
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Section 103-55.6, Hawaii Revised Statutes, is
2 repealed.

3 ~~"[§103-55.6]—Public works construction; apprenticeship~~
4 ~~agreement.—(a) A governmental body, as defined in section~~
5 ~~103D-104, that enters into a public works contract under this~~
6 ~~chapter having an estimated value of not less than \$250,000,~~
7 ~~shall decrease the bid amount of a bidder by five per cent if~~
8 ~~the bidder is a party to an apprenticeship agreement registered~~
9 ~~with the department of labor and industrial relations for each~~
10 ~~apprenticeable trade the bidder will employ to construct the~~
11 ~~public works, and in conformance with chapter 372. The lowest~~
12 ~~total bid, taking the preference into consideration, shall be~~
13 ~~awarded the contract unless the solicitation provides for~~
14 ~~additional award criteria. The contract amount awarded,~~
15 ~~however, shall be the amount of the price offered, exclusive of~~
16 ~~the preference.~~

17 ~~(b) For purposes of subsection (a), in determining whether~~
18 ~~there is conformance with chapter 372, the procurement officer~~



1 ~~shall consider the actual number of apprentices enrolled in and~~
2 ~~the annual number of graduates of the apprenticeship program.~~

3 ~~(c) At the time of submission of a competitive sealed bid~~
4 ~~or a competitive sealed proposal by a bidder, the bidder shall~~
5 ~~furnish written proof of being a party to a registered~~
6 ~~apprenticeship agreement for each apprenticeable trade the~~
7 ~~bidder will employ to construct the public works and, if awarded~~
8 ~~the contract, shall continue to certify monthly in writing that~~
9 ~~the bidder is a party to a registered apprenticeship agreement~~
10 ~~for each apprenticeable trade the bidder will employ to~~
11 ~~construct the public works for the entire duration of the~~
12 ~~bidder's work on the project. This subsection shall be deemed~~
13 ~~to be incorporated into a public works contract. A bidder who~~
14 ~~is awarded a contract shall be subject to the following~~
15 ~~sanctions if, after commencement of work, the bidder at any time~~
16 ~~during the construction is no longer a party to a registered~~
17 ~~apprenticeship agreement for each apprenticeable trade the~~
18 ~~bidder will employ to construct the public works.~~

19 ~~(1) Temporary or permanent cessation of work on the~~
20 ~~project, without recourse to breach of contract claims~~
21 ~~by the bidder, provided that the governmental body~~



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1 ~~shall be entitled to restitution for nonperformance or~~
2 ~~liquidated damages, as appropriate, or~~
3 ~~(2) Proceedings to debar or suspend under section 103D-~~
4 ~~702.~~

5 ~~(d) For purposes of this section, "bidder" means an entity~~
6 ~~that submits a competitive sealed bid under section 103D-302 or~~
7 ~~submits a competitive sealed proposal under section 103D-303."]~~

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 began before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans

JAN 10 2014



H.B. NO. 1601

Report Title:

Procurement; Public Works; Construction

Description:

Repeals five per cent preference for bidders on public works construction contracts who are party to an apprenticeship agreement.

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