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**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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www.spo.hawaii.gov

October 3, 2003

The Honorable Cal Kawamoto
Senator
State Senate
State Capitol, Room 230
Honolulu, Hawaii 96813

Dear Senator Kawamoto:

This is in follow-up to our earlier conversation and your letter of August 5, 2003 regarding the Procurement Policy Board's interim rules to implement section 6 of Act 52-03, section 103D-310, HRS, for offerors to comply with all applicable State laws. On September 24, 2003, the Board adopted interim rules (enclosed) that apply to all purchases, not just those \$25,000 and greater as was previously approved by the Board.

Please call me at 587-4700 if you have any questions. Thank you.

Sincerely,

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

Aaron S. Fujioka

Enclosure

cc: Phyllis Koike, Chair, PPB
Russ Saito, State Comptroller

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendment to Chapter 3-122 (Interim)
Hawaii Administrative Rules

September 24, 2003

1. Chapter 3-122, Hawaii Administrative Rules (Interim), is amended by amending section 3-122-112 to read as follows:

"§3-122-112 [Compliance with all laws governing entities doing business in the State.] Responsibility of offerors. (a) [This section shall be in accordance with §103D-310(e), HRS, and shall apply to procurements of \$25,000 or more.] The offeror, as proof of compliance with the requirements of §103D-310(c), HRS, upon award of a contract made pursuant to §§103D-302, 103D-303, 103D-304, or 103D-306, HRS, shall provide:

- (1) A tax clearance certificate from the department of taxation and the Internal Revenue Service, subject to §103D-328, HRS, current within six months of issuance date;
- (2) A certificate of compliance for chapters 383, 386, 392, and 393, HRS, from the department of labor and industrial relations, current within six months of issuance date; and
- (3) A certificate of good standing from the business registration division of the department of commerce and consumer affairs, current within six months of issuance date.

(b) For small purchase awards made pursuant to §§103D-304 and 103D-305, HRS, the offeror shall provide only upon request of the purchasing agency, the certificates in subsection (a) (1), (2), or (3).

(c) All state and county procurement officers or agents shall withhold final payment of a contract included in subsection (a), until receipt of:

- (1) A tax clearance certificate from the director of taxation and the Internal Revenue Service, subject to §103D-328, HRS, current within two months of issuance date; and
- (2) A certification from the contractor affirming that the contractor has, as applicable, remained in compliance with all laws as required by this section. A contractor making a false affirmation shall be suspended

and may be debarred pursuant to section 103D-702, HRS.

~~[(b)]~~ (d) This section shall not ~~[hinder or impede the State in contracting for any projects involving funding from the federal government]~~ apply to any contract to the extent it jeopardizes federal funding."
[Eff] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

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

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

4. This amendment to chapter 3-122, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to section 91-4.1, Hawaii Revised Statutes, which were adopted as interim rules on September 24, 2003, and filed with the Office of the Lieutenant Governor.

PHYLLIS M. KOIKE
Chairperson
Procurement Policy Board

RUSS K. SAITO
Comptroller

APPROVED AS TO FORM:

Deputy Attorney General

State Procurement Office

What's on the State Procurement Office Website

www.spo.hawaii.gov

The State Procurement Office (SPO) is the central authority of procurement statutes and rules for all governmental bodies of the State and its counties. Hawaii is decentralized in its procurement of goods, services, and construction, each jurisdiction having authority to purchase, however the State Procurement Office is the central source on matters of procurement policy.

Homepage

/// Program Overview

A brief overview of the State Procurement Office organization, chief procurement officers, chapters 103D and 103F, HRS, services provided to departments, initiatives, points of concern.

/// Directory of Personnel

A listing of the addresses, phone, facsimile numbers and e-mail addresses of State Procurement Office personnel.

/// FAQ (Frequently Asked Questions)

Frequently asked questions about procurement such as: "How do I obtain a contract with the state?" "Where can I find bid information?" "How are procurements under \$25,000 handled?"

/// Contracts Awards

Information on awards for exempt, professional services, small purchase construction, sole source, and health and human service procurements are available, including links to other department contract awards. See subsequent pages for detailed listing.

