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IN REPLY REFER TO:

March 10, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2156, S.D.1

COMMITTEE ON TRANSPORTATION

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. The DOT is also concerned that we may not be the most appropriate agency for this undertaking.

The primary 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 in the plan development process. But we believe that the County is more appropriate as the lead for this effort.

LINDA LINGLE
GOVERNOR



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TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
TRANSPORATION

March 10, 2008

SB 2156, SD 1

RELATING TO THE WEST MAUI TRANSPORATION ACCESS PLAN.

Chair Souki, Vice Chair Nishimoto and committee members, thank you for the opportunity to testify on SB 2156, SD1. 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 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.

SB 2156, SD 1
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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 14 and 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.

March 7, 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: SB 2156, SD1 (SSCR 2781) - Relating to the West Maui Transportation Access Plan.

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

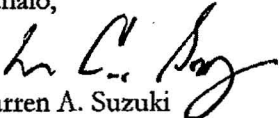
Maui Land & Pineapple Company, Inc. strongly supports SB 2156, SD1 (SSCR 2781) – Relating to the West Maui Transportation Access Plan.

Maui Land & Pineapple Company, Inc., through our agricultural subsidiary, Maui Pineapple Company, Ltd., farms pineapple in West Maui. The harvested pineapples are transported to Central Maui for final processing and sales distribution. Since the pineapples are processed for the fresh whole market, it is critical that the fruit get to our processing facility in a timely and reliable manner. Any delay will have a huge impact on the quality of the fruit from a marketing standpoint. Many of our employees working in West Maui live in Central Maui and for them it is very important that they be able to get to work and back home without experiencing unnecessary delays. In today's society, many negative situations occur when families are not able to spend quality time together and we need to insure that this does not happen. The development of a West Maui transportation access plan that addresses road closures is definitely needed and must 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 our testimony, please do not hesitate to contact me at (808) 877-3882.

Mahalo,


Warren A. Suzuki
Senior Vice President