
A BILL FOR AN ACT

RELATING TO HAWAII PUBLIC PROCUREMENT CODE.

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

1 SECTION 1. Section 103D-102, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts by governmental bodies:

5 (1) Solicited or entered into before July 1, 1994, unless
6 the parties agree to its application to a contract
7 solicited or entered into prior to July 1, 1994;

8 (2) To disburse funds, irrespective of their source:

9 (A) For grants or subsidies as those terms are defined
10 in section 42F-101, made by the State in
11 accordance with standards provided by law as
12 required by article VII, section 4, of the
13 [~~State~~] Hawaii Constitution; or by the counties
14 pursuant to their respective charters or
15 ordinances;



- 1 (B) To make payments to or on behalf of public
2 officers and employees for salaries, fringe
3 benefits, professional fees, or reimbursements;
- 4 (C) To satisfy obligations that the State is required
5 to pay by law, including paying fees, permanent
6 settlements, subsidies, or other claims, making
7 refunds, and returning funds held by the State as
8 trustee, custodian, or bailee;
- 9 (D) For entitlement programs, including public
10 assistance, unemployment, and workers'
11 compensation programs, established by state or
12 federal law;
- 13 (E) For dues and fees of organizations of which the
14 State or its officers and employees are members,
15 including the National Association of Governors,
16 the National Association of State and County
17 Governments, and the Multi-State Tax Commission;
- 18 (F) For deposit, investment, or safekeeping, including
19 expenses related to their deposit, investment, or
20 safekeeping;
- 21 (G) To governmental bodies of the State;



1 (H) As loans, under loan programs administered by a
2 governmental body; and

3 (I) For contracts awarded in accordance with chapter
4 103F.

5 (3) To procure goods, services, or construction from a
6 governmental body other than the University of Hawaii
7 bookstores, from the federal government, or from
8 another state or its political subdivision;

9 (4) To procure goods, services, or construction from a
10 source approved as the sole source by the federal
11 government under a grant from the federal government
12 in any procurement funded by state and federal
13 matching funds or by federal funds alone;

14 [~~4~~] (5) To procure the following goods or services which
15 are available from multiple sources but for which
16 procurement by competitive means is either not
17 practicable or not advantageous to the State:

18 (A) Services of expert witnesses for potential and
19 actual litigation of legal matters involving the
20 State, its agencies, and its officers and
21 employees, including administrative quasi-
22 judicial proceedings;



- 1 (B) Works of art for museum or public display;
- 2 (C) Research and reference materials including books,
3 maps, periodicals, and pamphlets, which are
4 published in print, video, audio, magnetic, or
5 electronic form;
- 6 (D) Meats and foodstuffs for the Kalaupapa settlement;
- 7 (E) Opponents for athletic contests;
- 8 (F) Utility services whose rates or prices are fixed
9 by regulatory processes or agencies;
- 10 (G) Performances, including entertainment, speeches,
11 and cultural and artistic presentations;
- 12 (H) Goods and services for commercial resale by the
13 State;
- 14 (I) Services of printers, rating agencies, support
15 facilities, fiscal and paying agents, and
16 registrars for the issuance and sale of the
17 State's or counties' bonds;
- 18 (J) Services of attorneys employed or retained to
19 advise, represent, or provide any other legal
20 service to the State or any of its agencies, on
21 matters arising under laws of another state or
22 foreign country, or in an action brought in



1 another state, federal, or foreign jurisdiction,
2 when substantially all legal services are
3 expected to be performed outside this [~~State,~~]
4 state;

- 5 (K) Financing agreements under chapter 37D; and
- 6 (L) Any other goods or services which the policy board
7 determines by rules or the chief procurement
8 officer determines in writing is available from
9 multiple sources but for which procurement by
10 competitive means is either not practicable or
11 not advantageous to the State; and

12 [~~(5)~~] (6) Which are specific procurements expressly exempt
13 from any or all of the requirements of this chapter
14 by:

- 15 (A) References in state or federal law to provisions
16 of this chapter or a section of this chapter, or
17 references to a particular requirement of this
18 chapter; and

- 19 (B) Trade agreements, including the Uruguay Round
20 General Agreement on Tariffs and Trade (GATT)
21 which require certain non-construction and non-
22 software development procurements by the



1 comptroller to be conducted in accordance with
2 its terms."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2020.



S.B. NO. 705
S.D. 1
H.D. 1

Report Title:

Procurement; GSA

Description:

Exempts from the procurement code, contracts to procure goods, services, or construction from a source approved as the sole source by the federal government under a grant from the federal government in any procurement funded by state and federal matching funds or by federal funds alone. (SB705 HD1)

SB705 HD1 HMS 2009-3228

