

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 10, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2531, H.D.1

COMMITTEE ON TRANSPORTATION & INTERNATIONAL AFFAIRS
COMMITTEE ON TOURISM & GOVERNMENT OPERATIONS

The Department of Transportation (DOT) supports the intent of this bill, but has concerns that the appropriation needed to implement this bill may adversely impact the priorities established in the Executive Supplemental Budget.

This bill would require the Maui County civil defense agency to create an informal, temporary West Maui transportation access plan Working Group, to develop a West Maui transportation access plan. We believe this is appropriate. The responsibility for emergency access and response planning rests more appropriately with the Counties. County agencies have the authority and local expertise that are more suited to accomplishing the goals set out in this bill. From the DOT's perspective, transportation facilities are only one component of a comprehensive emergency access plan and we recognize that multi-agency coordination is essential. The DOT is more than willing to play a significant role and assist the Maui County civil defense agency in the plan development process.

Thank you for the opportunity to testify on this matter.

LATE

LINDA LINGLE
GOVERNOR



PROCUREMENT POLICY BOARD
DARRYL W. BARDUSCH
LESLIE S. CHINEN
DARYLE ANN HO
GREGORY L. KING
KEITH T. MATSUMOTO
RUSS K. SAITO
PAMELA A. TORRES

AARON S. FUJIOKA
ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
www.spo.hawaii.gov

TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
SENATE COMMITTEES
ON
TRANSPORTATION AND INTERNATIONAL AFFAIRS
AND
TOURISM AND GOVERNMENT OPERATIONS

March 10, 2008

HB 2531, HD 1

RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN.

Chair English, Chair Nishihara and committee members, thank you for the opportunity to testify on HB 2531, HD 1. The State Procurement Office's (SPO) testimony is limited to Section 2, subsection (b) that provides for a "non-bid" contract with a consultant.

The SPO does not support the language to exempt from HRS chapter 103D, the contract for a consultant to develop the proposed West Maui transportation access plan.

Statutory exemptions are contrary to the Hawaii Public Procurement Code (Code), section 103D-102, HRS, on the applicability of the chapter that states in part ". . . shall apply to all procurement contracts made by governmental bodies whether the consideration for the contract is cash, revenues, realizations, receipts, or earnings, . . ." Any governmental agency with the authority to expend funds should be in compliance with chapter 103D, which promotes the policy of fair and equitable treatment of all persons who deal with the procurement system; fosters effective broad-based competition; and increases public confidence in public procurement.

LATE

The SPO is against statutorily exempting specific purchases from the Code, as it is not in the best interest of government, the business community, and the general public. The Code establishes a time-tested, fair, and reliable set of rules and processes for award of contracts. The competitive procurement processes of the Code are to insure that all potential providers are afforded the opportunity to compete for the required services. To the extent agencies may need specific purchases to be exempted from Code requirements, the Code provides an exemption process.

The Code should not be viewed as an obstacle to a purchasing agency's mission, but rather as the single source of public procurement policy to be applied equally and uniformly to obtain its requirements. It was the legislature's intent for the Code to be a single source of public procurement policy. If individual agencies are exempted and allowed to develop their own individual processes, it becomes problematic for the administration and vendors/contractors that must comply with a variety of processes. Fairness, open competition, a level playing field, and government disclosure and transparency in the procurement and contracting process are vital to good government. For this to be accomplished, we must participate in the process with one set of statutes and rules.

In conclusion, there is no compelling reason to statutorily exempt the contract for a consultant to develop the West Maui transportation access plan from chapter 103D. The SPO recommends amending Page 4, lines 10 and 11, as follows:

(b) The temporary working group shall develop a West Maui transportation access plan to address road closures in West Maui and may contract with a consultant to develop the plan ~~without regard to chapter 103D, Hawaii Revised Statutes.~~

Thank you.

LATE