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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

August 28, 2019

Mr. Sananda K. Baz, Director  
Department of Management  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Baz:

**SUBJECT: WAILUKU CIVIC COMPLEX** (EDB-76)

May I please suggest the Administration consider cancelling the following solicitation for bids, currently scheduled to remain open until 2:00 p.m. on September 4, 2019:

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<b>Bid Number:</b>	Job No. PL 17-01
<b>Bid Title:</b>	Wailuku Civic Complex Phase 1B

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Under the Hawai'i Public Procurement Code, a solicitation for bids may be rejected when it is in the best interests of the governmental body that issued the solicitation. Please see pages 38-39 of the Desk Reference for the Procurement Code, published by the Department of Commerce and Consumer Affairs:

<https://cca.hawaii.gov/oah/files/2013/04/2015-Public-Procurement-Code-Desk-Reference.pdf>

Cases summarized in the Desk Reference show bidders may justifiably complain of costs incurred and work expended when a solicitation for bids remains open for a project that is no longer viable. In addition, it is a waste of public resources to review bids for a project that is no longer viable.

Moreover, Section 3-122-96, Hawaii Administrative Rules, provides in part:

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(a) A solicitation may be cancelled for reasons including but not limited to the following:

(1) Cancellation prior to opening:

**(A) The agency no longer requires the goods, services, or construction;**

**(B) The agency no longer can reasonably expect to fund the procurement;**

(C) Proposed amendments to the solicitation would be of a magnitude that a new solicitation is desirable; or

**(D) A determination by the chief procurement officer or a designee that a cancellation is in the public interest.**

(Emphases added.)

Immediate cancellation of the solicitation would appear to be in the County's and the public's best interests.

Based on the Committee's action on August 27, 2019, the viability of Phase IB is in doubt. Therefore, I would respectfully suggest the prudent course of action for the County is to cancel the solicitation and avoid the unnecessary expenditure of resources by both bidders and the County.

I would appreciate receiving your written response by **August 30, 2019**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (David Raatz at ext. 7664, or Yvette Bouthillier at ext. 7758).

Sincerely,



KEANI N.W. RAWLINS-FERNANDEZ, Chair  
Economic Development and Budget  
Committee

edb:ltr:076amd05:dr  
cc: Mayor Michael P. Victorino  
Corporation Counsel Moana Lutey