



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

IN REPLY REFER TO:

January 28, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

Before House Committee on Transportation

On H.B. No. 2531, Relating to the West Maui Transportation Access Plan.

The State Department of Transportation supports the intent of this bill but has concerns about what this bill is proposing.

The State Department of Transportation (DOT) is responsible for Hawaii's transportation infrastructure. Consequently, the DOT constructs the airports, commercial harbors, and highways that are utilized by various aeronautical, marine, and surface transportation vessels/vehicles.

This bill will create a working group to develop a transportation access plan to address the problem of road closures in West Maui. The DOT is willing to assist the elected legislators of West Maui and the county officials of Maui County, and is willing to participate in this working group. However, the DOT feels that this working group should not be placed within the Department of Transportation because the DOT is not the best agency to dictate the alternative access routes that the West Maui community should use during an emergency. These community decisions are best left to the county's civil defense agency. Accordingly, we feel that the temporary working group should be led by a more appropriate agency from Maui County, such as the county's civil defense agency.

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TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
TRANSPORTATION

January 28, 2008

HB 2531

RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN

Chair Souki, Vice Chair Nishimoto and committee members, thank you for the opportunity to testify on H.B. 2531. The State Procurement Office's (SPO) testimony is limited to Section 2, subsection (b) which 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.

The State Procurement Office 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. Agencies agree that fairness, open competition, a level playing field, and government disclosure and transparency in the procurement and contracting process are vital to good government. We believe that 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 14 through 15, 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.



MAUI LAND & PINEAPPLE COMPANY, INC.

January 24, 2008

The Honorable Representative Joseph M. Souki, Chair
The Honorable Representative Scott Y. Nishimoto, Vice Chair
Committee on Transportation
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 309
Honolulu, Hawaii 96813

Subject: HB 2531 – Relating to the West Maui Transportation Access Plan

Dear Honorable Chair Souki, Honorable Vice Chair Nishimoto and Committee Members:

Maui Land & Pineapple Company, Inc. strongly supports HB 2531 – Relating to the West Maui Transportation Access Plan.

Maui Land & Pineapple Company, Inc. through its subsidiary Maui Pineapple Company, Ltd. farms pineapple in West Maui. The harvested pineapple is transported to Central Maui for final processing and sales distribution. Furthermore, many of our West Maui employees live in Central Maui. It is critical to have reliable access in and out of West Maui. The development of a West Maui transportation access plan that addresses road closures is definitely needed and needs to be completed as soon as possible.

Maui Land & Pineapple Company, Inc. respectfully requests your support of the subject legislation.

We sincerely appreciate the opportunity to provide our testimony. If you have any questions or wish to discuss the testimony, please do not hesitate to contact me at (808) 877-3882.

Mahalo,

Warren A Suzuki
Senior Vice President