
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The legislature finds that the expeditious
2 processing of public procurement for capital improvement
3 projects is necessary for immediate economic revitalization and
4 job creation.

5 The purpose of this Act is to temporarily suspend the
6 judicial review of administrative decisions on protests of
7 contract solicitations and awards. The legislature intends that
8 this Act expedite the public procurement process, particularly
9 for capital improvement projects.

10 SECTION 2. Section 103D-710, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Only parties to proceedings under section 103D-709
13 who are aggrieved by a final decision of a hearings officer
14 under that section may apply for judicial review of that
15 decision[-]; provided that, notwithstanding any provision to the
16 contrary, no judicial review shall be available for a hearing
17 officer's decision on a protest brought under section 103D-701
18 of a contract solicitation or award for which the invitation for



1 bids or request for proposals was issued between July 1, 2012,
2 and June 30, 2014.

3 The proceedings for review shall be instituted in the
4 circuit court of the circuit where the case or controversy
5 arises."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2012.



Report Title:

Procurement; Judicial Review

Description:

Prohibits judicial review under section 103D-710, Hawaii Revised Statutes, for contract solicitations or awards for which the solicitation was issued between 07/01/2012, and 06/30/2014.
(HD2 PROPOSED)

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





Hawaii Chapter

February 27, 2012

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Testimony of Associated Builders and Contractors Hawaii Chapter in
opposition to HB 1894 Proposed HD 2

Chair Oshiro, Vice Chair Lee, and members of the Committee; thank you for the opportunity to testify on this matter. My name is Malcolm Barcarse, Jr. I am the 2012 Board Chair and the Legislative Committee Chair of Associated Builders and Contractors Hawaii Chapter. We are an association of over 150 members representing the merit shop contracting industry in Hawaii.

We recognize the need to jump start the construction industry in Hawaii and appreciate the House's efforts to streamline procurement for Capital Improvement Projects. However we are opposed to HB 1894 Proposed HD 2 as it undermines the integrity of the procurement process while providing no significant streamlining benefit to the State.

The existing law HRS 103D-710(b) clearly states that an application for judicial review does not stay the decision of the Administrative Hearing. Basically after the administrative hearing the contracting agency is free to go ahead with the project while judicial review is pending. All this bill does is lessens due process for aggrieved contractors. In addition HB 1671 Proposed HD 2 if passed out of this committee address many of the issues covered in HB 1894 Proposed HD 2 in a more palatable way.

Therefore we request that this bill be HELD.

Thank you for the opportunity to testify.

America's Best Contractors