

STAND. COM. REP. NO.

2213

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2388
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 Higher Education, to which was referred
S.B. No. 2388 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to exempt the University of
Hawaii from Hawaii Public Procurement Code requirements.

Testimony in support of this measure was submitted by the
University of Hawaii System and the University of Hawaii at Manoa
Athletics Department. The State Procurement Office,
Subcontractors Association of Hawaii and American Council of
Engineering Companies of Hawaii submitted testimony in opposition.
The Coalition of Hawaii Engineering and Architectural
Professionals submitted proposed amendments. Written testimony
presented to the Committee may be reviewed on the Legislature's
website.

Your Committee finds that this measure provides the
University of Hawaii with greater flexibility in procurement,
which is especially helpful in completing much-needed maintenance
and capital renewal projects in a timely manner. Your Committee
further finds that the University of Hawaii and the American
Council of Engineering Companies of Hawaii have agreed to
amendments relating to the procurement of design professional
services; however, the State Procurement Office and the
Subcontractors Association of Hawaii still have concerns with this



measure and have yet to agree on the means to adequately address these concerns.

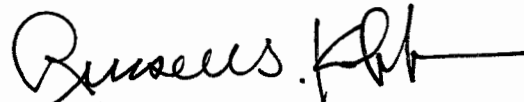
In accordance with the findings, your Committee has made the following amendments to this measure:

- (1) Requiring that design professional services furnished by licensees under chapter 464, Hawaii Revised Statutes, shall be procured by the Board of Regents or the University of Hawaii pursuant to section 103D-304, Hawaii Revised Statutes;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion of this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

This measure addresses recurring issues such as the application of consistent and fair procurement laws across state agencies and the appropriate balance of procurement flexibility and accountability that state agencies require to operate efficiently and effectively. Your Committee recognizes that these are challenging issues and encourages continued dialogue among the parties to address these unresolved issues.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2388, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2388, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education,



RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* SB 2388	Committee Referral: HRE, JGO	Date: 2/9/10
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	✓			
SAKAMOTO, Norman (VC)		✓		
BAKER, Rosalyn H.				✓
TAKAMINE, Dwight Y.	✓			
TANIGUCHI, Brian T.				✓
TOKUDA, Jill N.				✓
SLOM, Sam			✓	
TOTAL	2	1	1	3

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
W Sakamoto

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*Only one measure per Record of Votes