
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 103D-305, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§103D-305 Small purchases; prohibition against parceling.**

4 (a) Procurements of less than \$50,000 for goods, services, or
5 construction shall be made in accordance with procedures set
6 forth in rules adopted by the policy board that are designed to
7 ensure administrative simplicity and as much competition as is
8 practicable; provided that multiple expenditures shall not be
9 created at the inception of a transaction or project so as to
10 evade the requirements of this chapter; ~~and~~ provided further
11 that procurement requirements shall not be artificially divided
12 or parceled so as to constitute a small purchase under this
13 section[-]; and provided further that notwithstanding the
14 \$50,000 small purchase ceiling established in this subsection,
15 the small purchases ceiling for procurements of the University
16 of Hawaii or the board of regents of the University of Hawaii
17 shall be procurements with a value of less than \$250,000.

1 (b) Procurements of \$25,000 to less than \$50,000 shall be
2 made in accordance with small purchase procedures; provided that
3 small purchase procurements through an electronic system shall
4 be required after the policy board has adopted rules for
5 electronic procurement and provided training to the affected
6 agency[-]; and provided further that the University of Hawaii or
7 the board of regents of the University of Hawaii shall implement
8 an electronic procurement system for procurements in excess of
9 \$25,000, pursuant to section 304A-105(b)."

10 SECTION 2. Section 103D-701, Hawaii Revised Statutes, is
11 amended by amending subsection (f) to read as follows:

12 "(f) In the event of a timely protest under subsection
13 (a), no further action shall be taken on the solicitation or the
14 award of the contract until the chief procurement officer makes
15 a written determination that the award of the contract without
16 delay is necessary to protect substantial interests of the
17 State[-]; provided that this subsection shall not apply to the
18 University of Hawaii or the board of regents of the University
19 of Hawaii."

20 SECTION 3. Section 103D-709, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:

1 "(e) No action shall be taken on a solicitation or an
2 award of a contract while a proceeding is pending, if the
3 procurement was previously stayed under section 103D-701(f) [↔];
4 provided that this subsection shall not apply to the University
5 of Hawaii or the board of regents of the University of Hawaii."

6 SECTION 4. Section 304A-105, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The board of regents shall develop internal policies
9 and procedures for the procurement of goods, services, and
10 construction, consistent with the goals of public accountability
11 and public procurement practices, subject to chapter 103D[↔];
12 provided that subsections 103D-701(f) and 103D-709(e) shall not
13 apply to any actions or activities undertaken, conducted, or
14 performed under authority of the board of regents or the
15 university; and provided further that section 103D-305(a) shall
16 not apply to the University of Hawaii or the board of regents of
17 the University of Hawaii for procurements of less than \$250,000;
18 and provided further that the board of regents shall develop
19 policies and procedures for implementation of an electronic
20 procurement system for procurements in excess of \$25,000,
21 pursuant to section 103D-305(b)."

1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval;
7 provided that this Act shall be repealed on July 1, 2012, and
8 sections 103D-305, 103D-701(f), 103D-709(e), and 304A-105,
9 Hawaii Revised Statutes, shall be reenacted in the forms in
10 which they read prior to the effective date of this Act.

Report Title:

University of Hawaii; Procurement; Exemption

Description:

Exempts UH and the UH board of regents from certain requirements of the Hawaii public procurement code. Sunsets 7/1/2012. (SD1)