State Procurement Office

Hawaii eProcurement System
HePS

Canceling Solicitations and Awards

Workshop No. HePS 233

1

Canceling Solicitations and Awards (HePS 233)

Who this Workshop is For

- **This workshop is designed for state personnel who:**
  - have or will have written delegated authority to procure and to procure on HePS; and
  - have taken HePS 100; and
  - are current HePS buyers and have conducted at least 3 procurements on HePS; or
  - are Department or Jurisdiction HePS Administrators
- **This workshop will:**
  - Teach you how to cancel a solicitation on HePS prior to the submittal due date;
  - Teach you how to cancel a solicitation on HePS whose submittal due date has passed but has not been awarded;
  - Teach you how to cancel an award on HePS issued within the last 3 days;
  - Provide you with some guidance as to when cancellations are allowable; and
  - Demonstrate how to find resources/answers to common questions on the HePS section of the SPO website.
- **This workshop is not intended to:**
  - Teach you everything you need to know about procurement or award procedure. (There isn't enough time.) You must take the appropriate workshops for the method of procurement you are conducting.
  - Provide all the circumstances when it is allowable/not allowable to cancel a solicitation or award; or
  - Serve as a review of the basics of using HePS (Buyers should take HePS 100 if review is needed.)
  - Serve as the reason to reactivate a buyers account when the buyer was deactivated because they have not used HePS in over 1 year.

2

Canceling Solicitations and Awards (HePS 233)

What Will be Covered

- About Webinars/Housekeeping
- Reminders and Responsibilities
- Considerations when anticipating need to cancel - Is it allowable? Who authorizes?
- Canceling a Solicitation on the Internet
- Canceling a Solicitation after Submittal Due date and Before it is Awarded
- Canceling Awards
- Tools You Can Use
- Q & A

3

Registration for SPO Workshops

- Registration for SPO workshops is now a 1 step process.
- On the Training Schedule and Registration page, select the date of the workshop and follow instructions for registering.
- For webinars, you will register on the webinar site. You will not have to wait for SPO to send you the webinar invitation.
- If attending a webinar as a group
  - All members of the group must register on the webinar site.

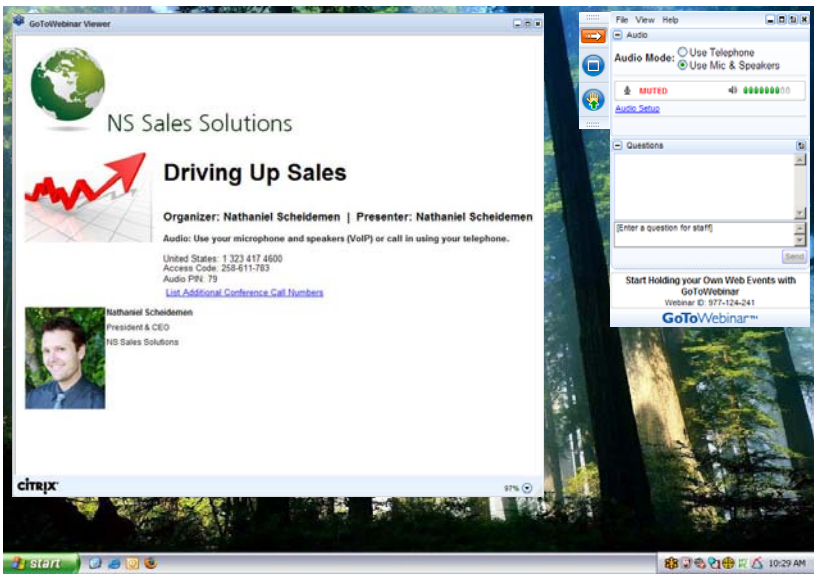
4

About SPO Webinars

- Participation encouraged.
- If we cannot get to all your questions we will provide answers at a later date (FAQ, etc.)
- If there is more than one person participating at a single computer.
  - Everyone registers for this webinar.
  - All attendees in the group (including the person registered on the webinar site) complete the SPO Webinar Group Attendance form, scan it in and send it to: state.procurement.office@hawaii.gov
  - If you attended by yourself (not as part of a group), no need to send in the group webinar attendance form.
  - **Send it in within 1 working day of the webinar**
  - The SPO Webinar Group Attendance form is on the SPO training schedule along with the handouts. http://hawaii.gov/spo click **Training and Informational sessions** > **Training for State and County Personnel**
  - **DO NOT send in the signed form prior to the workshop.**

5

The GoToWebinar Attendee View



citrix online

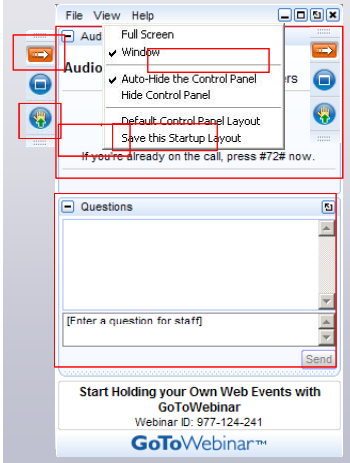
Webinar Viewer Window

- Having trouble seeing?
  - Maximize your viewer window; and/or
  - Increase the magnification in your viewer window (in lower right corner.)

