



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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October 9, 2018

PROCUREMENT CIRCULAR NO. 2008-09 Amendment 1

TO: Office of the Governor, Chief of Staff
Office of the Lieutenant Governor, Chief of Staff
Executive Department Heads
Hawaii State Public Library System, State Librarian

Chief Procurement Officers (CPOs)
Department of Education, Superintendent
University of Hawaii, President
Office of Hawaiian Affairs, Chairperson of the Board
Hawaii Health Systems Corporation, President and Chief Executive Officer
Judiciary, Administrative Director of the Courts
Senate, President
House of Representatives, Speaker

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: Sarah Allen, Administrator

A handwritten signature in black ink, appearing to read "S. Allen".

SUBJECT: SPECIFICATIONS Pursuant to Hawaii Revised Statutes (HRS) Chapter 103D, Part IV, and Hawaii Administrative Rules (HAR), Chapter 3-122, Subchapter 3

As referenced in Procurement Circular No. 2008-09, dated September 15, 2008, this Circular is a reminder that HRS §103D-405, Maximum practicable competition, and HAR §3-122-10, Purpose, requires, in part, ALL specifications shall seek to promote overall competition, shall not be unduly restrictive, and provide a fair and equal opportunity for every contractor/vendor/supplier that is able to meet the State/county's needs.

The purpose of this amendment is to provide further examples of unduly restrictive specifications identified on page 1, paragraph 3 of Procurement Circular No. 2008-09.

Restrictive specifications that pertain to landscaping and irrigation projects:

It has been reported that restrictive specification language have been incorporated into some landscaping and irrigation procurement projects.

As Chief Procurement Officer (CPO) for the Executive Branch, and under the authority of HRS §103D-402, it is determined that a specification is unduly restrictive if to qualify for an award requires good standing or trainings/courses/certifications or mandatory paid memberships to landscaping / irrigation organizations.

Example Language:

- “Installer shall be a member in good standing with the Landscape & Irrigation Contractor of Hawaii Association (LICH)”;
- “Installer’s field supervisor shall have certification in one of the following categories from the Professional Landscape Network”; and
- “Must be certified in good standing as a Certified Landscape Technician Exterior/Maintenance CLT/M (or Exterior/Irrigation CLT/Irr) by the end of the first contract year, if not currently certified.”

All offerors who fulfill the requirements of applicable law shall be provided the same opportunity to compete for State and County contracts.

Thank you for your cooperation in this matter. Your staff may call Kevin Takaesu at 586-0568 or Stacey Kauleinamoku at 586-0571 if they have any questions, or you may call me at 587-4700.