

SAH - Subcontractors Association of Hawaii

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February 2, 2012

Testimony To: House Committee on Economic Revitalization & Business
Representative Angus L.K. McKelvey, Chair

Presented By: Tim Lyons
President

Subject: H.B. 2122 – RELTING TO THE PROCUREMENT CODE

Chair McKelvey and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii and we oppose this bill. The Subcontractors Association of Hawaii is composed of the following nine separate and distinct subcontracting organizations:

HAWAII FLOORING ASSOCIATION

ROOFING CONTRACTORS ASSOCIATION OF HAWAII

HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION

TILE CONTRACTORS PROMOTIONAL PROGRAM

PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII

SHEETMETAL CONTRACTORS ASSOCIATION OF HAWAII

PAINTING AND DECORATING CONTRACTORS ASSOCIATION

PACIFIC INSULATION CONTRACTORS ASSOCIATION

ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

As noted, the purpose of this bill is to suspend the ability of the contractor to file a protest. We would like to point out to you that the protest mechanism is really one of the only "self-policing" mechanisms that you have in order to be sure that people are playing by the rules. Anyone can submit a low bid on a project but they don't have to play by the same rules as everyone else. In cases where contractors have done that, there needs to be a procedure where the eyes and ears of those involved are able to file a protest. We are cognitive of the fact that this Committee is concerned about getting jobs out and getting them out quickly in order to re-employ people but you are getting jobs out to the wrong people; the cheaters and/or the violators of a law or those who are not in full compliance. Have we really accomplished anything? In many cases those jobs will wind up having faulty workmanship and for many others there will be violations of labor law replacing those that should have done the job.

Again, we suggest to you that the protest measure mechanism is a great "self-policing" mechanism and one that allows government agencies to let the private sector do the work for them to tell them if everything has been done according to the proper procedures. Eliminating the ability to protest is certainly not the way to go.

Thank you.

22