
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. Chapter 304A, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart D of part VI to be
3 appropriately designated and to read as follows:
4 "§304A- Procurement complaints. Notwithstanding any
5 law to the contrary, the administrator of the procurement office
6 shall have the authority to determine corrective actions in the
7 case of a complaint filed with the state procurement office
8 regarding procurement at the University of Hawaii; provided that
9 if a procurement officer under the jurisdiction of the
10 administrator of the state procurement office or a chief
11 procurement officer of any of the other state entities under
12 section 103D-203, fails to comply with any determination
13 rendered by the administrator within thirty days from the date
14 of the issuance of the determination, or longer if permitted by
15 the administrator upon request by the procurement officer or a
16 chief procurement officer, the procurement officer or chief
17 procurement officer shall be subject to an administrative fine
18 under section 103D-106, for every day of noncompliance.



1 SECTION 2. Section 103D-102, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts made by:

5 (1) Any regional system board of the Hawaii health systems
6 corporation;

7 (2) The Kaho'olawe island reserve commission, except as
8 provided by section 6K-4.5; or

9 ~~[(3)]~~ Except with respect to sections 103D-110, 103D-206,
10 103D-304 with respect to design professional services
11 furnished by licensees under chapter 464, 103D-324,
12 103D-707, and 103D-1002, the university or the board
13 of regents of the university."

14 SECTION 3. Section 304A-2690, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[(304A-2690)]~~ **Construction projects.** In the
17 solicitation for bids for construction projects with a total
18 estimated contract value of \$1,000,000 or higher, the university
19 shall require each bidder to submit a listing of the bidder's
20 subcontractors who are to perform work with a value that exceeds
21 ~~[five]~~ one per cent of the total bid amount submitted by the
22 bidder."



1 SECTION 4. Act 82, Session Laws of Hawaii 2010, is amended
2 as follows:

3 1. By amending section 4 to read:

4 "SECTION 4. (a) The board of regents of the University of
5 Hawaii shall submit annual reports to the legislature no later
6 than twenty days prior to the convening of the regular sessions
7 of [~~2011 and~~] 2011, 2012, 2013, and 2014, that shall include
8 [~~but not be limited to the following~~]:

- 9 (1) A description of the University of Hawaii's internal
10 procurement process;
- 11 (2) A description of the University of Hawaii's internal
12 procedures for handling protests of solicitations or
13 awards of contracts, if different from the procedures
14 described under chapter 103D, Hawaii Revised Statutes;
15 [~~and~~]
- 16 (3) A description and summary of any protests or
17 litigation that have arisen during the period of time
18 that the University of Hawaii is exempt from chapter
19 103D, Hawaii Revised Statutes, with certain
20 exceptions, pursuant to this Act[~~-~~];
- 21 (4) A description and status of construction projects in
22 excess of \$1,000,000 procured during the period of



1 time that the University of Hawaii is exempt from
2 chapter 103D, Hawaii Revised Statutes, with certain
3 exceptions, pursuant to this Act; and

4 (5) Any proposed legislation or recommendations to amend
5 chapter 103D, Hawaii Revised Statutes; provided that
6 the board of regents shall consult with the state
7 procurement office on any proposed legislation or
8 statutory amendment recommendations.

9 (b) Each year during which the University of Hawaii is
10 exempt from chapter 103D, Hawaii Revised Statutes, the
11 University of Hawaii shall submit a report to the legislature
12 including:

13 (1) Problems the University of Hawaii has identified with
14 procurement provisions under chapter 103D, Hawaii
15 Revised Statutes;

16 (2) Procedures the University of Hawaii has implemented as
17 solutions to address such identified problems;

18 (3) Quantifiable outcomes of procurement procedures the
19 University of Hawaii has implemented while exempt from
20 chapter 103D, Hawaii Revised Statutes; and

21 (4) How procurement procedures implemented by the
22 University of Hawaii have accelerated the acquisition



1 of goods, services, and construction while addressing
2 issues of equity and transparency in public
3 procurement,

4 no later than twenty days prior to the convening of the next
5 regular legislative session.

6 (c) In its report to the legislature prior to the regular
7 session of 2013, as required under subsection (a), the
8 University of Hawaii shall also provide the legislature with
9 information on:

10 (1) Compliance with section 304A-2690, Hawaii Revised
11 Statutes, including:

12 (A) A list of all construction contracts in excess of
13 \$3,000,000 entered into by the University of
14 Hawaii that are exempt from chapter 103D, Hawaii
15 Revised Statutes, with certain exceptions,
16 pursuant to this Act;

17 (B) The amount of each contract;

18 (C) Specific identification of which contracts either
19 required or did not require the listing of
20 subcontractors pursuant to section 304A-2690,
21 Hawaii Revised Statutes; and



1 (2) Any formal complaints the University of Hawaii has
2 received from subcontractors in regard to or as a
3 result of section 304A-2690, Hawaii Revised Statutes."

4 2. By amending section 8 to read:

5 "SECTION 8. This Act shall take effect on July 1, 2010;
6 provided that on [~~July 1, 2012,~~] December 31, 2012, this Act
7 shall be repealed and sections 103D-102(c) and 304A-105(b),
8 Hawaii Revised Statutes, shall be reenacted in the form in which
9 they read on the day prior to the effective date of this Act."

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

University of Hawaii; Procurement

Description:

Extends the exemption granted to the University of Hawaii (UH) from certain provisions of the Hawaii public procurement code to December 31, 2012. Requires additional reporting requirements. Permits review and investigation of complaints of UH procurement procedures by the Administrator of the Procurement Office. Effective July 1, 2050. (SB1332 HD1)

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

