

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2122  
H.D. 2

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 2122, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure as received by your Committee is to amend the procurement 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.

Prior to the public hearing, a Proposed H.D. 2 was circulated for public review and comment.

The purpose of the Proposed H.D. 2 is to promote economic revitalization by:

- (1) Temporarily authorizing the governor or county mayor to exempt construction or design-build procurements from protests concerning the procurement and the administrative review of a nonresponsible offeror determination; and



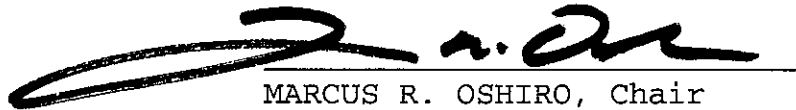
- (2) Requiring, as a condition for the exemption, that all bids and proposals, including amendments or revisions, evaluations, and ratings, but not trade secrets or other proprietary data, be released for public inspection and posted on the state or applicable county website.

The Associated Builders and Contractors Hawaii Chapter testified in opposition to the Proposed H.D. 2. The General Contractors Association provided comments on the Proposed H.D. 2.

Your Committee has amended the Proposed H.D. 2 by 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2122, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2122, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,



MARCUS R. OSHIRO, Chair



