

JAN 22 2010

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# 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. The legislature finds that the economic  
2           downturn has caused unprecedented unemployment in Hawaii's  
3           construction industry.

4           The legislature further finds that government procurement  
5           procedures for purchase of construction should be used to favor  
6           companies that employ predominantly local laborers, which would  
7           stimulate the economy and increase tax revenues.

8           The purpose of this Act is to establish a procurement  
9           preference in government construction contracts for bidders that  
10          certify that at least eighty per cent of the labor force on the  
11          construction contract will consist of workers who are residents  
12          of Hawaii.

13          SECTION 2. Chapter 103D, Hawaii Revised Statutes, is  
14          amended by adding a new section to part X to be appropriately  
15          designated and to read as follows:

16          "§103D-        Procurement of construction; preference for  
17          Hawaii resident workers. (a) In any expenditure of public



1 funds for the procurement of construction, preference shall be  
 2 given to bidders or offerors, as applicable, who provide  
 3 certification to the purchasing agency that not less than eighty  
 4 per cent of the workers of the general contractor and all  
 5 subcontractors on the construction contract to which the  
 6 procurement pertains are Hawaii residents.

7 (b) Bids or offers, as applicable, that do not include the  
 8 certification required for a preference under subsection (a)  
 9 shall be increased by a preference percentage pursuant to rules  
 10 adopted by the policy board.

11 (c) This section shall not apply when precluded by federal  
 12 requirements for competitive bidding."

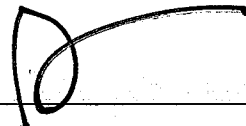
13 SECTION 3. This Act does not affect rights and duties that  
 14 matured, penalties that were incurred, and proceedings that were  
 15 begun before its effective date.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Procurement

**Description:**

Establishes a construction procurement preference for bidders or offerors who certify that at least eighty per cent of workers under the contract will be Hawaii residents.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

