forms are available at <http://hawaii.gov/spo>, click on 'Forms for Vendors, Contractors, and Services Providers' under the 'QuickLinks' menu.

Questions on this letter may be directed to [dept contact person / phone no. / email].

Sincerely,

[name]
Procurement Officer

cc: [if applicable]

Protest

The decision shall be final and conclusive unless any person adversely affected by the decision commences an administrative proceeding under HRS section 103D-709 (Hearings Officer by the DCCA). **Review Act 173 SLH 2012**

In the event of a timely protest, no further action shall be taken on the solicitation or award of the contract until the CPO makes a written determination that award of the contract without delay is necessary to protect the substantial interests of the State.

Protest

In addition to any other relief, when a protest is sustained and the protestor should have been awarded the contract but is not, then the protestor shall be entitled to actual costs reasonably incurred in connection with the solicitation, including bid or proposal preparation costs but not attorney's fees.

Protest

No action shall be taken on a solicitation or award of a contract while a proceeding is pending, if the procurement was previously stayed under HRS 103D-701(f).

The Hearings Officer shall decide whether the determination of the CPO or designee were in accordance with the Constitution, statutes, rules, and terms and conditions of the solicitation or contract, and shall order such relief as may be appropriate in accordance with HRS 103D.

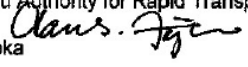
Time Limitations on Actions

- Requests for administrative review of a decision (Responsibility of Offeror, protest) made by the CPO or designee shall be made directly to the office of administrative hearings of the DCCA within 7 calendar days of the issuance of a written determination by the CPO or a designee. **ACT 173, SLH2012**
- **DCCA will decide on contracts that are less than 1M and the protest concerns a matter that is > \$10K OR the contract is more than \$1M and the protest concerns a matter that is = or > 10% of the est. value of the contract.**
- Requests for judicial review under HRS 103D-710, shall be filed in the supreme court within 10 calendar days after the issuance of a written decision by the DCCA Hearings Officer. (**ACT 173, Circuit court make a decision within 30 days from the filing of the judicial review**)

Procurement Circular 2012-03

Office of Hawaiian Affairs, Chairperson of the Board
Hawaii Health Systems Corporation, Chief Executive Officer
Judiciary, Administrative Director of the Courts
Senate, President
House, Speaker of the House of Representatives

Counties of Hawaii, Kauai, Maui and City & County of Honolulu:
Executive Branch, Finance Director
Legislative Branch, Chairperson of the County Council
Board/Departments of Water Supply, Manager/Chief Engineer
Honolulu Authority for Rapid Transportation, Executive Director

FROM: Aaron S. Fujioka 

SUBJECT: ACT 173, SLH 2012, (HB No. 2265 HD 2, SD 2, CD1): SECTIONS 1, 3 and 4
LEGAL AND CONTRACTUAL REMEDIES - HRS Chapter 103D, Part VII

House Bill No. 2265, HD 2, SD 2, CD1 was signed into law as Act 173 by the Governor on June 27, 2012 with an effective date of June 30, 2012. The following are changes to HRS chapter 103D, Part VII, Legal and Contractual Remedies relating to protest, administrative proceedings and judicial review.

SECTION 1 - adds a new section as follows:

"§103D- Procurement statistics. The state procurement office shall keep statistics on solicitations and awards protested under section 103D-701 for the purpose of improving procurement procedures. The statistics shall include information on protests involving inadvertent errors and amounts forfeited from procurement protests."

The screenshot shows a Firefox browser window with the address bar displaying `spo3.hawaii.gov/circulars/circulars/2012-03/getfile?filename=pc_2012-03_06-29-12.pdf`. The browser's toolbar includes a search bar with the Google logo and a navigation bar with links for 'Most Visited', 'Getting Started', 'Latest Headlines', and 'Hawaii State Legislature'. The main content area displays a PDF document with the following text:

To implement this mandate, departments/agencies and all CPO jurisdictions shall report protest information by completing form SPO-043, *Report on Procurement Protest* for any protest received from June 30, 2012. Form SPO-043 is available on the SPO homepage at <http://hawaii.gov/spo>; select *SPO Forms* under Toolbox/Quicklinks. Please e-mail completed forms to state.procurement.office@hawaii.gov no later than ten days after the final outcome of the protest and or appeals, as applicable.