/// Hawaii Public Procurement Code, Chapter 103D, HRS

Offers guidance and reference points for purchasing agencies to understand the complexity of buying goods, services, and construction. Provides statutes, rules, procedures, price/vendor lists, forms, and other references. See subsequent pages for detailed listing.

/// Act 52/2003 Information and Guidance **"NEW"**

Provides information and guidance on the implementation of Act 52 that amended various sections in Chapter 103D, HRS, changing procurement policies and procedures.

/// Procurement of Health and Human Services, Chapter 103F, HRS

Provides statutes, rules, procedures, forms for purchasing agencies and providers on the procurement of health and human services. See subsequent pages for detailed listing.

/// Procurement Notices

Chapter 103D, HRS, procurements for goods, services, and constructions are online at: www2.hawaii.gov/bidapps/. Health and human services procurement under Chapter 103F, HRS, may also be viewed at this website as well as the newspapers, and the website below.

/// State/County Public Notices

Hawaii State and County public notices published in the local newspapers may be accessed online at governmentnotices.state.hi.us beginning the first day the notice is published in print.

/// Find State Procurement Office Documents

A search feature able to search the SPO webpages for specific documents using keywords.

State Procurement Office

Hawaii Public Procurement Code, Chapter 103D, HRS Procurement of Goods, Services and Construction

⦿ **Administrative Rules, Chapter 103D**
Chapters 3-120 through 3-132 (excludes 3-127).

⦿ **Contract Awards**

Procurements Exempt from Chapter 103D, HRS: Requests for exemptions made to the Chief Procurement Officer (CPO), including the requesting purchasing agency, the vendor awarded the good, service or construction contract, amount, dates of the proposed contract, and the status.

Professional Service Awards: All professional service awards, including the name of the provider, description of the professional service, amount of the award, date awarded, purchasing agency, names submitted for selection, name and title of official making the selection and contact information. The awards can be searched by purchasing agency or category.

Small Purchase Construction Awards: Listing of small purchase awards for construction contracts with a total value of between \$100,000-\$250,000 awarded during the period November 2, 2001 – June 30, 2002, in accordance with Act 5/2001.

Small Purchase Awards (*under development*): Small purchase awards between \$5,000 and \$25,000, including the vendor name, description of goods or services, the amount and the purchasing agency.

Sole Source Awards: A sole source procurement is authorized when there is only one source available for the goods, services, or construction that is \$25,000 or more; and possess the following characteristics: 1) has a unique feature, characteristic or capability; 2) the unique feature, characteristic or capability is essential in order for the agency to accomplish its work; and 3) the particular good, service, or construction is available from only one source.

Links to the **DAGS, Public Works Division and Central Services Division** award pages are available for viewing. Also available are contract awards for **Health and Human Service** (Chapter 103F) procurements.

Other Awards \$25,000 or More (*future development*): Awards \$25,000 or more procured via the competitive sealed bid (IFB) or competitive sealed proposal (RFP) process.

⦿ **Excess Property List**

State property, after offering excess state property to other state agencies by listing on the SPO Excess State Property List and to the SPO Surplus Property Office, may donate property to non-profit tax-exempt charitable organizations, after an approved disposal application is obtained. For information on this program contact the Inventory Management manager at (808) 831-6756.

⦿ **Forms**

A listing of forms for use by governmental purchasing agencies and vendors/offersors.

- Sole Source Forms:
 - SPO Form 1 - Request for Sole Source
 - SPO Form 1A - Notice of Sole Source
 - SPO Form 1B - Notice of Amendment to Sole Source Contract