- To exit full screen - GTW (GoToWebinar) control panel menu
  - click the button with the square on the tab or
  - View > window
- Note: Attendee Quick Reference is available
  - http://hawaii.gov/spo
  - Click **Training for State and County Procurement Personnel**
  - Click **About SPO Webinars** or wherever '**webinar**' is a link
  - Click **FAQs and Quick Reference**

7

How to Participate Today



- Open and close your Panel
- View, Select, and Test your audio
- Submit text questions
- Raise your hand
- Q&A addressed at the end of today's session

citrix online

More About SPO Webinars

- If you log in you may see a pop-up stating the presenter has not arrived yet. You do not need to do anything further. When the presenter arrives the appropriate screen will appear.
- This most often happens on the few occasions webinars are scheduled one right after another.

9

Before You Procure/Administer Contract: Written Delegated Authority and Training

Before you develop/draft/participate in a solicitation, review, approve, conduct, manage, or administer a procurement/contract, you must:

- **Have written delegated authority per signed and submitted (to SPO) Form SPO-036**.
  Note: See Procurement Delegation Memorandum 2010-01. Informational sessions including a webinar were held for ASOs/BMOs and their staff. Previous delegation remained in place until 4/30/11 or new delegations received, whichever was first.
  - See : http://hawaii.gov/spo
    > For State & County Personnel
    > Procurement Delegation (there is also a link to the required (mandatory) training requirements site)
- **Have taken all required training**.
  Reference: Procurement Circular 2010-05
  Note: Some requirements have changed. Check the website periodically.
  - See: http://hawaii.gov/spo
    >Training & Informational Sessions
    >Training for State and County Personnel
    >Training Requirements: Which Workshops Do I need to Take?

10

Buyer Responsibilities

- **Security-**
  - Change your password when you first get it.
  - Logins/passwords are not for sharing.
  - Keep your login/password secure.
- **Comply with statutes/admin rules, etc.**
  - Ensure you are in the Loop. Keep up to date. Check procurement circulars regularly. Check manuals, references, program guides, etc.
  - Ensure you have written delegated authority.
  - Ensure you have taken all required training. (Requirements change, check the website.)
  - Know your internal policies and procedures (Jurisdiction, department, division, office, etc.)
- **Adhere to code of ethics-**
  - Effective 7/6/10 - HRS 103D-101 Requirements of ethical public procurement
  - Redundant of HAR Procurement Code of Ethics in HAR Chapter 3-131.
  - No conflict of interest or appearance of conflict of interest.
    - Buyers have access to vendor information. Buyers cannot also be vendors to the State because of this access.
- *See also: User Responsibilities and General Information*
- *Reference:*
  Act 207 SLH 2010 > HRS 103D-101;
  HAR Chapter 3-131 Compliance;
  HAR Section 3-131-1.02 Procurement Code of Ethic

11

HePS is a Tool

- HePS is **not** a method of Procurement
  - It is a tool to make your procurement more efficient and transparent)
- It does not know all the statutes and rules.
  - You have to know them.
- It does not know specifications.
  - That is also your job.
- It is not artificial intelligence. To HePS, text is text.
  - Your intelligence is what counts.

12

When You Need to Cancel: Who Authorizes the Action

- Authority to make the determination a solicitation or award shall be cancelled-
  - **Procurement officer for the solicitation**
- Enters the cancellation in HePS-
  - **HePS buyer**

13

Terms You Should Know
Procurement Officer

- **Any person authorized to:**
  - enter into and administer contracts, and
  - make written determinations with respect thereto.
- **The term also 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 a purchasing agency or designee to the procurement officer.
    - Form SPO -036 completed and submitted to SPO Administrator by the Head of Purchasing Agency)

Reference (HAR Section 3-120-2)

14

Procurement Officers

as indicated on the SPO -036

SECTION 4 - DELEGATES PROCUREMENT AUTHORITY TO EXECUTE, CONDUCT, PARTICIPATE IN THE VARIOUS PROCUREMENT METHODS, AND TO ACT AS HEPS APPROVER OR BUYER (Check all that apply)
(*) Requires CPO approval

