
A BILL FOR AN ACT

RELATING TO PUBLIC WORKS CONSTRUCTION.

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

1 SECTION 1. Section 103-55.6, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (a) to read:
4 "(a) A governmental body, as defined in section 103D-104,
5 that enters into a public works contract under this chapter
6 having an estimated value of not less than [~~\$250,000,~~] \$500,000,
7 and to be performed in a county with a population of not less
8 than five hundred thousand, shall decrease the bid amount of a
9 bidder by five per cent if the bidder is a party to an
10 apprenticeship agreement registered with the department of labor
11 and industrial relations for [~~each~~] an apprenticeable trade the
12 bidder will employ to construct the public works, and in
13 conformance with chapter 372. The lowest total bid, taking the
14 preference into consideration, shall be awarded the contract
15 unless the solicitation provides for additional award criteria.
16 The contract amount awarded, however, shall be the amount of the
17 price offered, exclusive of the preference."

18 2. By amending subsection (c) to read:



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

21 (1) Temporary or permanent cessation of work on the
22 project, without recourse to breach of contract claims



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1 by the bidder; provided that the governmental body
2 shall be entitled to restitution for nonperformance or
3 liquidated damages, as appropriate; or

4 (2) Proceedings to debar or suspend under section 103D-
5 702."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Cindy Evans

JAN 17 2013



H.B. NO. 181

Report Title:

Public Works Construction; Apprenticeship Agreements

Description:

Amends the preference of awarding public works contracts to bidders participating in an apprenticeship program by limiting application to counties with a population of not less than 500,000, increasing the threshold contract value, reducing the effect on the bidding process of the number of apprenticeable trades that the bidder plans to employ for the contract, and limiting certification of a apprenticeship agreement to the commencement of the project.

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