State Procurement Office

- SPO Form 2 - Request for Emergency Procurement
- SPO Form 3 - Request for Extension of Time on Contracts
- SPO Form 5 - Request for Authorization to Purchase Outside of the State Procurement Office Price List
- SPO Form 5A - Request for Authorization to Purchase Outside of the Public Notice Contract
- * Hawaii Products Preference Forms:
 - SPO Form 6 - Information and Instructions on Hawaii Products Preference
 - SPO Form 6A - Application for Hawaii Products Preference
 - SPO Form 6B - Datasheet
 - SPO Form 6C - Hawaii Product Preference Applicant's Certification
 - SPO Form 6D - Affidavit for Renewal of Hawaii Products List Status
- Exemption Forms:
 - SPO Form 7 - Request for Exemption from Chapter 103D, HRS
 - SPO Form 7A - Notice of Exemption from Chapter 103D, HRS
 - SPO Form 7B - Notice of Amendment and Exemption from Chapter 103D, HRS
- * SPO Form 8 - Certification of Recycled Content
- * SPO Form 9 - Certificate of Eligibility to Claim Preference as a Hawaii Software Development Business as Defined by Section 103D-1006, HRS
- Small Purchase Forms:
 - SPO Form 10 - Record of Small Purchase
 - SPO Form 10A- Small Purchase Written Quotations
- SPO Form 11 - Inquiries on Chapter 103D, HRS and it's HAR
- SPO Form 12 - Complaint to Vendor
- * SPO Form 13 - Certificate of Current Cost or Pricing Data
- SPO Form 14 - Request for Restrictive Specifications
- SPO Form 15 - Request to Use an Alternative Procurement Method
- SPO Form 16 - Procurement Violation: Report of Findings and Corrective Actions; Request for After-The-Fact Payment Approval
- SPO Form 18 - Request for Procurement Services, Goods and Services
- SPO Form 20 - Attestation Form
- * SPO Form 21 - Standard Qualification Questionnaire for Offerors
- * **Denotes forms utilized by vendors/offerors, also available on the Forms Central page at www.hawaii.gov/forms/. Questions on these forms may be made at (808) 586-0567.**

☉ Hawaii Products List

A listing of products mined, excavated, produced, manufactured, raised, or grown in Hawaii, qualified and registered pursuant to Subchapter 1, Chapter 3-124, Hawaii Administrative Rules (HAR), for which a preference is given. The Hawaii products preference shall apply to solicitations issued pursuant to §§ 103D-302 (IFB) and 103D-303 (RFP), HRS. Where the value of the Hawaii input of a product constitutes at least twenty-five percent but less than fifty percent of the manufactured cost, the product shall be classified as Class I, where the value of the Hawaii input constitutes fifty per cent but less than seventy-five per cent of the manufactured cost, the product shall be classified as Class II, and where the value of the Hawaii input constitutes seventy-five per cent or more of the manufactured cost, the product shall be classified as Class III. For evaluation purposes, the price of the Hawaii product shall be decreased by its applicable 3% (Class I), 5% (Class II), or 10% (Class III) percentage of preference.

State Procurement Office

🔗 **Hawaii Revised Statutes, Chapter 103D**

Links to statutes on the Hawaii Public Procurement Code

🔗 **Notice Of Debarment and Suspension**

This is a listing of contractors who have been suspended or debarred pursuant to §103D-702, HRS and §104-25, HRS, from performing any work on any State or county contract.

🔗 **Preferences - State of Hawaii**

A listing of seven (7) preferences applicable to state and county purchasing agencies except where specifically noted in chapter 103D, HRS, or Hawaii Administrative Rules.

🔗 **Price List and Vendor Lists**

A **price list** is issued for a specified time period for commonly used goods or services, sets contractual pricing, competitively solicited, unless available from a single source or from a governmental institution such as the Hawaii correctional industries. A vendor awarded a price list contract is obligated to provide the specified goods or services, at the contracted price and terms, to all purchasing agencies committed to the contract. In addition to State executive branch agencies, the University of Hawaii, and the Hawaii Health System Corporation, any number of the other seventeen purchasing jurisdictions participates in the price lists issued by the State Procurement Office. The State Procurement Office averages 60 price lists in effect at any given time, totaling a conservative estimate of \$28,700,000. For more information contact the staff member listed in the specific price list.

A **vendor list** is issued for a specified time period and lists qualified vendors, competitively solicited, to provide commonly used goods or services, usually at discount rates from a vendor's established catalog or product lists. Examples of vendor lists include copiers and facsimile equipment and various WSCA equipment and services contracts. Vendor lists for IT professional services are issued as a result of a public notice. The number of vendor lists, currently 7, continues to increase as the State Procurement Office strives to provide purchasing agencies with contracts that appropriately allow selection from a range of goods or services provided by qualified vendors. The WSCA contract for computer equipment and services, for example, has generated approximately \$22.8 million in sales to 5 contractors in the first complete fiscal year of the contract. The contract terms include escalating discounts based on volume, generating savings of approximately \$2.3 million in a 12-month period. For more information contact the staff member listed in the specific vendor list.