SECTION 3 - amends HRS §103D-709 on administrative proceedings for review of protest decisions by:

- 1) requiring hearings officers to conduct hearings and issue written decisions "*...not later than forty-five days from receipt of the request [protest appeal]...*";
- 2) referencing HRS §91-10 on rules of evidence;
- 3) setting dollar threshold amounts to qualify for a review;
- 4) requiring the aggrieved party to deposit with the Department of Commerce & Consumer Affairs (DCCA) cash or a protest bond to initiate a review; and
- 5) adding a definition for "estimated value of the contract" or "estimated value" to determine dollar threshold amounts.

SECTION 4 - amends HRS §103D-710 on judicial review proceedings by:

- 1) requiring the hearings officer to transmit the administrative record within ten calendar days of the filing for judicial review;
- 2) requiring the circuit court to complete its review and issue a decision no later than thirty days [calendar] from the filing of an application for judicial review; and
- 3) removing jurisdiction from the circuit court when the court fails to resolve its review by the thirtieth day from the filing of the application, with the result that the hearings officer's decision is upheld.

HRS §103D-310 Responsibility of offerors

- **§103D-310 Responsibility of offerors.** (a) Unless the policy board, by rules, specifies otherwise, before submitting an offer, a prospective offeror, not less than ten calendar days prior to the day designated for opening offers, shall give written notice of the intention to submit an offer to the procurement officer responsible for that particular procurement.
- (b) Whether or not an intention to bid is required, the procurement officer shall determine whether the prospective offeror has the financial ability, resources, skills, capability, and business integrity necessary to perform the work. For this purpose, the officer, in the officer's discretion, may require any prospective offeror to submit answers, under oath, to questions contained in a standard form of questionnaire to be prepared by the policy board. Whenever it appears from answers to the questionnaire or otherwise, that the prospective offeror is not fully qualified and able to perform the intended work, a written determination of nonresponsibility of an offeror shall be made by the head of the purchasing agency, in accordance with rules adopted by the policy board. The unreasonable failure of an offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such offeror. The decision of the head of the purchasing agency shall be final unless the offeror applies for administrative review pursuant to section 103D-709.
- (c) All offerors, upon award of contract, shall comply with all laws governing entities doing business in the State, including chapters 237, 383, 386, 392, and 393. Offerors shall produce documents to the procuring officer to demonstrate compliance with this subsection. Any offeror making a false affirmation or certification under this subsection shall be suspended from further offerings or awards pursuant to section 103D-702. The procuring officer shall verify compliance with this subsection for all contracts awarded pursuant to sections 103D-302, 103D-303, 103D-304, and 103D-306, and for contracts and procurements of \$2,500 or more awarded pursuant to section 103D-305; provided that the attorney general may waive the requirements of this subsection for contracts for legal services if the attorney general certifies in writing that comparable legal services are not available in this State.
- (d) Information furnished by an offeror pursuant to this section shall not be disclosed to any person except to law enforcement agencies as provided by chapter 92F. [L Sp 1993, c 8, pt of §2; am L 1997, c 352, §§10, 23; am L 2003, c 52, §6; am L 2004, c 216, §4; am L 2005, c 211, §1; am L 2011, c 190, §2]

Hawaii Compliance Express

Welcome to Hawaii Compliance Express (HCE), which expedites your ability to furnish proof of compliance with the requirements of 103D-310(c), HRS. The Compliance Express service saves you time and hassle by providing an online "Certificate of Vendor Compliance" for your business entity. This single certificate eliminates the need to obtain individual copies of clearances with the IRS, Department of Labor, DCCA, and State tax offices. The service includes real time monitoring of your status of compliance with each agency and you will be automatically notified by email any time your compliance status is changed.

Under Hawaii law, you must provide proof of compliance in order to receive a contract greater than \$15,000 with state and county government entities in Hawaii.

New to the Service and have questions? Please visit the following links:

- [Frequently Asked Questions](#)
- [Procurement Regulations](#)

To get started, you will need your Taxpayer Identification Number (FEIN or SSN), Hawaii Tax ID#, Unemployment Insurance Identification number (UI ID#), if applicable, and a valid credit card for the \$12 annual registration fee to complete the transaction.

