

Honolulu, Hawaii

Feb 15 , 2012

RE: H.B. No. 2122
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 2122 entitled:

"A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE,"

begs leave to report as follows:

The purpose of this measure is to suspend for five years the filing of any protest against the awarding of a contract under the State Procurement Code.

The Building Industry of Hawaii testified in support of the intent of this measure. The State Procurement Office and Subcontractors Association of Hawaii testified in opposition to this measure. The General Contractors Association provided comments on this measure.

Your Committee has amended this measure by:

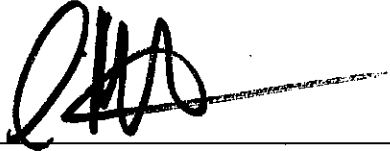
- (1) Deleting its contents and replacing it with language that amends the administrative review process by limiting the hearing's officers' scope of review to a review of the written record below of the procuring agency's protest proceedings in order to determine whether the agency's decision was arbitrary, capricious, fraudulent, or clearly erroneous;
- (2) Changing the effective date to July 1, 2112, for the purposes of facilitating further discussion; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2122, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2122, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