The Partners in Employment Program (PEP) is a partnership between State government and Community Rehabilitation Programs (CRPs) to provide employment for persons with disabilities as authorized under chapter 103D, HRS. The program encompasses a wide range of goods and services provided by qualified CRPs. It authorizes state agencies to contract directly with the CRPs without advertising or calling for bids or proposals as required by chapter 103D, HRS. CRPs interested in participating in the PEP are encouraged to call the State Procurement Office at (808) 587-4707.

The Western States Contracting Alliance (WSCA) is a multi-state contracting consortium comprised of 15 western states, of which Hawaii is a participating member. The purpose of WSCA is to achieve cost effective and efficient acquisition of quality products and services by combining the purchasing power of the member states including county and municipal governments. More information on this organization is available at www.aboutwsca.org.

State Procurement Office

Travel Related Services and Inter-Island Ticketing. The State contracts with vendors for discounted rates on inter-island and out-of-state travel, including airfare, hotels, and car rentals. The forms, procedures, and policies are designed to facilitate travel arrangements for authorized business travel. The current vendor maintains a State informational website, www.hawaiicorporatetravel.com, providing supplemental information on hotels and car rentals, and used to check out-of-state flight availability and fare quotes. Specific information about SPO Price List No. 01-02, Inter-Island Airline Ticketing and No. 02-18(SW), Comprehensive Travel Related Services may be found at www2.hawaii.gov/priceapps. The travel rules are at www.state.hi.us/dags/adminrules/accounting/tvlrules.pdf. For additional information on this program, contact the Travel Administrator at (808) 587-4702.

🔊 **Procurement Circulars**

A listing of Procurement Circulars issued by the Administrator of the State Procurement Office that provides guidance on various procurement-related topics.

🔊 **Procurement Directives**

A listing of Procurement Directives approved by the Procurement Policy Board addressing procurement-related topics.

🔊 **Programs Exempt from Chapter 103D**

A listing by departments and agencies that are exempt from Chapter 103D, HRS. Most exemptions are limited and for a specific purpose. However, there are also purchasing jurisdictions with a total exemption from the procurement code. Both the University of Hawaii and the Hawaii Health System Corporation are examples.

🔊 **Public Procurement Manual: "No Ke Ku 'Ai Ana...to Purchase"**

This is a procurement procedure and processes guide for government purchasing agencies. This manual is a composite of the Hawaii Public Procurement Code, Chapter 103D of the Hawaii Revised Statutes and related Hawaii Administrative Rules that relate to the chapter.

🔊 **Vendor Guide: "Doing Business with the State of Hawaii"**

This publication provides an overview of the procurement practices, requirements, and related rules and laws to assist the business community doing business with the state and its counties.

🔊 **Surplus Property List**

Surplus property from both State and Federal sources is available to eligible participants (licensed or approved educational, health and human services organizations, and 8A minority owned small businesses) through the Surplus Property Management program. A service and handling fee is assessed to a recipient for any item acquired from the program. For information on this program, contact the Surplus Property Management manager at (808) 831-6757.

🔊 **Training on Chapter 103D**

An overview of the Hawaii Public Procurement Code (Chapter 103D, HRS) is available online. Details of the various methods of source selection (procurement processes) a purchasing agency may utilize to procure goods, services, and construction, including step-by-step diagrams outlining the procurement process.

State Procurement Office

Act 52/2003 Information and Guidance **"NEW"**

- ⌘ **Act 52/SLH 2003 (SB 1262, CD1)**
A copy of Act 52 is provided to view the various changes.
- ⌘ **FAQs (Frequently Asked Questions)**
These are FAQs on issues relating to Act 52.
- ⌘ **Hawaii Administrative Rules**
View the rule changes for Chapters 3-122 and 3-126 applicable to Act 52 amendments.
- ⌘ **Procurement Directive 2003-01**
Implementation of Act 52, SLH 2003 (SB 1262, CD1)
Procurement directive issued to summarize the requirements of Act 52 and issue guidelines for its implementation.
- ⌘ **Procurement Directive 2003-03**
Implementation of 103D-310, HRS, Act 52, SLH 2003
Procurement directive issued to provide interim process to comply with section 103D-310, HRS.
- ⌘ **Procurement Processes**
Provides charts on the "Formal Offer Process" and "Professional Services", and detailed steps for the procurement of "Professional Services".

