
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Section 103D-104, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Ministerial act" means an act in which a person performs
5 on a given state of facts in a prescribed manner, in obedience
6 to the mandate of legal authority, without regard to or the
7 exercise of the person's own judgment upon the propriety of the
8 act being done."

9 SECTION 2. Section 103D-302, Hawaii Revised Statutes, is
10 amended by amending subsection (g) to read as follows:

11 "(g) Correction or withdrawal of inadvertently erroneous
12 bids before or after award, or cancellation of invitations for
13 bids, awards, or contracts based on such bid mistakes, shall be
14 permitted in accordance with rules adopted by the policy board.
15 After bid opening no changes in bid prices or other provisions
16 of bids prejudicial to the interest of the public or to fair
17 competition shall be permitted[-]; provided that the procurement
18 officer may:



- 1 (1) Allow the scope of work for a listed subcontractor to
- 2 be expanded for clarification purposes only within
- 3 five working days of bid opening; provided further
- 4 that the listed subcontractor possesses the proper
- 5 contractor's license to include the expanded work; and
- 6 (2) Permit a previously licensed and listed subcontractor
- 7 whose license at bid time had been suspended or
- 8 forfeited due solely to a ministerial act, pursuant to
- 9 chapter 444, to be considered valid provided that the
- 10 subcontractor's license is reinstated before the
- 11 award.

12 Except as otherwise provided by rule, all decisions to permit
 13 the correction or withdrawal of bids, or to cancel awards or
 14 contracts based on bid mistakes, shall be supported by a written
 15 determination made by the [chief] procurement officer [~~or head~~
 16 ~~of a purchasing agency~~]."

17 SECTION 3. This Act does not affect rights and duties that
 18 matured, penalties that were incurred, and proceedings that were
 19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect on July 1, 2112.

Report Title:

Procurement; Joint Contractors and Subcontractors

Description:

Allows the procurement officer to expand the scope of work in a bid for a listed subcontractor, with certain conditions, after bid opening. Effective July 1, 2112. (SB2030 HD1)

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