	Procurement Methods		HePS	
	Procurement Officer	Conducts/ Participates	Approver	Buyer
HRS chapter 103D - Hawaii Public Procurement Code				
Competitive Sealed Bidding (HRS §103D-302)	☐	☐	☐	☐
Competitive Sealed Proposals (HRS §103D-303)	☐	☐	☐	☐
Professional Services (HRS §103D-304)	☐	☐		
Small Purchases (HRS §103D-305)	☐	☐	☐	☐
Sole Source (HRS §103D-306) *	☐	☐		
Emergency (HRS §103D-307) *	☐	☐		
HRS chapter 103F - Purchases of Health and Human Services				
Competitive Purchase of Service (HRS §103F-402)	☐	☐	☐	☐
Restrictive Purchase of Service (HRS §103F-403) *	☐	☐		
Treatment Purchase of Service (HRS §103F-404)	☐	☐		
Small Purchases (HRS §103F-405)	☐	☐	☐	☐
Crisis Purchase of Service (HRS §103F-406) *	☐	☐		

15

Justification for Cancellation While the Solicitation is on the Internet

- **Goods, services or construction are no longer needed**.
  - Document what has changed.
- **Lack of funds-** State Agency cannot reasonably expect to fund. Document and be specific.
  - Budget restrictions,
  - higher priorities are greater than anticipated cost,
  - procurement may be much more expensive than originally anticipated.
- **Specifications need to be modified** and the proposed changes/amendments to specifications are so great, it is desirable issue a new solicitation.
  - Changed so much it is better to start over to ensure all vendors have equal access.
- **Determination of Best Interest of the State** by Procurement Officer or Designee.
  - Make sure you have full **signed,** justification in procurement file by procurement officer with written delegated procurement authority for the procurement. (Not just that it is in best interest of the state but how and why.)

16

Justification for Cancellation After the Solicitation has Closed and Before it is Awarded

- **Goods, services, or construction are no longer needed.**
  - Document what has changed.
- **Poor/Inadequate Specifications.**
  - Ambiguous, inadequate specifications, could not be evaluated
  - Solicitation did not provide for consideration of all factors of significance to the agency;
- **Prices exceed available funds and not be appropriate to adjust quantities to come within available funds**.
- **Prices are clearly unreasonable.**
  - All otherwise acceptable offers received are at clearly unreasonable prices;
- **Suspected Collusion.**
  - Offers may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith
- **Determination of Best Interest of the State** by Procurement Officer or Designee.
  - Make sure you have full **signed,** justification in procurement file by procurement officer with written delegated procurement authority for the procurement. (Not just that is is in best interest of the state but how and why.)

17

If you Suspect a Problem …

If possible, cancel before the solicitation closes.

Why?

Vendors have access modified abstract after submittal due date and time.

Vendor prices are available to everyone.

It is not helpful to the competitive process to reveal prices and then re-solicit.

18

These are NOT Acceptable Reasons to Cancel and Re-Solicit

- The vendor you wanted did not submit or was not the lowest responsible, responsive quotation.
- After the solicitation closed, a vendor who was not the lowest stated he could give you a lower price.
- You want to solicit again with no change in specifications, just to see if you can get a lower price.

19

Cancellation of an Award

Definition of an Award vs. a Contract

- Award notice sent but
  - no notice to proceed;
  - no Purchase Order sent;
  - no contract executed;
  - no verbal authorization to start work.
- Awards may be Cancelled.
- Contracts are Terminated.

20

Canceling vs. Amending

- Cancel an award after notice of award sent but before
  - Notice to Proceed,
  - Purchase Order Sent,
  - Contract Executed.
- Amend an award/contract to 'terminate' if contract/PO executed, notice to proceed issued, work has begun.

21

Why it is Important to Cancel an Award
or Terminate a Contract

- Data is collected from HePS.
- Vendors pay a transaction fee to SicommNet the contractor providing HePS. SicommNet bills the vendor based on the amounts and the awards dates in HePS.

22

Questions?

- Any questions?
- How are we doing so far?

- On to the HePS website
  - http://hawaii.gov/spo
  - Hawaii eProcurement System
  - Buyer/Approver Login

23

Canceling Solicitations and Awards In Summary

- Know your statutes, rules and the solicitation.
- You must have justification in accordance with Statutes, Administrative Rules to Cancel.
- Procurement Officer has the authority to make the determination.
- Buyer implements the change in HePS and serves as 'watchdog' to following statutes , Rules, Procurement Circulars, etc.

