

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 103D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§103D-           Best value procurement. (a) Best value  
5 procurement shall be characterized by the following principles:

6           (1) The purchasing agency shall use any combination of  
7 procurement criteria and price that best represents  
8 the needs of the purchasing agency; and

9           (2) Performance ratings shall be implemented by the  
10 purchasing agency after each construction project and  
11 used for future reference.

12           (b) Best value procurement criteria shall be as follows:

13           (1) Past performance with respect to the offeror,  
14 including the past performance of the general  
15 contractor, site superintendent, project manager, and  
16 subcontractors to be used by the offeror;

17           (2) Ability of the offeror to minimize risk at the site of  
18 the construction project; and



1        (3) Availability and suitability of a preplanning and  
 2        quality control document submitted by the offeror that  
 3        may become part of the procurement contract; provided  
 4        that the preplanning and quality control document shall  
 5        include:  
 6        (A) The identification of risk;  
 7        (B) The measures planned to reduce or eliminate risk;  
 8        (C) The general contractor's schedule; and  
 9        (D) The method used to provide reports on the  
 10       construction project."

11       SECTION 2. Section 103D-303, Hawaii Revised Statutes, is  
 12 amended by amending subsection (e) to read as follows:

13       "(e) The request for proposals shall state the relative  
 14 importance of price and other evaluation factors. For  
 15 construction projects, the request for proposals may also  
 16 contain best value procurement principals and criteria specified  
 17 in section 103D- ."

18       SECTION 3. New statutory material is underscored.

19       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Carol Fukumaga*

**Report Title:**

Best Value Procurement

**Description:**

Allows "best value" principles and criteria to be used in procuring construction contracts through the competitive sealed proposals process.