If you have an **HCE** or a **Business Express** account [login](#) otherwise [Create an Account](#)

Contract Template

- Use AG-03 Form, CONTRACT FOR GOODS OR SERVICES BASED UPON COMPETITIVE SEALED BIDS.
- Use AG-05 Form for CONTRACT SUPPLEMENT
<http://www4.hawaii.gov/StateForms/Internal/ShowInternal.cfm?&ShowAll=Yes>



STATE OF HAWAII
CONTRACT FOR GOODS OR SERVICES
BASED UPON
COMPETITIVE SEALED BIDS

This Contract, executed on the respective dates indicated below, is effective as of _____, _____, between _____,
(insert name of state department, agency, board or commission)
State of Hawaii ("STATE"), by its _____,
(insert title of person signing for State)
(hereafter also referred to as the HEAD OF THE PURCHASING AGENCY or designee ("HOPA")),
whose address is _____
_____ and _____
("CONTRACTOR"), a _____,
(insert corporation, partnership, joint venture, sole proprietorship, or other legal form of the Contractor)
under the laws of the State of _____, whose business address and federal
and state taxpayer identification numbers are as follows: _____

RECITALS

- A. The STATE desires to retain and engage the CONTRACTOR to provide the goods or services, or both, described in this Contract and its attachments, and the CONTRACTOR is agreeable to providing said goods or services, or both.
- B. The STATE has issued an invitation for competitive sealed bids, and has received and reviewed bids submitted in response to the invitation.
- C. The solicitation for bids and the selection of the CONTRACTOR were made in accordance with section 103D-302, Hawaii Revised Statutes ("HRS"), Hawaii Administrative Rules, Title 3, Department of Accounting and General Services, Subtitle 11 ("HAR"), Chapter 122, Subchapter 5, and applicable procedures established by the appropriate Chief Procurement Officer ("CPO").
- D. The CONTRACTOR has been identified as the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation.
- E. Pursuant to _____,
(Legal authority to enter into this Contract)
the STATE is authorized to enter into this Contract.
- F. Money is available to fund this Contract pursuant to:

_____ DOLLARS
(\$ _____), including approved costs incurred and taxes, at the time and in the manner set forth in the IFB and CONTRACTOR'S Bid.

3. Time of Performance. The services or goods required of the CONTRACTOR under this Contract shall be performed and completed in accordance with the Time of Performance set forth in Attachment-S3, which is made a part of this Contract.

4. Bonds. The CONTRACTOR ☐ is required to provide or ☐ is not required to provide: ☐ a performance bond, ☐ a payment bond, ☐ a performance and payment bond in the amount of _____ DOLLARS (\$ _____).

5. Standards of Conduct Declaration. The Standards of Conduct Declaration of the CONTRACTOR is attached to and made a part of this Contract.

6. Other Terms and Conditions. The General Conditions and any Special Conditions are attached to and made a part of this Contract. In the event of a conflict between the General Conditions and the Special Conditions, the Special Conditions shall control. In the event of a conflict among the documents, the order of precedence shall be as follows: (1) this Contract, including all attachments and addenda; (2) the IFB, including all attachments and addenda; and (3) the CONTRACTOR'S Bid.

7. Liquidated Damages. Liquidated damages shall be assessed in the amount of _____ DOLLARS (\$ _____) per day, in accordance with the terms of paragraph 9 of the General Conditions.

8. Notices. Any written notice required to be given by a party to this Contract shall be (a) delivered personally, or (b) sent by United States first class mail, postage prepaid. Notice to the STATE shall be sent to the HOPA'S address indicated in the Contract. Notice to the CONTRACTOR shall be sent to the CONTRACTOR'S address indicated in the Contract. A notice shall be deemed to have been received three (3) days after mailing or at the time of actual receipt, whichever is earlier. The CONTRACTOR is responsible for notifying the STATE in writing of any change of address.

IN VIEW OF THE ABOVE, the parties execute this Contract by their signatures, on the dates below, to be effective as of the date first above written.

STATE

(Signature)

(Print Name)

(Print Title)

(Date)

CONTRACTOR

**AG-003 CONTRACT FOR GOODS OR SERVICES BASED UPON
INVITATION FOR COMPETITIVE SEALED BIDS
INSTRUCTIONS**

A. When Used

This form when properly completed is a contract for goods and services between the State of Hawaii department, agency, board or commission and a contractor. The goods and services are to be procured using a competitive bid process.

