



STATE OF HAWAII | KA MOKU'ĀINA O HAWAII'
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PROCUREMENT CIRCULAR NO. 2024-05

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

Chief Procurement Officers (CPOs):
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University of Hawaii, President
Office of Hawaiian Affairs, Chairperson of the Board
Judiciary, Administrative Director of the Courts
Senate, President
House of Representatives, Speaker

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

CC: Administrative Services Offices

FROM: Bonnie Kahakui, Acting Administrator *Bonnie A. Kahakui*

SUBJECT: Guidance on Contractor Past Performance Database

The purpose of this circular is to 1) explain the statutory requirement for a contractor past performance database, 2) provide guidance on the database's functionality, and 3) provide guidance on the User Management Roles and Accessibility.

STATUTORY REQUIREMENT FOR A CONTRACTOR PAST PERFORMANCE DATABASE

The Contractor Past Performance Database was established, pursuant to Act 188, SLH 2021, to routinely capture a contractor's performance information in a structured and uniform way that is accessible and utilized when future procurements need to determine a contractor's responsibility. The purpose of the past performance database is to assist agencies in conducting meaningful and

consistent performance evaluations that can be used during the evaluation of offers for future projects.

Departments and Jurisdictions' Procurement Officers (POs) are required to log into the Hawaii Awards and Notices Database System (HANDS) to complete and submit a contractor's performance form for procurements conducted under:

- Competitive Sealed Bidding (HRS §103D-302);
- Competitive Sealed Proposals (HRS §103D-303); and
- Sole Source (HRS §103D-306).

This contractor performance form is required for all contracts, conducted under HRS 103D-302, 103D-303, and 103D-306, completed on or after January 1, 2024.

CONTRACTOR PAST PERFORMANCE DATABASE FUNCTIONALITY

At a minimum, when a contract for goods, services, and/or construction has been completed, the Procuring Agency's Buyer (may be the Project Manager or Contract Administrator) shall complete the form provided in HANDS. Upon the agency's completion of the form, the contractor shall receive an electronic notification that the form is ready for review and/or comment.

The contractor shall have twenty (20) working days from the date of notification to review and submit comments, rebutting statements, or additional information into the database. If the contractor does not respond, the form shall be considered complete.

The PO is responsible for submitting a copy of the final form in the database within twenty (20) working days of the receipt from the contractor. A copy of the final form shall also be kept in the agency's contract file.

Section 1 – General Information

Agency User logs in to HANDS and completes the form by inputting the Procuring Agency's information, the Contractor's information, and the Solicitation/Project's information.

The user must provide reasons for:

- Any differences between the contract and actual start and completion dates of a contract/project, including approved change orders.
- Any positive or negative difference to the Project's Authorized Budget and the Project's Final Cost, and any change(s) in cost.

Section 2 – Contractor Comments

Upon notification, the contractor shall review the form within twenty (20) working days and submit comments, rebutting statements, or additional information/attachments, or the form shall be considered completed by the contractor.

NOTE: The contractor may go back in and edit their comments, as many times as they want, up to twenty (20) working days after the contractor was notified to take action.

Section 3 – Attestation

The PO shall submit a copy of the final form electronically in the past performance database system within twenty (20) working days of receipt to confirm the form has been completed.

USER MANAGEMENT ROLES AND ACCESSIBILITY

Procuring Agency Users. All Users are required to create an eHawaii.gov account to access the database. Each executive department head and CPO jurisdiction has delegated an Administrator and Alternate as a point of contact to manage and assign user accounts and provide oversight to ensure security is maintained. In the “User Management” module of HANDS, the Department Administrator may assign the following roles with the applicable accessibility:

- Procurement Officer
 - Can view forms that require their final review (eHawaii.gov email must match the PO email on the form)
 - Can view all performance forms completed by the procurement officer
 - Can view all forms within their department (regardless of the status)
- Buyer
 - Can view all completed and posted performance forms
 - Can view forms they created
- Requester and Poster
 - Can view all completed and posted performance forms

NOTE: To see the other Contractor Performance Database roles and applicable accessibility (i.e., Department Admin, No Role, Contractor, etc.), reference the HANDS – Contractor Performance User Guide located in the HANDS Help site.

Each Jurisdiction/Department Administrator or Alternate will also be responsible for ensuring that the Procurement Officer is assigned the role of a Department Administrator or Buyer in HANDS within their respective department/jurisdiction. A list of HANDS Department Administrators/Alternates is available at: <https://spo.hawaii.gov/for-state-county-personnel/deptcpo-jurisdiction-administrators-contacts/>.

Contractors. Contractors will receive an email notification when the form is ready for review and another email once the form has been completed. To access the form, contractors must log in with their eHawaii.gov account. Contractors will only be able to view the forms associated with their eHawaii.gov account.

For more information on HANDS Department/Jurisdiction Administrators, Roles, and User Account, please reference Procurement Circular 2019-05, *Posting Procurement Awards, Notices, Solicitation and CPO Requests on the Hawaii Awards and Notices Data System (HANDS)*.

A complete listing of all current Procurement Circulars is available at <https://spo.hawaii.gov/>, under the *References* menu, click on *Procurement Circulars*.

A training session on the use of the Past Performance Database will be held in January 2024. More information on the scheduled date and times will be provided at a later date.

Should there be any questions, procurement personnel may contact the listed SPO staff, or you may contact me at bonnie.a.kahakui@hawaii.gov or via phone at (808) 587-4701.

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