

STAND. COM. REP. NO.

2285

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2062
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2062 entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish procurement preferences for public works contracts; and
- (2) Establish a responsible construction contractor law which specifies prerequisites for government construction contractors and subcontractors.

Testimony in support of this measure was submitted by three private organizations. Testimony in opposition was submitted by one government agency. Comments regarding this measure were submitted by one private organization. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that a responsible contractor law will enable state agencies to inquire and evaluate a bidder's history of labor law compliance and job performance. Further, these procurement provisions may help protect worker's rights on public projects and promote bid opportunities for responsible contractors. Your Committee notes that there is another measure under consideration by your Committee that also relates to

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procurement, S.B. No. 2659, and believes that the streamlining provisions of S.B. 2659 should be incorporated into this measure for completeness of discussion on procurement preference policies and procurement processes in general.

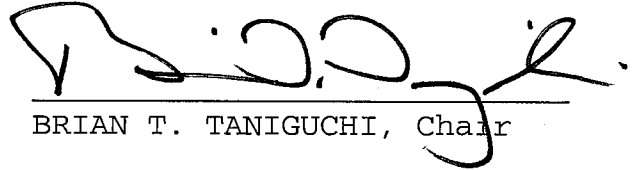
Your Committee has amended this measure by:

- (1) Adding the procurement streamlining provisions of S.B. No. 2659, specifically all sections of S.B. No. 2659, except for sections 1 and 26, and the portion of S.B. No. 2659 that deleted definitions from section 103D-1001, Hawaii Revised Statutes;
- (2) Deleting language regarding the inapplicability of the Responsible Construction Contractor Law to employees covered by a collective bargaining agreement that waives applicability of that law;
- (3) Retaining the definition of "paper materials", as that term is still used in sections of chapter 103D, Hawaii Revised Statutes;
- (4) Making technical conforming amendments to sections 103D-314, 103D-709, 103D-710, and 103D-1002, Hawaii Revised Statutes, to substitute the term "procurement officer" for "purchasing agency" and "head of purchasing agency"; and
- (5) Making other technical, nonsubstantive changes for the purposes of formatting, clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2062, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2062, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



