

HAWAII ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

SUBTITLE 9

STATE FOUNDATION ON CULTURE AND THE ARTS

CHAPTER 94

CONTRACTS

- §3-94-1 Contracts for grants, subsidies and purchases of service appropriations
- §3-94-2 Monitoring of contracts
- §3-94-3 Evaluation of contracts

§3-94-1 Contracts for grants, subsidies and purchases of service appropriations. (a) Funds for grants, subsidies and purchases of service agreements shall be released following the execution of a contract between the organization and the State.

(b) Organizations must agree to comply with the conditions specified in chapter 42-3, HRS before receiving a grant, subsidy or purchases of service agreement.

(c) The SFCA shall not enter into contract with organizations who have final project reports and documents incomplete or outstanding from the previous fiscal year.

(d) All contracts shall be reviewed and approved by the attorney general's office for conformance with public purpose and legislative intent.

(e) All contracts shall include sections relating to the conditions which an organization must meet as specified in chapter 42, HRS and by the National Endowment for the Arts, the allotment of funds as prescribed by chapter 37, HRS, indemnification of the State, and independent contractor status of the recipient.

(e) All contracts shall be for a period of no more than one year.

(f) All contracts shall be executed not later than sixty (60) days from the effective date of the appropriation or as soon as practicable thereafter. If the contract is not executed within the sixty days, the SFCA shall inform the organization as to when the contract is

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expected to be executed. [Eff: Feb 12, 1987] (Auth: HRS §9-5) (Imp: HRS §§9-3, 9-5, 42-3, 42-8)

§3-94-2 Monitoring of contracts. (a) The SFCA shall monitor each contract at least annually to ensure compliance with chapter 42, HRS, and the public purpose and legislative intent of the agreement.

(b) Any organization who withholds or omits any material facts or deliberately misrepresents such facts and violates any of the provisions of chapter 42, HRS, of the terms of its contracts, shall be prohibited from applying for state funds for a period of five years.

(c) Any organization that intentionally or deliberately violates any of the provisions of chapter 42, HRS, or the terms of its contract, and has funds appropriated in the subsequent fiscal year shall not be entitled to receive the funds. [Eff: Feb 12, 1987] (Auth: HRS §9-5) (Imp: HRS §§9-3, 9-5, 42-9, 42-10)

§3-94-3 Evaluation of contracts. (a) Each contract shall be evaluated at least annually to determine whether the intended results were attained in the manner contemplated. An organization shall complete a variance report form prepared by the department of budget and finance and a SFCA final project report form for each contract. The SFCA final project report form shall contain the following information:

- (1) Identifying information about the organization and contract consisting of the SFCA project number, the name, address and telephone of the organization, the name, title, and telephone of the contact person;
- (2) The start date and end date of the contract;

- (3) A brief description of the contracted services, including the project title, listing of activities including dates and locations of services, numbers of individuals benefiting, and evaluation of the project;
  - (4) The actual expenses incurred and revenues received; and
  - (5) Certification that the information contained in the report including all attachments and supporting materials are correct to the best of the authorizing official's knowledge.
- (b) Organizations shall submit these forms and any

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additional materials as may be required by the SFCA not later than thirty days after the completion date stipulated in the contract. These forms and instructions shall be subject to change as may be necessary. [Eff: Feb 12, 1987]  
(Auth: HRS §9-5) (Imp: HRS §§9-3, 9-5, 42-9)