B. General

The form is designed to be completed online. Therefore, if you save the completed form locally, the format of the saved file will be READ-ONLY. Any subsequent changes to the completed form will require saving the form with a new name. Preliminary drafts of the contract may be emailed back and forth until the document is ready for execution. If emailed, the form must be sent from an email account that is clearly recognizable as belonging to the person authorized to work on the form.

The following forms are required to be submitted along with the submission of this form:

AG-008 General Conditions
AG-009 Contractor's Acknowledgement
AG-010 Contractor's Standards of Conduct Declaration
AG-013 Attachment-S3 Time of Performance
AG-014 Attachment-S4 Certificate of Exemption from Civil Service

The following form may optionally be submitted along with the submission of this form:

AG-015 Attachment-S5 Special Conditions

C. Form Item Usage:

PAGE 1

1. **effective as of** _____. From the dropdown menu select the starting month that the contract is to begin. Then tab to the next field and enter the day, then tab to the next field and select the year from the dropdown menu.
2. **between** _____. The name of the State department, agency, board, or commission entering into the contract.
3. **by its** _____. The title of the person signing the contract for the department, agency, board, or commission.
4. **whose address is** _____. The full mailing address of the agency identified in item # 2.
5. **and** _____. The name of the person or company with which the contract is being executed.
6. **a** _____. The legal form of the Contractor identified in item # 5. i.e. corporation, partnership, joint venture,

14. **Bids number** _____. The identification number associated with the IFB for which the contract is executed.

PAGE 2

15. **Compensation... amount not to exceed** _____. The total maximum dollar amount of the contract spelled out in words.

16. **(\$_____)**. The total maximum dollar amount of the contract shown in numbers.

17. **Bonds.**

Put an X in only one of the following boxes:

☐ is required or ☐ is not required.

Put an X in only one of the following boxes:

☐ a performance bond, ☐ a payment bond, or ☐ a performance and payment bond

18. **bond in the amount of** _____. The total maximum dollar amount of the bond spelled out in words.

19. **(\$_____)**. The total maximum dollar amount of the bond shown in numbers.

20. **Liquidated damages...of** _____. The per day amount of liquid damages spelled out in words.

21. **(\$_____)**. The per day amount of liquid damages shown in numbers.

IN VIEW OF THE ABOVE

STATE

22. **Signature** _____. The signature of the person signing the contract for the State.

23. **Print Name** _____. The printed name of the person identified in item # 22 who is signing the contract for the State.

24. **Print Title** _____. The printed title of the person identified in item # 22 who is signing the contract for the State.

25. **Date** _____. The date that the person identified in item # 22 signed the contract.

CONTRACTOR

26. **Name of Contractor** _____. The name of the contractor identified in item # 5.

Contractor Seal (If Applicable) _____. The concrete seal of the Contractor specified in Item # 5 should be

Example of Notice of Award

Subject: Notice of Award

This is to inform you that you are awarded a contract for the subject solicitation. The award is conditioned upon your:

- 1) Executing the attached contract per the accompanying Instructions; and
- 2) Furnishing certificate(s) of insurance for the coverage(s) specified in the "Liability Insurance" clause of the Special Provisions of the solicitation.

Should you have any questions on the execution of the contract, please contact , phone no. (808) 586- .

Please return the agreement, fully executed, to the State Procurement Office within ten (10) days from receipt of this notice.

After the contract is signed by the State, you will receive a "Notice to Proceed" that will designate the official starting date. This notice of award is issued as the first step in the award process. For a variety of reasons, the State may find cause for cancellation of the award, thus the State of Hawaii is not liable for any work, contract, costs, expenses, loss of profit, or any damages whatsoever incurred by your company until the contract has been fully executed by the State of Hawaii and the Notice to Proceed issued.

Sincerely,

RUTH E. YAMAGUCHI
Procurement Officer
State Procurement Office

Attach.

c:

Example of Notice to Proceed

LINDA LINGLE
GOVERNOR



AARON S. FUJIOKA
ADMINISTRATOR

PROCUREMENT POLICY BOARD
DARRYL W. BARDUSCH
LESLIE S. CHINEN
DARYLE ANN HO
GREGORY L. KING
RUSS K. SAITO
PAMELA A. TORRES

STATE OF HAWAII STATE PROCUREMENT OFFICE

NOTICE TO PROCEED

DATE:

TO:

FROM: Procurement Officer

SUBJECT:

The official commencement date to proceed with your work or delivery is.

