
A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

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

1 SECTION 1. Following the 2009 legislative session, the
2 chairs of the senate committee on economic development and
3 technology and the house committee on economic revitalization,
4 business and military affairs convened a technology caucus work
5 group to bring together industry stakeholders and interested
6 policymakers to develop recommendations for legislation to
7 enhance Hawaii's struggling economy. The work group provided a
8 forum to review the current status of Hawaii's
9 science/technology industry, identify state or county actions
10 that impede long-term growth and expansion of technology
11 companies, and develop recommendations to address these
12 impediments. The work group also identified best practices
13 supporting the growth and development of science/technology
14 industries in other jurisdictions to aid in developing proposed
15 suggestions for future legislation. This Act implements one of
16 the recommendations of the technology caucus work group.



1 SECTION 2. The legislature finds that the Western States
2 Contracting Alliance (WSCA) was formed in October 1993 by the
3 state purchasing directors from fifteen western states. The
4 primary purpose of creating WSCA was to establish the means by
5 which participating states may join together in cooperative
6 multi-state contracting to achieve cost-effective and efficient
7 acquisition of quality products and services. WSCA uses a
8 cooperative, competitive model to capture the best pricing
9 possible for the volume of purchases being made. However, once
10 a brand determination has been made, and WSCA has been chosen as
11 the contracting vehicle, there is no incentive for the chosen
12 manufacturer to offer any additional discounts below the
13 pre-negotiated WSCA price.

14 The legislature further finds that WSCA does allow for the
15 extension of this competitive environment at the individual
16 order level by allowing each contract holder to designate
17 multiple resellers (servicing subcontractors) to quote and sell
18 products under their respective WSCA contract within any
19 particular participating state. The use of reseller agents
20 expands the discounting possibilities by pitting two or more
21 resellers against each other in a competitive environment; in
22 most cases, ensuring additional discounts are offered by the



1 resellers to secure the task order award. Additionally, as
2 these selected reseller agents are usually local firms, WSCA
3 customers receive better service than if working directly with a
4 manufacturer that has little or no local presence. The majority
5 of states with WSCA agreements use reseller agents.

6 In the past, Hawaii placed orders for goods and services
7 directly with local reseller agents for goods and services
8 procured under WSCA multistate agreements; however, since 2009,
9 the state procurement office has changed its practices and now
10 requires purchase orders for goods and services to be placed
11 directly with original equipment manufacturers. By doing so,
12 the State has eliminated an efficient, cost-effective means of
13 obtaining local support for goods and services procured under
14 WSCA agreements and replaced it with a procedure that costs the
15 same, but does not include the level of servicing support that
16 occurred previously.

17 The purpose of this Act is to implement one of the
18 recommendations of the technology caucus work group by requiring
19 the state procurement office to authorize reseller agreements in
20 multistate contracting agreements for the procurement of
21 information technology.



1 SECTION 3. Chapter 103D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§103D- Reseller agreements; information technology
5 contracts. In any multistate contracting agreement for the
6 procurement of information technology, the chief procurement
7 office shall authorize agreements with resellers located in the
8 state and shall place orders directly with resellers located
9 within the state and designated by the original equipment
10 manufacturers."

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

State Procurement Office; Reseller Agreements

Description:

Requires the state procurement office to authorize reseller agreements in multi-state contracting agreements. Effective July 1, 2050. (SB2291 HD1)

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