

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 2825
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2825, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is:

- (1) Allow the Administrator of the State Procurement Office to determine the corrective actions; and
- (2) Specify that procurement officers who fail to comply with the Administrator's determination of corrective action within thirty days of issuance of the determination, or longer if permitted by the Administrator, are subject to an administrative fine for each day of noncompliance.



Your Committee on Conference finds that governmental bodies are culpable at times for procurements that are not in compliance with law. The Hawaii Public Procurement Code provides general authority to the Chief Procurement Officer to assess fines. This measure clarifies that the Administrator of the State Procurement Office may assess fines in those instances against governmental bodies, including public employees, as well as to make determinations as to corrective actions.

Your Committee on Conference has amended this measure by changing the effective date to January 1, 2009, and making technical nonsubstantive amendments.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2825, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2825, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:


ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


KYLE T. YAMASHITA, Co-Chair


CLARENCE K. NISHIHARA, Chair


BLAKE K. OSHIRO, Co-Chair


SHAN S. TSUTSUI, Co-Chair



CCR 46

Hawaii State Legislature
 Record of Votes of a
 Conference Committee

Bill / Concurrent Resolution No.: **SB 2825, SD 1, HD 2** Date/Time: *4/24/08 1:25 pm*

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	/				YAMASHITA, Kyle T., Co-Chr.	/			
TSUTSUI, Shan S., Co-Chr.	/				OSHIRO, Blake K., Co-Chr.	/			
KIM, Donna Mercado	/				WAKAI, Glenn	/			
TRIMBLE, Gordon	/				THIELEN, Cynthia	/			
TOTAL	4				TOTAL	4			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: Adopted Not Adopted House Recommendation is: Adopted Not Adopted

Senate Lead Chair's or Designee's Signature: *Clarence K. Nishihara* House Lead Chair's or Designee's Signature: *[Signature]*

Distribution: Original Yellow Pink Goldenrod
 File with Conference Committee House Clerk's Office Senate Clerk's Office Drafting Agency