
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT
AMENDMENTS TO HAWAII ADMINISTRATIVE RULES RELATING TO
CONSTRUCTION CONTRACTS UNDER THE HAWAII PUBLIC PROCUREMENT
CODE TO DETERMINE WHETHER THOSE AMENDMENTS ARE CONTRARY TO
THE LETTER OR SPIRIT OF THE PROCUREMENT CODE.

1 WHEREAS, the Hawaii Public Procurement Code, codified in
2 chapter 103D, Hawaii Revised Statutes, was designed to create a
3 method of awarding public contracts in a manner that ensures
4 that public moneys are spent in a way that provides the best
5 value for products and services provided by the most qualified
6 offeror; and

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8 WHEREAS, recent amendments to the Hawaii Administrative
9 Rules that address the awarding of public contracts for
10 construction projects may have an effect that is contrary to the
11 intent of the Hawaii Public Procurement Code; and

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13 WHEREAS, these amendments may result in the award of public
14 contracts to offerors that are not the most qualified to perform
15 the work under the contract or do not provide the best value;
16 and

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18 WHEREAS, it is in the interest of equity and fiscal
19 responsibility to study the relevant administrative rules to
20 determine if they comply with the letter and spirit of the
21 Hawaii Public Procurement Code; now, therefore,

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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-fifth Legislature of the State of Hawaii, Regular Session
25 of 2009, the Senate concurring, that the Legislative Reference
26 Bureau is requested to study amendments made to the Hawaii
27 Administrative Rules implementing and interpreting the Hawaii
28 Procurement Code relating to construction contracts since
29 January 1, 2003, to determine whether those amendments are



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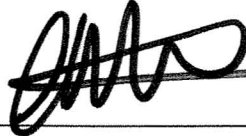
1 contrary to the letter or spirit of chapter 103D, Hawaii Revised
2 Statutes; and

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4 BE IT FURTHER RESOLVED the Legislative Reference Bureau is
5 requested to submit a report of its findings to the Legislature
6 not later than twenty days prior to the convening of the Regular
7 Session of 2010; and

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9 BE IT FURTHER RESOLVED that the State Procurement Office is
10 requested to provide full cooperation and support to the
11 Legislative Reference Bureau; and

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13 BE IT FURTHER RESOLVED that certified copies of this
14 Concurrent Resolution be transmitted to the Director of the
15 Legislative Reference Bureau, the Comptroller, and the
16 Administrator of the State Procurement Code.

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19 OFFERED BY:



James Welby
Jessica H. Day
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Journal

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