

JAN 25 2006

S.B. NO. 3071

A BILL FOR AN ACT

RELATING TO PUBLIC CONTRACTS.

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

1 SECTION 1. Section 103-55, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§103-55 Wages, hours, and working conditions of employees**
4 **of contractors performing services.** (a) Before any offeror
5 enters into a contract to perform services in excess of \$25,000
6 for any governmental agency, the offeror shall certify that the
7 services to be performed will be performed under the following
8 conditions:

9 Wages. The services to be rendered shall be performed by
10 employees paid at wages or salaries not less than the wages paid
11 to public officers and employees for similar work.

12 Compliance with labor laws. All applicable laws of the
13 federal and state governments relating to workers' compensation,
14 unemployment compensation, payment of wages, and safety will be
15 fully complied with.

16 (b) No contract to perform services for any governmental
17 contracting agency in excess of \$25,000 shall be granted unless
18 all the conditions of this section are met. Failure to comply



1 with the conditions of this section during the period of
2 contract to perform services shall result in cancellation of the
3 contract, unless such noncompliance is corrected within a
4 reasonable period as determined by the procurement officer.
5 Final payment of a contract or release of bonds or both shall
6 not be made unless the procurement officer has determined that
7 the noncompliance has been corrected.

8 It shall be the duty of the governmental contracting agency
9 awarding the contract to perform services in excess of \$25,000
10 to enforce this section.

11 (c) This section shall apply to all contracts to perform
12 services in excess of \$25,000, including contracts to supply
13 ambulance service and janitorial service.

14 This section shall not apply to:

- 15 (1) Managerial, supervisory, or clerical personnel.
- 16 (2) Contracts for supplies, materials, or printing.
- 17 (3) Contracts for utility services.
- 18 (4) Contracts to perform personal services under
19 paragraphs (2), (3), (12), and (15) of section 76-16,
20 paragraphs (7), (8), and (9) of section 46-33, and
21 paragraphs (7), (8), and (12) of section 76-77.
- 22 (5) Contracts for professional services.



1 (6) Contracts to operate refreshment concessions in public
2 parks, or to provide food services to educational
3 institutions.

4 (7) Contracts with nonprofit institutions.

5 (d) Notwithstanding workers' compensation law, any
6 contract for the provision of bus transportation services shall
7 provide that the governmental body shall pay full wages and
8 benefits compensation to any bus driver who is injured as a
9 result of an assault occurring while performing duties under the
10 contract."

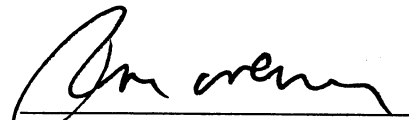
11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun, before its effective date.

15 SECTION 4. This Act shall take effect upon its approval
16 and shall apply to all new contracts executed on or after
17 July 1, 2006.

18

INTRODUCED BY:


By request

Report Title:

Public Contracts; Wages and Benefits; Bus Drivers

Description:

Requires a governmental body that enters into a contract for bus transportation services to provide full wages and benefits compensation to a bus driver who is injured as a result of an assault while performing duties under the contract, regardless of workers' compensation law.