Delivery:

Liquidated Damages:

We will consider request(s) for extension of completion of time only when submitted in writing, with full justification, to the State Procurement Office prior to expiration of completion date. Further, any changes to the contract must be processed through the State Procurement Office.

STATE OF HAWAII

PREFERENCES

PREFERENCES

- **HAWAII PRODUCTS**
(Ref. ACT 175, SLH 2009, eff. 7/1/09)
- **PRINTING, BINDING, AND STATIONERY WORK**
(HRS §103D-1003 and HAR 3-124 Subchapter 2)
- **RECIPROCAL**
(HRS §103D-1004 & HAR 3-124, Subchapter 3)
- **RECYCLED PRODUCTS**
(HRS § 103D-1005 & HAR 3-124, Subchapter 4)
- **SOFTWARE DEVELOPMENT BUSINESSES**
(HRS § 103D-1006 & HAR 3-124, Subchapter 5)
- **TAX PREFERENCE**
(HRS §103D-1008 & HAR 3-124, Subchapter 7)
- **QUALIFIED COMMUNITY REHABILITATION PROGRAMS**
(HRS § 103D-1009 & HAR 3-124, Subchapter 8)
- **BIOFUEL**
(HRS §103D-1012)
- **SET-ASIDE FOR SMALL BUSINESS**
(HRS §103D-906)

HAWAII PRODUCTS

PURPOSE - Promote the use of Hawaii Products mined, excavated, manufactured , raised, or grown in Hawaii and registered on the Hawaii Products List.

APPLICATION - All bids and proposals when a Hawaii Product is available.

PROCEDURE - Vendors submit an application.
Based on the amount of Hawaii input, products are awarded either a Class I, or II registration. List of vendors and products are sent out via email to departments. Or a self-certification application is submitted by the offeror.

EVALUATION PROCEDURE - Price of the Hawaii Product shall be decreased by the applicable 10% and 15%

PRINTING, BINDING, AND STATIONERY WORK

PURPOSE - Promote the use of printing, binding, and stationery work, performed within the State of Hawaii.

APPLICATION - All bids for printing, binding, and stationery work.

PROCEDURE - Vendor shall indicate that all work will be performed in-state, including all prep work, presswork, bindery work, and any other production related work to include all shipping and storage costs.

EVALUATION PROCEDURE- The amount of the bid performed out-of-State shall be increased by 15%.

RECIPROCAL

PURPOSE - Ensure fair competition for Hawaii businesses when competing against bidders from States that apply preferences.

APPLICATION - All bids when determined by the Chief Procurement Officer.

EVALUATION PROCEDURE - When applied, the amount of the reciprocal preference shall be added to the out-of-state bidder's price. The amount of the reciprocal preference shall equal to the preference the out-of-state bidder would be given in their own State. If Hawaii has a preference comparable to the out-of-state bidder's state, the preference shall be the amount the out-of-state preference exceeds the Hawaii preference.

RECYCLED PRODUCTS

PURPOSE - Encourage the use of recycled products by State and county agencies.

APPLICATION - All bids when it is required or stated in the solicitation. Recycled office paper and printed material is mandatory for State agencies.

PROCEDURE - The bid shall contain the percentage of recycled content required to qualify for the preference. Bidders desiring the preference shall certify the recycled content of their product by submitting SPO Form-8, Certification of Recycled Content.

EVALUATION PROCEDURE - When applied, where a bid contains both recycled and non-recycled products, the price of the recycled products shall be decreased by at least 5%.

SOFTWARE DEVELOPMENT BUSINESSES

PURPOSE - Promote the use of Hawaii software development businesses.

APPLICATION - All bids or proposals for software development.

PROCEDURE - An offeror desiring the preference shall have a minimum of 80% of its workforce for the development of the software residing in Hawaii. The offeror shall submit SPO Form-09, to certify they meet the requirements of a Hawaii Software Development Business.

EVALUATION PROCEDURE - The price of the non-Hawaii software development business shall be increased by 10%.

TAX PREFERENCE

PURPOSE - To ensure fair competition for bidders paying the Hawaii General Excise and Hawaii Use Tax.

APPLICATION - All bids subject to the Hawaii General Excise and applicable Use Tax.

