

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii
GENERAL CONTRACTORS ASSOCIATION OF HAWAII
Quality People. Quality Projects.

Uploaded via Capitol Website

March 13, 2012

TO: HONORABLE SENATORS WILL ESPERO, CHAIR MICHELLE KIDANI, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS.

SUBJECT: **CONDITIONAL SUPPORT OF H.B. 2122, HD2 WITH RECOMMENDATION, RELATING TO THE PROCUREMENT CODE.** Temporarily authorizes the governor or a county mayor to exempt a construction or design-build procurement from protest concerning the procurement and administrative review of a non responsible offeror determination. Requires, as a condition of 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. Requires the posting of the information on the state or applicable county website. Effective July 1, 2012. (HB2122 HD2)

HEARING

DATE: Tuesday, March 13, 2012
TIME: 2:50 p.m.
PLACE: Conference Room 224

Dear Chair Espero, Vice Chair Kidani and Members of the Committee:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA offers conditional SUPPORT regarding H.B. 2122, HD2, Relating to the Procurement Code and recommends an amendment

GCA supports of the current version of H.B. 2122 because it aims to simplify and expedite the procurement appeal process; however GCA would like to recommend the following amendment.

GCA would propose striking the following:

~~(B) After award of the contract, information designated as trade secrets or other proprietary data may be disclosed if required by the state attorney general or county corporation counsel, as applicable, in accordance with rules of the state procurement office; and~~

Striking such language will ensure that no confidential or proprietary information is released or breached by unintended parties. GCA remains concerned about the limited release of such trade secrets or other proprietary information because of the possibility of a breach in information. For example, Design-Build proposals may contain proprietary design information that competitors may use to their advantage.

Therefore, although we commend the Committee in attempting to address some of our initial concerns about the release of such information, problems may still exist. We understand the intended purpose of H.B. 2122, HD2 which is to promote economic revitalization by authorizing the governor or county mayor to exempt construction or design-build procurement from protests for two years, while also implementing procedural measures to ensure transparency in the process.

For the abovementioned reasons, **GCA recommends the amendment, and if adopted would support the bill in its entirety.**

Thank you for the opportunity to testify on this matter.

LATE

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

**Testimony to Senate Committee on Public Safety, Government Operations, and
Military Affairs**

Tuesday, March 13, 2012

2:50 p.m.

Capitol Room 224

RE: H.B. 2122, Relating to the Procurement Code

Good morning Chairs English, Espero, and Hee, Vice-Chairs Espero, Kidani, and Shimabukuro, and members of the Committees:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii supports the current version of H.B. 2122 because it aims to simplify and expedite the procurement appeal process.

However, we support an amendment being put forth by the GCA, which would strike language to ensure that no confidential or proprietary information is released or breached by unintended parties. We remain concerned about the limited release of such trade secrets, or other proprietary information, because of the possibility of a breach in information.

Thank you for the opportunity to express our views.