



## LATE TESTIMONY

NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LIEUTENANT GOVERNOR

STATE OF HAWAII  
OFFICE OF THE LIEUTENANT GOVERNOR  
OFFICE OF INFORMATION PRACTICES

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CATHY L. TAKASE  
ACTING DIRECTOR

To: House Committee on Economic Revitalization and Business

From: Cathy L. Takase, Acting Director

Hearing: Tuesday, February 15, 2011, 8 a.m.  
State Capitol, Room 312

Re: Testimony on H.B. No. 1509  
Relating to Government Records

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The Office of Information Practices (OIP) administers the State's public records law, the Uniform Information Practices Act (Modified), HRS chapter 92F (the UIPA). OIP supports the intent of this bill, which would provide easier public access to public procurement information by requiring posting of such information on the contracting agency's website. However, OIP strongly recommends that a provision that only addresses the publication of one specific type of record not be inserted into the UIPA because it is inconsistent with the UIPA's overall scheme and intent to provide a general and uniform framework to determine public disclosure and protection of government records. .

HRS § 92-12 of the UIPA sets forth a list of records that the legislature specifically mandated be disclosed. H.B. No. 1509 would insert into the provision directing public disclosure of government purchasing information, the requirement that such information be "posted or updated on a publicly available website maintained by the contracting agency within one business day of availability." There are no other posting requirements in any provision of the UIPA.

OIP generally supports an intent to require agencies to post government records that are clearly public and in which there is a high public interest. However, OIP believes that a single

requirement of publication for a single type of record should not be placed within the UIPA because it is inconsistent with the rest of the UIPA's statutory scheme. OIP thus recommends that your Committee amend this bill to delete the amendment to the UIPA. OIP suggests that a requirement for the posting of procurement information is more appropriately placed in the Hawaii Public Procurement Code, chapter 103D, HRS, which sets uniform procurement procedures for the State's government agencies and includes provisions specifically related to the disclosure of procurement information under those procedures. This would also make it less confusing for agencies because it would provide the specific requirements for purchases under the Code in that chapter.

Moreover, OIP has been informed by the State Procurement Office (SPO) that §3-122-16.03 of its administrative rules already requires that bids, requests for proposals and other procurement notices be published on an internet site. Pursuant to this rule, SPO has had a centralized Procurement Notices website since 2003. State executive branch agencies currently must post the procurement information required under HAR §3-122-16.03 on this website, and chief procurement officers of other jurisdictions have been invited to post their information on this website as well. SPO has noted that having a centralized website saves time and resources for government agencies in inputting as well as for their vendors, contractors and other private providers who can look to one location for such information.

Given this SPO website, which is already used and dedicated to posting procurement related records, OIP strongly recommends that this bill be amended to utilize this centralized website, which would eliminate duplicative efforts on the part of agencies while making it easy for the public to access these records.

Thank you for the opportunity to testify on this bill.

# LATE TESTIMONY

NEIL ABERCROMBIE  
GOVERNOR



BRUCE A. COPPA  
Comptroller

RYAN OKAHARA  
Deputy Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

TESTIMONY  
OF  
BRUCE A. COPPA, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE  
ON  
ECONOMIC REVITALIZATION & BUSINESS  
ON  
February 15, 2011

H.B. 1509

## RELATING TO GOVERNMENT RECORDS

Chair McKelvey and members of the Committee, thank you for the opportunity to testify  
H.B. 1509.

The Department of Accounting and General Services (DAGS) opposes passage of this  
bill for the following reasons:

1. Due to staffing shortages and work furlough schedules, DAGS does not have the resources and time to ensure compliance with the posting requirements for its construction contracts.
2. It is also unclear if the Legislative intent also included posting requirements for contracts involving goods and services and professional services (in addition to the construction contracts).

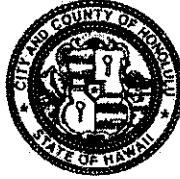
Thank you for the opportunity to testify on this matter.

DEPARTMENT OF BUDGET AND FISCAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

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**LATE TESTIMONY**

PETER B. CARLISLE  
MAYOR



MICHAEL R. HANSEN  
ACTING DIRECTOR

February 14, 2011

The Honorable Angus L.K. McKelvey, Chair  
and Members  
House of Representatives  
Committee on Economic Revitalization & Business  
The Twenty-Sixth State Legislature  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members:

Subject: House Bill No. 1509 Relating to Government Records, Website Posting of  
Procurement Information within One Business Day

The City and County of Honolulu opposes this bill because it would require the posting of procurement information on the City website within one business day. This requirement would be burdensome, costly to implement and maintain, and impractical. Personnel resources would be required for website design changes, additional site maintenance, and additional operational tasks. Staff resources would need to be provided to physically read the contract documents and redact any confidential or personal information that is restricted by privacy laws. Labor would be required to scan the paper documents into electronic form for posting. It would require the impractical delay or postponement of procurement contract awards until resources are available and in place to meet the one business day posting requirement.

The City currently posts much procurement information on its website. This information includes bid results, bid schedules, and bid addenda, solicitation amendments, bid specifications, construction plans, and bid solicitation documents. The posting of additional documents is unnecessary and would be an administrative burden. Therefore, we stand opposed to S.B. 1509.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Hansen".

Michael R. Hansen, Acting Director  
Budget & Fiscal Services



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

House Committee on Economic Revitalization & Business  
Representative Angus L.K. McKelvey, Chair  
Representative Isaac W. Choy, Vice Chair

HB 1509 – Relating to Government Records  
Tuesday, February 15, 2011  
8:00 A.M.  
Conference Room 312

Chair Angus McKelvey, Vice Chair Isaac W. Choy and Members of the Committee:

My name is C. Mike Kido, External Affairs for the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP **supports** the intent of HB 1509 with regard to requiring the posting the purchasing requirements on a publicly available website by the contracting agency. However, in addition to contract awards, and addendums, etc..., we feel that posting of the contract awardees subcontractors and their appropriate licenses would also be beneficial to help maintain transparency in the procurement process.

Thank you for the opportunity to share our opinion and we kindly ask for your support of HB 1509 – Relating to Government Records.