State Procurement Office

Procurement of Health and Human Services, Chapter 103F, HRS



Awards

Contracts Database

The contracts database lists all contracts for health and human services which includes a brief service description, geographic area served, amounts funded by source of funds, provider name, state purchasing agency, and state contact person, phone number and e-mail address. For FY 2003, the report includes over 1100 contracts totaling over \$372 million. Various statewide summary reports provide funding information by source of funds, department and source of funds, geographic area, funds contracts with private and public entities, and contracts with public entities. Other reports include all contracts servicing Kauai, Hawaii Island and Maui County. The database is also available in MS Excel for downloading. Information for previous years is available as well.

Awards Exempt from Procurement Practices

Section 3-141-503, HAR provides a number of circumstances under which certain purchases may be exempt from procurement practices. This is a listing of awards exempt from Chapter 103F, HRS subject to approval by the chief procurement officer (CPO) pursuant to section 3-141-503(c), HAR. The listing includes the purchasing agency, provider awarded, service, contract funding, term of the contract, the status (approved/denied, etc.) and the status date. The most recent requests to the chief procurement officer are also available.

Restrictive Purchase of Services Awards (Sole Source)

Restrictive purchases are "sole source" awards based on the fact that there is only one provider who can perform the service. State purchasing agencies are required to obtain approval from their CPO to utilize this method. The listing includes the purchasing agency, provider awarded, service, contract funding, term of the contract, the status (approved/denied, etc.) and the status date. The most recent requests to the chief procurement officer are also available.

After-the-Fact Secondary Purchases of Health and Human Services

An after-the-fact secondary purchase enables a purchasing agency to utilize the service or part of the service that has already been procured under a competitive procurement (RFP) by another purchasing agency under conditions pursuant to Section 3-143-608, HAR. This is a listing of all awards for an after-the-fact secondary purchase subject to approval by the CPO. The listing includes the purchasing agency, provider awarded, service, contract funding, term of the contract, the status (approved/denied, etc.) and the status date.



Forms and Instructions

Procurement Forms and Instructions for Private Providers/Applicants to download and respond to solicitations are located here. Where necessary, examples are also included.

- SPOH 100A - Registration Statement of Health and Human Service Provider Responsibility
- SPOH 200 & 200A - Proposal Application Title Page and Proposal Application
- SPOH 205, 205A and 205B - Budget, Organization wide Budget by Source of Funds, Organization wide Budget by Program
- SPOH 206 series - Budget Justifications: Personnel, Travel, Subcontractual Services, Depreciation, Program Activities, Equipment, Motor Vehicle, etc.
- SPOH 400 - Application for Treatment Purchases of Services Statement of Qualifications
- SPOH 800 series - Protest and Request for Reconsideration Forms, step by step procedure description and Flowchart, Notice of Protest, Request for Clarification, Response to Request for Clarification, Formal Protest, Reply, Request for Reconsideration

State Procurement Office

Procurement Forms and Instructions for State Agencies include:

- Competitive Method of Procurement RFP Template
- Competitive Method of Procurement Response to Proposals (Sample formats for: Statements of Findings and Decision and Statements of Rejection)
- SPOH 150 - Request for Exemption from Chapter 103F, HRS
- SPOH 300 – Request for After-the-Fact Secondary Purchase
- SPOH 500 - Request for Restrictive Purchase of Service
- SPOH 800 series - Protest forms, step by step procedure description and flowchart (Settlement and Scheduling Conference, Scheduling Order, Request for Clarification, Response to Request for Clarification, Response to Formal Protest)
- Other forms: forms used to request information (i.e. contracts database, planned purchases)



Provider Lists

Treatment List of Qualified Private Providers

Treatment services are services to individuals and families by health or social work professionals, which attempt to alleviate physical or mental illness or behavioral problems. State agencies may utilize this list when: 1) the need for the treatment services arises from time to time, but the need cannot be anticipated accurately and any delay in treatment could render the problem worse than at the time of diagnosis and assessment; 2) the contract will be for \$100,000 or less; and 3) the term of the contract is for a term of one year or less. The list is updated as needed. Currently, there are over 185 qualified providers for over sixty services on the Treatment List.

