

JAN 24 2007

A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Section 103D-102, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts by governmental bodies:

5 (1) Solicited or entered into before July 1, 1994, unless
6 the parties agree to its application to a contract
7 solicited or entered into prior to July 1, 1994;

8 (2) To disburse funds, irrespective of their source:

9 (A) For grants or subsidies as those terms are
10 defined in section 42F-101, made by the State in
11 accordance with standards provided by law as
12 required by article VII, section 4, of the State
13 Constitution; or by the counties pursuant to
14 their respective charters or ordinances;

15 (B) To make payments to or on behalf of public
16 officers and employees for salaries, fringe
17 benefits, professional fees, or reimbursements;



- 1 (C) To satisfy obligations that the State is required
2 to pay by law, including paying fees, permanent
3 settlements, subsidies, or other claims, making
4 refunds, and returning funds held by the State as
5 trustee, custodian, or bailee;
- 6 (D) For entitlement programs, including public
7 assistance, unemployment, and workers'
8 compensation programs, established by state or
9 federal law;
- 10 (E) For dues and fees of organizations of which the
11 State or its officers and employees are members,
12 including the National Association of Governors,
13 the National Association of State and County
14 Governments, and the Multi-State Tax Commission;
- 15 (F) For deposit, investment, or safekeeping,
16 including expenses related to their deposit,
17 investment, or safekeeping;
- 18 (G) To governmental bodies of the State;
- 19 (H) As loans, under loan programs administered by a
20 governmental body; and
- 21 (I) For contracts awarded in accordance with chapter
22 103F.



1 (3) To procure goods, services, or construction from a
2 governmental body other than the University of Hawaii
3 bookstores, from the federal government, or from
4 another state or its political subdivision;

5 (4) To procure the following goods or services which are
6 available from multiple sources but for which
7 procurement by competitive means is either not
8 practicable or not advantageous to the State:

9 (A) Services of expert witnesses for potential and
10 actual litigation of legal matters involving the
11 State, its agencies, and its officers and
12 employees, including administrative quasi-
13 judicial proceedings;

14 (B) Works of art for museum or public display;

15 (C) Research and reference materials including books,
16 maps, periodicals, and pamphlets, which are
17 published in print, video, audio, magnetic, or
18 electronic form;

19 (D) Meats and foodstuffs for the Kalaupapa
20 settlement;

21 (E) Opponents for athletic contests;



- 1 (F) Utility services whose rates or prices are fixed
- 2 by regulatory processes or agencies;
- 3 (G) Performances, including entertainment, speeches,
- 4 and cultural and artistic presentations;
- 5 (H) Goods and services for commercial resale by the
- 6 State;
- 7 (I) Services of printers, rating agencies, support
- 8 facilities, fiscal and paying agents, and
- 9 registrars for the issuance and sale of the
- 10 State's or counties' bonds;
- 11 (J) Services of attorneys employed or retained to
- 12 advise, represent, or provide any other legal
- 13 service to the State or any of its agencies, on
- 14 matters arising under laws of another state or
- 15 foreign country, or in an action brought in
- 16 another state, federal, or foreign jurisdiction,
- 17 when substantially all legal services are
- 18 expected to be performed outside this State;
- 19 (K) Financing agreements under chapter 37D; [and]
- 20 (L) Services to provide public, educational, and
- 21 government access and services to operate public,



1 educational, and government access television
2 stations; and

3 ~~(L)~~ (M) Any other goods or services which the policy
4 board determines by rules or the chief
5 procurement officer determines in writing is
6 available from multiple sources but for which
7 procurement by competitive means is either not
8 practicable or not advantageous to the State; and

9 (5) Which are specific procurements expressly exempt from
10 any or all of the requirements of this chapter by:

11 (A) References in state or federal law to provisions
12 of this chapter or a section of this chapter, or
13 references to a particular requirement of this
14 chapter; and

15 (B) Trade agreements, including the Uruguay Round
16 General Agreement on Tariffs and Trade (GATT)
17 which require certain non-construction and non-
18 software development procurements by the
19 comptroller to be conducted in accordance with
20 its terms."

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: S.S.T.Z.
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Report Title:

Procurement of the Access Management Contract

Description:

Exempts the procurement of the access management contract of services to provide public, educational, and government access to television stations from the requirements of the State Procurement Code.

