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## A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1           SECTION 1. Section 103B-3, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:

3           "(c) Every general contractor and every subcontractor  
4 shall comply with this chapter for the entire duration of the  
5 contract. Certification of compliance with this chapter shall  
6 be made under oath by an officer of the general contractor and  
7 subcontractor to the procurement officer [~~on a monthly basis.~~]  
8 with the notice of completion of the contract.

9           (d) A general contractor or subcontractor who fails to  
10 comply with this chapter shall be subject to any of the  
11 following sanctions:

12           (1) Temporary suspension of work on the project until the  
13 contractor or subcontractor complies with this  
14 chapter;

15           (2) Withholding of payment on the contract or subcontract,  
16 as applicable, until the contractor or subcontractor  
17 complies with this chapter;



- 1           (3) Permanent disqualification of the contractor or  
2           subcontractor from any further work on the project;  
3           (4) Recovery by the State or county, as applicable, of any  
4           moneys expended on the contract or subcontract, as  
5           applicable; or  
6           (5) Proceedings for debarment or suspension of the  
7           contractor or subcontractor under section 103D-702 [-];  
8 provided that a general contractor shall not be sanctioned for  
9 noncompliance with this section by a subcontractor of that  
10 general contractor on the same contract."

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 Statutory material to be repealed is bracketed  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

16           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. Y. Say  
JAN 21 2011



**Report Title:**

Construction Procurement Contracts

**Description:**

Requires the general and subcontractor for construction procurement under the Hawaii public procurement code to file certification of compliance with the notice of final completion of the contract. Provides that the general contractor shall not be sanctioned for noncompliance by a subcontractor.

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

