

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 2867
S.D. 2
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. 2867, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE,"

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 to prohibit a chief procurement officer from delegating the chief procurement officer's authority to resolve protests under the Hawaii Public Procurement Code.

This measure also specifies that any false information or misrepresentation knowingly placed in the solicitation of an offeror or a subcontractor shall be a basis for not awarding the contract to the offeror or the subcontractor and shall result in the imposition by the chief procurement officer of a one year mandatory suspension from consideration for awards.



Your Committee on Conference has amended this measure by:

- (1) Specifying that any false information or misrepresentation knowingly placed in the solicitation of an offeror or a subcontractor by an agency shall be a basis for nullifying the solicitation by the administrator of the state procurement office;
- (2) Specifying that any false information or misrepresentation knowingly placed in the bid of the bidder or subcontractor shall be the basis for not awarding the bid to that bidder or the bidder's subcontractor; provided that the bidder or subcontractor may protest the non-award first to the agency letting the bid under section 103D-701, Hawaii Revised Statutes, secondly appeal thereafter to the State Procurement Office for proceedings under section 103D-703, Hawaii Revised Statutes, and thirdly thereafter request review by the Department of Commerce and Consumer Affairs under section 103D-709, Hawaii Revised Statutes;
- (3) Deleting reference to delegation of authority by the chief procurement officer's authority to resolve protests; and
- (4) Making technical, nonsubstantive amendments for the purpose of style.

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. 2867, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2867, S.D. 2, 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



BRIAN T. TANIGUCHI, Co-Chair



