

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
INTERIM 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:

January 28, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

Before Senate Committee on Transportation and International Affairs

On S.B. No. 2156, Relating to the West Maui Transportation Access Plan.

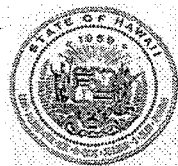
The State Department of Transportation supports the intent of this bill but has concerns about what this bill is proposing.

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.

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



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PAMELA A. TORRES

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 COMMITTEE
ON
TRANSPORTATION AND INTERNATIONAL AFFAIRS

January 28, 2008

SB 2156

RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN

Chair English, and committee members, thank you for the opportunity to testify on S.B. 2156. 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.

S.B. 2156

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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 23, 2008

The Honorable Senator J. Kalani English, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Committee on Transportation and International Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Subject: SB 2156 – Relating to the West Maui Transportation Access Plan

Dear Honorable Chair English, Honorable Vice Chair Gabbard and Committee Members:

Maui Land & Pineapple Company, Inc. strongly supports SB 2156 – 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 for 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

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO
Gentry Pacific Design Center, Suite 215A
560 N. Nimitz Highway, #50
Honolulu, Hawaii 96817
(808) 524-2249 - FAX (808) 524-6893

January 25, 2008

Honorable Senator Kalani English, Chair
Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Transportation and International Affairs
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: IN SUPPORT OF SB 2156
RELATING TO WORKERS' COMPENSATION
Hearing: Monday, January 28, 2008, 2:45 p.m.

Dear Chair English, Vice Chair Gabbard and the Senate Committee on
Transportation and International Affairs:

For the Record my name is Buzz Hong the Executive Director for the Hawaii
Building & Construction Trades Council, AFL-CIO. Our Council is comprised
of 16-construction unions and a membership of 26,000 statewide.

The Council supports the passage of SB2156, which creates a temporary
West Maui transportation access plan working group to develop a West Maui
transportation access plan. This will bring a motivating force to the issue of
access to West Maui and benefit residents and visitors to Maui.

Thank you for the opportunity to submit this testimony in support of SB2156.

Sincerely,

William "Buzz" Hong
Executive Director

WBH/dg

Lahaina **Bypass.com**

Now
Let's get it built!

January 25, 2008

Chair: Senator Kalani English
Vice Chair: Senator Mike Gabbard
Senate
Transportation and International Affairs Committee

RE: SB 2156

To: Chair Senator Kalani English; Vice Chair Senator Mike Gabbard
& Transportation Committee Members

We **support SB 2156** scheduled to be heard on 1/28/08 at 2:25 pm.

Lahaina Bypass Now is a non-profit community organization dedicated to the development of a regional transportation system for West Maui. We work in a pro-active approach with the community, public and elected officials, businesses and the visitor industry to create positive solutions to transportation challenges.

A good transportation system provides choices for people on a day-to-day basis and in a crisis. West Maui as well as West Kauai, Waianai and Kealahou have one major access road – ie one choice – which, when closed due to a fire, auto accident, ocean incident etc. – is reduced to **no access** and therefore **no choice**.

Residents of West Maui are extremely concerned for their families' safety during closures of the road. During 2007, the Honoapi'ilani Highway connecting Lahaina to the rest of Maui was closed approx. 6 times for protracted periods.

Road closures also threaten Maui's major economic engine – the West Maui Visitor Industry.

SB2156 would provide funds to develop a transportation access plan with the expertise of a transportation consultant, knowledgeable officials and community groups. This plan would be applicable statewide for isolated communities. This is long overdue. We urge your **support for SB 2156.**

Sincerely,
Theo Morrison
Executive Director

505 Front Street, Suite 202 · Lahaina, HI 96761
Telephone: 808-667-2516, Fax: 808-661-2058
www.lahainabypassnow.com

I support SB-2156 as a long time resident of West Maui. Please help us with the traffic problems we face daily on the road. Please support this bill that will be introduced on Monday Jan. 28, 2008. Aloha Nancy Montoya