



STATE OF HAWAII
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IN REPLY REFER TO:

LATE TESTIMONY

MARCH 22, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

COMMITTEE ON PUBLIC SAFETY,
GOVERNMENT OPERATIONS, & MILITARY AFFAIRS

HOUSE BILL NO. 985, H.D.2

The Department of Transportation (DOT) supports the intent of this bill, however we cannot support the passage of the bill as currently written. The following are our concerns and recommended revisions:

1. We have concerns with the language that requires a stipend to unsuccessful offerors. It is not clear if the unsuccessful offerors are those that are short-listed or are inclusive of all offerors responding to the solicitation. We recommend that the requirement for the payment of stipends be optional.
2. We also recommend that the language be amended with respect to the proposed stipend. We recommend limiting the stipend to payment for conceptual design fee reimbursement and that if the non-selected qualified offeror(s) accepts the conceptual design fee reimbursement, it relinquishes any right to file any protest against the State on the project and second, that the non-selected qualified offeror(s) proposals become the property of the State.
3. We also recommend that the bill acknowledge waivers from the requirement that a design-build offeror(s) be a contractor licensed under Chapter 444, HRS. On occasion, the DOT gets waivers from the Department of Commerce and Consumer Affairs Contractors Licensing Board to hire a consultant instead of a licensed contractor. This would be for projects where there is minimal construction work like pulling of cables, or installation of electronic devices.

4. It should be noted that the current State law for competitive sealed proposals under chapter 103D-303, Hawaii Revised Statutes (HRS), does not preclude the use of stipends.