

JAN 17 2008

A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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

1 SECTION 1. The legislature finds that vendors who employ
2 persons with disabilities and persons who receive income
3 payments under public assistance, are critical to helping
4 specific populations of society who find it difficult to obtain
5 employment. As such, these companies should be provided a
6 preference when selling goods and services to the government.

7 The purpose of this Act is to establish a procurement
8 preference for companies bidding on state and county contracts
9 that pledge to hire the disabled and recipients of public
10 assistance.

11 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
12 amended by adding two new sections to part X to be appropriately
13 designated and to read as follows:

14 "§103D- Preference for employment of persons with
15 disabilities. (a) When a governmental body contracts for
16 goods, services, or construction, a preference shall be given to
17 a bidder who pledges to hire persons with disabilities; provided



1 that the persons with disabilities are employed for the duration
2 of the contract.

3 (b) The preference amount under subsection (a) shall be
4 equal to the percentage of individuals who are persons with
5 disabilities and employed by the bidder and shall be subtracted
6 from the offer for selection purposes only; provided that:

7 (1) The preference amount shall not exceed five per cent
8 of the bid price; and

9 (2) Part-time employees who are persons with disabilities
10 shall be counted in proportion to the number of hours
11 they work in a forty-hour work week.

12 The percentage of individuals who are persons with
13 disabilities and employed by a bidder shall be calculated by
14 dividing the total number of employees with disabilities by the
15 total number of employees employed or expected to be employed
16 for the contract, and then multiplying the quotient by one
17 hundred. The product shall be the amount of the preference,
18 subject to the limitations established in paragraphs (1) and
19 (2).

20 (c) The department of human services shall:

21 (1) Certify the eligibility of persons who are recipients
22 of temporary assistance for needy families; and



1 (2) Establish a registry of persons with disabilities who
2 are seeking employment and who a responsive and
3 responsible offer or may employ; provided that the
4 department of human services first obtains the
5 authorization of the persons before including them in
6 the registry.

7 (d) For purposes of this section, "person with
8 disabilities" means an individual who has a physical or mental
9 impairment that substantially limits one or more major life
10 activities, including an individual who the department of
11 health, department of human services, or a physician licensed
12 under chapter 453 or 460 determines to be disabled.

13 (e) The policy board shall adopt rules under chapter 91 to
14 establish procedures consistent with this section.

15 §103D- Preference for employment of recipients of income
16 payments under public assistance. (a) When a governmental body
17 contracts for goods, services, or construction, a preference
18 shall be given to a bidder who pledges to hire recipients of
19 income payments under public assistance; provided that the
20 recipients of income payments under public assistance are
21 employed for the duration of the contract.



1 (b) The preference amount under subsection (a) shall be
2 equal to the percentage of individuals who are recipients of
3 income payments under public assistance and employed by the
4 bidder shall be subtracted from the offer for selection purposes
5 only; provided that:

6 (1) The preference amount shall not exceed five per cent
7 of the bid price; and

8 (2) Part-time employees who are recipients of income
9 payments under public assistance shall be counted in
10 proportion to the number of hours they work in a forty
11 hour work week.

12 The percentage of individuals who are recipients of income
13 payments under public assistance and employed by the bidder
14 shall be calculated by dividing the total number of employees
15 receiving income payments under public assistance by the total
16 number of employees employed or expected to be employed for the
17 contract, and then multiplying the quotient by one hundred. The
18 product shall be the amount of the preference, subject to the
19 limitations established in paragraphs (1) and (2).

20 (c) The department of human services shall:

21 (1) Certify the eligibility of persons who are recipients
22 of income payments under public assistance; and



1 (2) Establish a registry of recipients of income payments
2 under public assistance who are seeking employment and
3 who a responsive and responsible offeror may employ;
4 provided that the department of human services first
5 obtains the authorization of the persons before
6 including them in the registry.

7 (d) The policy board shall adopt rules under chapter 91 to
8 establish procedures consistent with this section."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2008.

11

INTRODUCED BY: *Anne Chun O'Connell*



Report Title:

Procurement Code; Employment Preference

Description:

Establishes a preference to bidders who employ persons with disabilities or recipients of income payments under public assistance programs.