PROCEDURE - Any tax paying bidder may qualify for the preference by submitting a tax clearance certificate or Hawaii Compliance Express Certificate of Vendor Compliance.

EVALUATION PROCEDURE - The price of the tax exempt bidder shall be increased by the applicable Hawaii General Excise and Use Tax.

QUALIFIED COMMUNITY REHABILITATION PROGRAMS

PURPOSE - Promote the use of goods and services provided by qualified community rehabilitation programs located in Hawaii.

APPLICATION - All bids and proposals for goods and services but excluding construction.

PROCEDURE - Offerors desiring the preference shall be listed on the Partners in Employment Program as maintained by the State Procurement Office.

EVALUATION PROCEDURE - The price submitted by a non-qualified community rehabilitation program shall be increased by 5%.

BIOFUEL

PURPOSE - Promote the use biodiesel or biofuel for diesel engines or boilers.

APPLICATION - All bids for diesel fuel or boiler fuel.

\$.05 per gallon of 100% biodiesel. For blends containing both biodiesel and petroleum-based diesel, the preference shall be applied only to the biodiesel portion of the blend.

PROCEDURE - To be determined.

EVALUATION PROCEDURE – Increase the price of the non-biodiesel or non-biofuel by five cents per gallon.

SET-ASIDE FOR SMALL BUSINESSES

PURPOSE - Promote the growth and development of small businesses.

APPLICATION - All solicitations set-aside for award to small businesses.

PROCEDURE - To be determined.

EVALUATION PROCEDURE - To be determined.

State Procurement Office

COMPETITIVE SEALED BIDS and HePS/HePRO

Conducting Invitations for Bids
Pursuant to HRS Section 103D-302 and
HAR Chapter 3-122, Subchapter 5
on the
Hawaii eProcurement System

What is HePS/HlePRO?

HePS is the electronic procurement system for the State of Hawaii, a system for issuing solicitations, receiving responses, and issuing notices of award.

- Vendor registration
- Electronic Solicitations
- E-mail Notification
- Submission of Electronic Responses
- Electronic Award
- Searchable

HlePRO Helps Meet the Requirements of Procurement for Public Agencies

- **We must be Open/Transparent.**
 - Our 'shareholders' are everyone: the taxpayers, legislators, advocates, providers, interested parties, etc.
- **We must be Fair to all qualified vendors.**
 - Level playing field.
- **We ARE Accountable.**
 - Audit trail - Document, document, document!
 - Established procedures must be followed consistently: Statutes, rules, procurement circulars, establish procedures and guidelines.
 - ABA Model Procurement Code.



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you are here: home > heps-hiepro

HePS - HIePRO Hawaii State eProcurement

The State Procurement Office (SPO) is pleased to announce the transition to a new, updated eProcurement System. Over the next few months state agencies will be transitioning from the current eProcurement system, HePS, to the new Hawaii State eProcurement application, **HIePRO** [pronounced HI-PRO].

Click HIePRO for Vendors Contractors and Service Providers to learn more about the transition and about HIePRO.

HIePRO for Vendors, Contractors and Service Providers - Information

- **Register and Log in**

HePS for Vendors, Contractors and Service Providers - Information

- **Vendor Login**
If you already have an account
- **Vendor Registration and Registration Instructions**

HIePRO for State Procurement Personnel-Information

- **Buyer/Approver Login**
- **Training Site - Buyer Login**

Information

- Procurement Notices for Solicitations
- Health & Human Service RFPS
- Contract Awards & Info
- HIePRO Contract Awards
- Price & Vendor List Contracts
- Chief Procurement Officers

Toolbox

- Hawaii Compliance Express
- SPO Forms
- Contract General Conditions (issued by Dept. of the Attorney General)
- HePS for Vendors, Contractors and Service Providers
- HePS for State Personnel
- For Vendors, Contractors & Service Providers

The State Procurement Office

Hawaii eProcurement System HiePRO

More information including: buyer and vendor FAQs,

<http://hawaii.gov/spo> click '**Hawaii eProcurement System HePS**'

Questions? Contact us:

Mara Smith: 587-4704 mara.smith@hawaii.gov

Bonnie Kahakui: 587-4702 bonnie.a.kahakui@hawaii.gov

Wendy Orita: 586-0563 wendy.m.orita@hawaii.gov