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# A BILL FOR AN ACT

RELATING TO THE PROCUREMENT CODE.

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

1           SECTION 1. Section 103D-310, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§103D-310 Responsibility of offerors.** (a) Unless the  
4 policy board, by rules, specifies otherwise, before submitting  
5 an offer, a prospective offeror, not less than ten calendar days  
6 prior to the day designated for opening offers, shall give  
7 written notice of the intention to submit an offer to the  
8 procurement officer responsible for that particular procurement.

9           (b) Simultaneous to a submission of an offer, an offeror  
10 shall submit verifiable proof of every current applicable  
11 occupational license of every trade or specialty to be working  
12 on a construction, including the general contractor's license,  
13 subcontractor's licenses, and specialty licenses.

14           [~~(b)~~] (c) Whether or not an intention to bid is required,  
15 the procurement officer shall determine whether the prospective  
16 offeror has the financial ability, resources, skills,  
17 capability, licenses under subsection (b), and business  
18 integrity necessary to perform the work. For this purpose, the



1 officer, in the officer's discretion, may require any  
2 prospective offeror to submit answers, under oath, to questions  
3 contained in a standard form of questionnaire to be prepared by  
4 the policy board. Whenever it appears from answers to the  
5 questionnaire or otherwise, that the prospective offeror is not  
6 fully qualified and able to perform the intended work, a written  
7 determination of nonresponsibility of an offeror shall be made  
8 by the head of the purchasing agency, in accordance with rules  
9 adopted by the policy board. The unreasonable failure of an  
10 offeror to promptly supply information in connection with an  
11 inquiry with respect to responsibility may be grounds for a  
12 determination of nonresponsibility with respect to such offeror.  
13 The decision of the head of the purchasing agency shall be final  
14 unless the offeror applies for administrative review pursuant to  
15 section 103D-709.

16 [~~e~~] (d) All offerors, upon award of contract, shall  
17 comply with all laws governing entities doing business in the  
18 State, including chapters 237, 383, 386, 392, and 393. Offerors  
19 shall produce documents to the procuring officer to demonstrate  
20 compliance with this subsection. Any offeror making a false  
21 affirmation or certification under this subsection shall be  
22 suspended from further offerings or awards pursuant to section



1 103D-702. The procuring officer shall verify compliance with  
2 this subsection for all contracts awarded pursuant to sections  
3 103D-302, 103D-303, 103D-304, and 103D-306; provided that the  
4 attorney general may waive the requirements of this subsection  
5 for contracts for legal services if the attorney general  
6 certifies in writing that comparable legal services are not  
7 available in this State.

8 [~~(d)~~] (e) Information furnished by an offeror pursuant to  
9 this section shall not be disclosed to any person except to law  
10 enforcement agencies as provided by chapter 92F."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Works; Verification of Licensure

**Description:**

Requires offerors to submit verifiable proof all of applicable trade licenses along with bids or proposals. Eff. 7/1/2050.  
(SD1)

