



**RALPH S. INOUE CO LTD**  
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## LATE TESTIMONY

Via E-mail: [ERBTestimony@capitol.hawaii.gov](mailto:ERBTestimony@capitol.hawaii.gov)  
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February 7, 2012

TO: THE HONORABLE REPRESENTATIVES ANGUS MCKELVEY, CHAIR,  
ISAAC CHOY, VICE CHAIR AND MEMBERS OF THE HOUSE  
COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

SUBJECT: **STRONG SUPPORT OF H.B. 2044, RELATING TO PROCUREMENT.**  
Requires a hearing officer to affirm the decision of a procurement officer in protests filed under section 103D-701, HRS, unless the procurement officer's decision is shown by clear and convincing evidence to be arbitrary, capricious, fraudulent, or clearly erroneous.

### HEARING

DATE: Tuesday, February 7, 2012  
TIME: 8:30 AM  
PLACE: Conference Room 312

Dear Chair McKelvey, Vice Chair Choy and Members of the Committee:

My name is Lance Inouye and I am President of Ralph S. Inouye Co., Ltd. (RSI), General Contractor and a member of the General Contractors Association of Hawaii (GCA). RSI **strongly supports** H.B. 2044, Relating to Procurement.

H.B. 2044 proposes to limit a hearing officer's review of the procuring agency's decision in a bid protest under section 103D-701, HRS, by removing *de novo* review. Instead, unless the procurement officer's decision is shown by clear and convincing evidence to be arbitrary, capricious, fraudulent, or clearly erroneous, the decision shall stand.

RSI supports H.B. 2044, and is also in support of any amendments to the bill that the General Contractors Association of Hawaii may propose. The intent of the bill is to simplify and expedite the procurement appeal process by recognizing the procuring agency's experience and expertise in the procurement process, while preserving the right of review of a procuring agency's decision to the Department of Commerce and Consumer Affairs (DCCA) Office of Administrative Hearings (OAH).

This bill balances the desire to expedite procurements delayed by constant protest appeals while preserving a limited right of review of a procuring agency's decision to the DCCA OAH.

**RSI is in strong support of H.B 2044.** Thank you for the opportunity to provide our views on this measure.