24

Buyers:
Do Your Homework First
Avoid Having to Cancel

- Use Search functions
  - Check for commodity codes
  - Check for vendors
- Have your docs –
  - Specifications (including minimum qualifications). HePS doesn't do it for you.
  - General provisions?
  - Know the general instructions in HePS.
- Plan your timeline –
  - Allow time for Q & A, pre-bid conference, addenda, etc.
- Know the general instructions (in case you didn't see it above)

25

Retrieving Your Password

- **If you forget your password:**
- Go to the HePS Login: http://hawaii.gov/spo
  - Hawaii eProcurement System
  - Buyer/Approver Login
  - Under "Forgot your Password?" enter your user ID or email (as it appears in HePS)
  - Your password will be emailed to you in about a minute.
- **Forgot your user ID?** Contact your Department/Jurisdiction HePS Administrator
- **If your email is incorrect in HePS:**
- Contact your Department/jurisdiction HePS Administrator

26

Awards that Must be Reported on the Awards Reporting Site

Procurement Method	Dollar Thresholds	No. of Days of Award within which it must be Reported
Competitive Sealed Bids	All awards	7
Competitive Sealed Proposals	All awards	7
Small Purchases	$2,500 and above	7
Sole Source	$2,500 and above	7
Emergency	$2,500 and above	7
Prof.Services	$5,000 and above	7

27

Awards Reporting Site
What Else Must be Reported

What Must be Reported	Conditions Requiring Entry in PRS	No. of Days of Award within which it must be Reported
Exemptions from HRS Chapter 103D	Awards $2,500 and over	7
Amendments, extensions, change orders, terminations.	*Whenever the change affects:* *•Contract Term* *•Contract Amount*	7

28

Reporting Cancellations if the Award has been posted to the Awards Reporting Site of PANS

- If the award has been posted to the Awards reporting site DO NOT delete.
- Change funding amount to $0
- In comments field indicate:
  - Original amount funded;
  - the date of cancellation; and
  - brief explanation for cancellation.

29

Resources for HePS Buyers

- http://hawaii.gov/spo
- click HePS
- click HePS for State Procurement Personnel
  - **HePS Toolbox**
    - How Do I's
    - Buyer FAQ
    - Training References
  - Check also **References**
    - Department or CPO Jurisdiction HePS Administrators
    - Statutes and Rules
    - Procurement Circulars
    - Procurement Code of Ethics
    - Small Purchase Method of Procurement
    - For State and County Personnel

30

Other Useful Info on the SPO Website

http://hawaii.gov/spo

- For State & County Personnel *(bookmark this site)*
  - Posting Procurement Awards, Notices and Solicitations
- Forms
- Information on Methods of Procurement and Online Procurement Manuals
- Awards Public Site
- Price and Vendor Lists
- Travel Services
- Inventory Management and Excess Property
- pCard Information
- Training for State and County Procurement Personnel
- Procurement References
  - Hawaii Revised Statutes & Hawaii Administrative Rules
  - Procurement Circulars

31

State Procurement Office

The end. Thanks for attending!

Remember to complete and email group attendance forms to
state.procurement.office@hawaii.gov
within 1 working day of the webinar.

Questions?

http://hawaii.gov/spo

Click Hawaii eProcurement System (HePS)

HePS

- Mara Smith 587-4704
  mara.smith@hawaii.gov
- Bonnie Kahakui 587-4702
  bonnie.a.kahakui@hawaii.gov
- Wendy Orita 586-0563
  wendy.m.orita@hawaii.gov

32

State Procurement Office
Contacts for General and Specific Info

- **Donn Tsuruda-Kashiwabara** 586-0565
  donna.tsuruda-kashiwabara@hawaii.gov
  RFPs, specifications, emergency, sole source, professional svcs., exemptions
- **Mara Smith** 587-4704
  mara.smith@hawaii.gov
  HePS, PANS (Reporting/Posting Awards, Notices & Solicitations), SPO website (overall)
- **Kevin Takaesu** 586-0568
  kevin.s.takaesu@hawaii.gov
  IFBs, preferences, emergency, sole source, professional svcs., exemptions
- **Bonnie Kahakui** 587-4702
  bonnie.a.kahakui@hawaii.gov
  Travel, pCard, emergency, sole source, professional svcs., exemptions, HePS
- **Wendy Orita** 586-0563
  wendy.m.orita@hawaii.gov
  Hawaii Compliance Express (HCE), Price & Vendor List Contracts, HePS
- **Stanton Mato** 586-0566
  stanton.d.mato@hawaii.gov
  Price & Vendor List Contracts
- **Corinne Higa** 587-4706
  corinne.y.higa@hawaii.gov
  Health & Human Services (all procurement methods, reporting, posting)
- **Stacey Kauleinamoku** 586-0571
  stacey.L.kauleinamoku@hawaii.gov
  Training, Delegated Procurement Authority

33