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WRITTEN COMMENTS
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
SENATE COMMITTEE
ON
WAYS AND MEANS

February 21, 2008

SB 2156

RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN.

Chair Baker, Vice Chair Tsutsui and committee members, thank you for the opportunity to testify on SB 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.

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. 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 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.

February 19, 2008

The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Shan S. Tsutsui, Vice Chair
Committee on Ways and Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Subject: SB 2156 (SSCR 2001) – Relating to the West Maui Transportation Access Plan

Dear Honorable Chair Baker, Honorable Vice Chair Tsutsui and Committee Members:

Maui Land & Pineapple Company, Inc. strongly supports HB 2156 (SSCR 2001) – 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



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FACSIMILE

To: Senate Sergeant-at-Arms **From:** Warren A. Suzuki

Company: Hawaii State Capitol **Date:** 2/19/2008 **Time:** 1:30:51 PM

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Subject: Testimony for hearing
Committee on Ways and Means

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● **Comments:**

Subject: Testimony regarding SB 2156 (SSCR 2001) – Relating to the West Maui Transportation Access Plan on Thursday, February 21, 2008 at 9:30 a.m. in Room 211.

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IN REPLY REFER TO:

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

February 21, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2156

COMMITTEE ON WAYS AND MEANS

The Department of Transportation supports the intent of this bill but has concerns about its role in this matter.

The planning of emergency access and exits and the planning of emergency responses are more appropriate for civil defense agencies because they have the authority and expertise to accomplish these objectives. Transportation facilities are only one component of a comprehensive emergency access plan. Because multi-agency coordination is essential, the DOT is more than willing to participate and assist in the planning process. Accordingly, we believe that a civil defense agency would be more appropriate as the lead for this effort.