



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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PROCUREMENT DELEGATION NO. 2022-01

TO: Office of the Governor
Office of the Lieutenant Governor
Executive Department Heads (Except DOE, UH, OHA and HHSC)
State Librarian, Hawaii State Public Library System

FROM: Bonnie Kahakui, Acting Chief Procurement Officer *Bonnie A Kahakui*

SUBJECT: Delegation of Procurement Authority with New Governor's Administration

This is a Notice for all departments regarding procurement delegation with the new Governor Green Administration. Pursuant to HRS chapter 103D, Hawaii Public Procurement Code (Code), procurement authority is centralized to the chief procurement officer (CPO) and allows the CPO to further delegate authority to designated Procurement Officers. To enable departments and agencies to operate effectively, efficiently, and expeditiously, procurement authority is delegated by the CPO to the head of the purchasing agency for all new delegations and/or as a replacement for any changes to current personnel delegated procurement authority.

Procurement authority under HRS Chapter 103F for purchases of Health and Human Services and under HRS §103D-304 for the procurement of professional services already resides with you.

PROCUREMENT AUTHORITY

Pursuant to HRS chapter 103D and chapter 103F, as CPO for the above agencies, I hereby resume any delegation of procurement authority to you as the head of the purchasing agency (HOPA) via Procurement Delegation Nos. 2010-01 and 2014-01, or as amended, for the following procurement methods and other procurement-related items:

HRS Chapter 103D – Hawaii Public Procurement Code (goods, services, construction)				
Procurement Method	Prior CPO Approval Required	After-the-Fact CPO Approval Required	Form	Reference (HRS, HAR)
Competitive Sealed Bidding				HRS §103D-302
Competitive Sealed Proposals				HRS §103D-303
Professional Services				HRS §103D-304

HRS Chapter 103D – Hawaii Public Procurement Code (goods, services, construction)				
Procurement Method	Prior CPO Approval Required	After-the-Fact CPO Approval Required	Form	Reference (HRS, HAR)
Small Purchases (Refer to Procurement Circular No. 2012-04, or as amended, on Instructions for Small Purchases Procurement)				HRS §103D-305
Sole Source	X		SPO-001	HRS §103D-306
Emergency	X or	X	SPO-002	HRS §103D-307

HRS Chapter 103D – Hawaii Public Procurement Code (goods, services, construction)				
Other Procurement-related Item	Prior CPO Approval Required	After-the-Fact CPO Approval Required	Form	Reference (HRS, HAR)
Preparation of Specifications				HAR §3-122-11
Bid Security				HRS §103D-323
Contract performance and payment bonds				HRS §103D-324
Resolution of protests				HRS §103D-701
Contract controversies				HRS §103D-703
Designation of Administrator and alternate(s) for HlePRO System, pCard, and Emergency pCard			SPO-036	
Exemptions to HRS Chapter 103D	X		SPO-007	HAR §103D-102 HRS chapter 3-120
Contract Extensions	X		SPO-003	HAR §3-122-3
Restrictive Specifications	X		SPO-014	HAR §3-122-13(b)(3)
Alternative Procurement(s) for: Competitive Sealed Bidding and Competitive Sealed Proposals	X		SPO-015	Competitive Bidding (HAR §3-122-35), and Competitive Proposals (HAR §3-122-59)
Reporting Procurement Violations for applicable procurement method used and/or request for after-the-fact payment approval		X	SPO-016	HAR §3-131-3

HRS Chapter 103F – Purchases of Health and Human Services				
Procurement Method	Prior CPO Approval Required	After-the-Fact CPO Approval Required	Form	Reference (HRS, HAR)
Competitive Purchase of Service				HRS §103F-402
Treatment of Purchase of Service				HRS §103F-404
Small Purchase of Service				HRS §103F-405
Restrictive Purchase of Service	X		SPOH-500	HRS §103F-403
Crisis Purchase of Service	X or	X	SPOH-600	HRS §103F-406

HRS Chapter 103F – Purchases of Health and Human Services				
Other Procurement-related Item	Prior CPO Approval Required	After-the-Fact CPO Approval Required	Form	Reference (HRS, HAR)
Exemptions to HRS chapter 103F	X		SPOH-150	HRS §103F-101 HAR chapter 3-141
Secondary Purchase	X		SPOH-300	HAR §3-143-608

SPO forms are available on the SPO website at <http://spo.hawaii.gov>, click *Forms* to view and complete forms.

DELEGATION OF PROCUREMENT AUTHORITY

This procurement authority may be further delegated by you to personnel as designated procurement officers or authorized to conduct and participate in procurement activities.

Participation in procurement activities includes small purchases, developing/drafting a solicitation, reviewing, approving, conducting, managing, and administering the procurement/contract.

“Procurement officer” means any person with the delegated authority to enter into and administer contracts and make written determination with respect thereto. The term includes an authorized representative acting within the limits of authority. The delegated authority is received from the chief procurement officer directly or through the head of purchasing agency.

Delegation of procurement authority to a procurement officer is based on their expertise, knowledge and proficiency to carry out procurement duties, while seeking economy and efficiency to achieve program operations. Careful consideration shall be taken when granting procurement authority, as you remain ultimately responsible to the CPO for this procurement delegation to authorized procurement officers within your office/department.

PROCUREMENT DELEGATION FORM (SPO-036)

Procurement Delegation form SPO-036, *Procurement Delegation*, shall be used in delegating procurement authority.

To assist in documenting and preparing your procurement delegation submittal are forms:

- *Procurement Delegation* form SPO-036;
- *Procurement Delegation Transmittal* form SPO-036 Transmittal; and
- *Procurement Delegation Instruction* form SPO-036 Instructions.

Form SPO-036 shall be used for all new delegations and as a replacement for any changes to current personnel delegated procurement authority, submitted via e-mail to state.procurement.office@hawaii.gov with the *Procurement Delegation Transmittal Form* signed and authorized by the Department Head. Forms and Instructions are available at <http://spo.hawaii.gov>, click *Forms* to view form SPO-036 transmittal, *Procurement Delegation Transmittal*, and form SPO-036, *Procurement Delegation*. Do not submit SPO-036 forms unless there are new delegations or changes to an individual's current delegations on file with SPO.

EDUCATION AND TRAINING REQUIREMENTS

Heads of the Purchasing Agencies (HOPAs), procurement officers, and personnel with delegated procurement authority to conduct and/or participate in the procurement process shall attend applicable State Procurement Office (SPO) training workshops. Applicable training ensures delegated procurement personnel receive the appropriate training and are in compliance with HRS §103D-110, as amended by Act 194, SLH 2008 and HRS §103F-301 for purchases of health and human services.

A separate memorandum will address the education and training requirements.

Procurement officers and personnel without written delegated procurement authority and/or who do not complete the applicable mandatory training for HRS chapters 103D and 103F shall not conduct, approve, or participate in the procurement.

Your staff may contact Stacey Kauleinamoku at 586-0571 if they have any questions, or you may call me at 586-0554. Thank you for your cooperation and assistance.