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# 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. 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, 2014, and 2015, that shall  
8 include ~~[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



- 1           103D, Hawaii Revised Statutes, with certain  
2           exceptions, pursuant to this Act [-];
- 3       (4) A description and status of projects procured during  
4       the period of time that the University of Hawaii is  
5       exempt from chapter 103D, Hawaii Revised Statutes,  
6       with certain exceptions, pursuant to this Act;
- 7       (5) Recommendations for best practices for procurement;  
8       and
- 9       (6) Any proposed legislation or recommendations to amend  
10       chapter 103D, Hawaii Revised Statutes.
- 11       (b) In its report to the legislature prior to the regular  
12       session of 2013, as required under subsection (a), the  
13       University of Hawaii shall also provide the legislature with  
14       information on:
- 15       (1) Compliance with section 304A-2690, Hawaii Revised  
16       Statutes, including:
- 17       (A) A list of all contracts entered into by the  
18       University of Hawaii that are exempt from chapter  
19       103D, Hawaii Revised Statutes, with certain  
20       exceptions, pursuant to this Act;
- 21       (B) The amount of each contract; and



1           (C) Specific identification of which contracts either  
2           required or did not require the listing of  
3           subcontractors pursuant to section 304A-2690,  
4           Hawaii Revised Statutes; and

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

9           2. By amending section 8 to read:

10           "SECTION 8. This Act shall take effect on July 1, 2010;  
11           provided that on July 1, [~~2012~~] 2015, this Act shall be  
12           repealed and sections 103D-102(c) and 304A-105(b), Hawaii  
13           Revised Statutes, shall be reenacted in the form in which they  
14           read on the day prior to the effective date of this Act."

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

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

19           (1) Any regional system board of the Hawaii health systems  
20           corporation;

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



1 [†] (3) [†] Except with respect to sections 103D-110[7] and  
2 103D-304 with respect to design professional services  
3 furnished by licensees under chapter 464, 103D-324,  
4 103D-707, and 103D-1002, the university or the board  
5 of regents of the university."

6 SECTION 3. Section 304A-105, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) The board of regents shall develop internal policies  
9 and procedures for the procurement of goods, services, and  
10 construction, consistent with the goals of public accountability  
11 and public procurement practices, which shall be subject to  
12 sections 103D-110[7] and 103D-304 with respect to design  
13 professional services furnished by licensees under chapter 464,  
14 103D-324, 103D-707, 103D-1002, 304A-2690, 304A-2691, 304A-2692,  
15 and 304A-2693. Except as provided in this subsection, chapter  
16 103D shall not apply to any actions or activities undertaken,  
17 conducted, or performed under authority of the board of regents  
18 or the university; provided that the board of regents and the  
19 university are encouraged to use the provisions of chapter 103D  
20 as guidelines; and provided further that in using one or more  
21 provisions of chapter 103D as guidelines, neither the board of  
22 regents nor the university shall be:



1 (1) Deemed to have waived in any way the exemption from  
2 the requirements and applicability of chapter 103D  
3 granted in this subsection; or

4 (2) Subject to any of the provisions or requirements of  
5 chapter 103D other than those provided for in this  
6 subsection."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon approval.

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**Report Title:**

University of Hawaii; Procurement

**Description:**

Extends the exemption granted to the University of Hawaii from certain provisions of the Hawaii public procurement code to July 1, 2015. Requires additional reporting to the legislature. (SD1)

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

