
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-1002, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§103D-1002 Hawaii products. (a) A purchasing agency
4 shall review all specifications in a bid or proposal for
5 purchase from the Hawaii products list where these products are
6 available; provided that the products:

7 (1) Meet the minimum specifications and the selling price
8 f.o.b. jobsite;

9 (2) Unloaded including applicable general excise tax and
10 use tax does not exceed the lowest delivered price in
11 Hawaii f.o.b. jobsite; and

12 (3) Unloaded, including applicable general excise tax and
13 use tax, does not exceed the lowest delivered price of
14 a similar non-Hawaii product by more than:

15 (A) Three per cent where class I Hawaii products are
16 involved;



1 (B) Five per cent where class II Hawaii products are
2 involved; or

3 (C) Ten per cent where class III Hawaii products are
4 involved.

5 (b) All invitations for bids and requests for proposals
6 shall include a description of the products that are listed in
7 the Hawaii products list established pursuant to this section,
8 and their established classes, which may be used to complete the
9 scope of work specified in the invitation for bids or request
10 for proposals, where the products are available and meet the
11 minimum specifications.

12 (c) All persons submitting bids or proposals to claim a
13 Hawaii products preference shall designate in their bids which
14 individual product and its price is to be supplied as a Hawaii
15 product.

16 (d) Where a bid or proposal contains both Hawaii and non-
17 Hawaii products, then for the purpose of selecting the lowest
18 bid or purchase price only, the price bid or offered for a
19 Hawaii product item shall be decreased by subtracting therefrom:
20 three per cent, five per cent, or ten per cent for the class I,
21 class II, or class III Hawaii product items bid or offered,
22 respectively. The lowest total bid or proposal, taking the



1 preference into consideration, shall be awarded the contract
2 unless the bid or offer provides for additional award criteria.
3 The contract amount of any contract awarded, however, shall be
4 the amount of the bid or price offered, exclusive of the
5 preferences.

6 (e) Upon receipt and approval of application for Hawaii
7 products preference, the administrator shall include within the
8 Hawaii products list, the names of producers and manufacturers
9 in the State who are authorized to supply locally manufactured
10 soil enhancement products to state agencies under subsection
11 (h). The administrator of the state procurement office shall
12 maintain and distribute copies of the list to the purchasing
13 agencies of the various governmental agencies.

14 (f) This section shall not apply whenever its application
15 will disqualify any governmental agency from receiving federal
16 funds or aid.

17 (g) Any purchase made or any contract awarded or executed
18 in violation of this section shall be void and no payment shall
19 be made by any purchasing agency on account of the purchase or
20 contract.

21 (h) For the purposes of this section, "soil enhancement
22 product" means any nonchemical soil preparation, conditioner, or



1 compost mixture designed to supplement aeration or add organic,
2 green waste, or decaying matter to the soil; provided that the
3 term does not include any plant fertilizer intended to stimulate
4 or induce plant growth through chemical means. All state
5 agencies shall include in their solicitations, when required,
6 the soil enhancement products identified on the Hawaii products
7 list pursuant to subsection (e).

8 (i) To encourage the purchase and use of Hawaii grown
9 flowers, the department of agriculture, with the assistance of
10 the state procurement office, shall develop a Hawaii
11 floriculture product program."

12 SECTION 2. New statutory material is underscored.

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



Report Title:

Hawaii Flowers; Preference; Procurement Code

Description:

Amends the procurement code to establish a preference for the purchase of flowers grown in Hawaii. (SD1)