List of Registered Private Providers

This is a listing of over 470 qualified private providers who have registered with the State Procurement Office to demonstrate their good business standing and compliance with applicable law as responsible health and human service providers. Its purpose is to qualify applicants before they develop and submit proposals to compete for state contracts.



Statutes and Rules Governing Purchases of Health and Human Services

- Chapter 103F, Hawaii Revised Statutes, Purchases of Health and Human Services
 - Hawaii Administrative Rules for Chapter 103F, HRS.
- Available in both HTML (for easy navigating) and Adobe Acrobat format (for printing).



Planning

Timeline for the Competitive Method of Procurement

This timeline implements the competitive purchase of service method of procurement (the request for proposals (RFP) process). For state departments, the SPO coordinates the procurement for competitive purchases of service on numerous health and human services, for contracts effective on or after July 1, of every odd numbered year.

Report of Planned Purchases

This report contains a listing of various health and human services that state agencies plan to procure in the upcoming months. The intent of the report is to provide interested parties with advance notice of possible opportunities to compete for various state contracts. Information includes: the service, the state purchasing agency, the geographic service area, the target population, the approximate date of public notice, the proposed contract dates, and contact information (name, phone number and e-mail address).

State Procurement Office

✧ **Training Materials**

An overview of how the state purchases health and human services (Chapter 103F, HRS) is available online. The methods of procurement that state purchasing agencies utilize in buying health and human services are detailed including step-by-step procedures and flowcharts for each of the methods. Handouts from workshops conducted by SPO are also on this site and include statute and rule references, reminders, and FAQs on subjects such as the RFP evaluation process, conducting requests for information, RFP template reminders, etc.

The Five Methods of Procurement: References and Flowcharts

There are five methods of procurement state agencies may utilize when purchasing health and human services. Information and references are provided that describe each method along with flowcharts illustrating the procurement process.

✧ **Workshops, Informational Meetings, and Conferences**

Provides notice of upcoming opportunities for training or informational meetings including on line registration, as applicable. There is also an archive describing past workshops and conferences and includes handouts used in the workshops and conferences when available.

✧ **Provider e-mail list**

Providers or other interested parties who would like to receive information from the State Procurement Office may subscribe to the provider e-mail list on the website. Subscribers will receive information on various topics including:

- Changes in Procurement Procedures
- Workshops, Informational Meetings and Conferences
- Notices of Reports
- Timelines for Procurement

Subscribe at www.spo.hawaii.gov, select "Procurement of Health and Human Services" and "Subscribe to the Provider e-mail List here."

✧ **Site Index**

The site index makes finding information on the website easier as it provides an alphabetical listing of information available by subject and title. The site index is at www.spo.hawaii.gov, select "Procurement of Health and Human Services" and "Site Index."

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendments to Chapter 3-126 (Interim)
Hawaii Administrative Rules

September 24, 2003

1. Chapter 3-126, Hawaii Administrative rules, is amended by adding a new section 3-126-11.01 to read as follows:

"Section 3-126-11.01 Other causes for debarment or suspension. (a) Debarment procedures shall be initiated for any person committing an act, after the effective date of this section, for which that person is subsequently assessed an administrative fine of \$5,000 or more by the campaign spending commission under section 11-228, HRS, or convicted of a violation under section 11-229, HRS.

(b) "Person" for the purposes of this section shall be as defined under section 11-191, HRS.

(c) The campaign spending commission shall provide the administrator of the state procurement office a listing of all persons fined or convicted, including the date of the violation and date the fine or conviction was imposed.

(d) The procurement officer shall, prior to award, verify the offeror's eligibility under subsection (a)."

[Eff] (Auth: HRS §103D-202) (Imp: HRS §103D-702)

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

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

4. These amendments to chapter 3-126, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to section 91-4.1, Hawaii Revised Statutes, which were adopted as interim rules on September 24, 2003, and filed with the Office of the Lieutenant Governor.

for

Phyllis M. Koike
PHYLLIS M. KOIKE
Chairperson
Procurement Policy Board

Russ K. Saito
RUSS K. SAITO
Comptroller

APPROVED AS TO FORM:

Patricia A. Cho
Deputy Attorney General