



STATE OF HAWAII | KA MOKU'ĀINA O HAWAII'
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December 28, 2023

PROCUREMENT CIRCULAR NO. 2024-07

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

CC: Administrative Services Offices

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

SUBJECT: Hawaii Administrative Rules (HAR) Chapter 3-122,
Source Selection and Contract Formation (Interim)

The purpose of this circular is to inform all executive departments that HAR Chapter 3-122, section 3-122-1, and sections 3-122-33(b) and (d)(5), are amended, and new Subchapter 13.5, *Contractor Past Performance Database*, has been added and are in effect.

- 3-122-1 Definitions.
Adds the definitions for "Recent" and Relevant;" terms related to past performance in Competitive Sealed Bidding, Competitive Sealed Proposals, and Sole Source procurements.
- 3-122-33(b) Bid evaluation and award.
Amends the language to reflect alternative language amended in HRS 103D-302 subsection (f) that past performance, if available, shall be an added award criteria and makes other minor changes for clarification.
- Subchapter 13.5 and its section 3-122.115.01 Contractor Past Performance Database.
Adds information and procedures associated with the past performance database created pursuant to Act 188, SLH 2021.

The Ramseyer version for each of the amended HAR sections, approved by the Procurement Policy Board on December 4, 2023, is available on the SPO website at:

<https://spo.hawaii.gov/references/har/goods/>.

Procurement Circular No. 2024-05, *Guidance on Contractor Performance Database on HANDS*, provides guidelines and procedures on how the contractor's performance database functions, and guidance on the Contractor Performance Database User Management roles and access.

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

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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