
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 recipients of temporary assistance
3 for needy families offer critical assistance to individuals in
4 the community for whom it can be difficult to obtain employment.
5 As such, these hiring practices should be encouraged with
6 procurement preferences when contracting with state 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 individuals with disabilities and recipients
10 of temporary assistance for needy families.

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 if such construction is valued
17 at less than \$500,000, a preference shall be given to a bidder



1 who pledges to hire persons with disabilities; provided that the
2 persons with disabilities are employed for the duration of the
3 contract.

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

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

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

13 The percentage of individuals who are persons with
14 disabilities and employed by a bidder shall be calculated by
15 dividing the total number of employees with disabilities by the
16 total number of employees employed or expected to be employed
17 for the contract, and then multiplying the quotient by one
18 hundred. The product shall be the amount of the preference,
19 subject to the limitations established in paragraphs (1) and
20 (2).

21 (c) The department of human services shall:



1 (1) Certify the eligibility of persons with disabilities;
2 and

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

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

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

17 §103D- Preference for employment of recipients of
18 temporary assistance for needy families. (a) When a
19 governmental body contracts for goods, services, or construction
20 if such construction is valued at less than \$500,000, a
21 preference shall be given to a bidder who pledges to hire
22 recipients of temporary assistance for needy families; provided



1 that the recipients of temporary assistance for needy families
2 are employed for the duration of the contract.

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

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

10 (2) Part-time employees who are recipients of temporary
11 assistance for needy families shall be counted in
12 proportion to the number of hours they work in a forty
13 hour work week.

14 The percentage of individuals who are recipients of
15 temporary assistance for needy families and employed by the
16 bidder shall be calculated by dividing the total number of
17 employees receiving temporary assistance for needy families by
18 the total number of employees employed or expected to be
19 employed for the contract, and then multiplying the quotient by
20 one hundred. The product shall be the amount of the preference,
21 subject to the limitations established in paragraphs (1) and
22 (2).



- 1 (c) The department of human services shall:
- 2 (1) Certify the eligibility of persons who are recipients
- 3 of temporary assistance for needy families; and
- 4 (2) Establish a registry of recipients of temporary
- 5 assistance for needy families who are seeking
- 6 employment and whom a responsive and responsible
- 7 offeror may employ; provided that the department of
- 8 human services first obtains the authorization of the
- 9 persons before including them in the registry.
- 10 (d) The policy board shall adopt rules under chapter 91 to
- 11 establish procedures consistent with this section."

12 SECTION 3. The department of accounting and general

13 services shall submit a detailed report on the procurement and

14 hiring practices established by this Act to the legislature no

15 later than twenty days prior to the convening of the regular

16 session of 2009, and annually thereafter.

17 SECTION 4. There is appropriated out of the general

18 revenues of the State of Hawaii the sum of \$ or so

19 much thereof as may be necessary for fiscal year 2008-2009 for

20 the department of human services to establish a registry of

21 persons with disabilities and recipients of temporary assistance

22 for needy families for employment purposes pursuant to this Act.



1 The sum appropriated shall be expended by the department of
2 human services for the purposes of this Act.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect on July 1, 2008.



Report Title:

Procurement Code; Employment Preference

Description:

Establishes a preference to bidders who employ persons with disabilities or recipients of temporary assistance for needy families. (SD1)

