
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The legislature finds that during challenging
2 economic times, it is necessary for the State to investigate and
3 employ new and innovative ways of maintaining and improving
4 state services and infrastructure, while ensuring the prudent
5 and cost-effective expenditure of public moneys. Accordingly,
6 the process of the acquisition of goods and services must have
7 the flexibility to accommodate circumstances where other than
8 full competition is necessary to address a unique need, such as
9 developing a flexible local food purchasing structure or
10 private-public partnerships.

11 The purpose of this Act is to provide the State with
12 greater flexibility in the procurement of certain goods and
13 services, to improve the State's responsiveness in addressing
14 unique or unusual needs or situations for the benefit of the
15 people of this State, while maintaining the accountability and
16 transparency afforded by the Hawaii public procurement code.



1 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§103D- Special procurement. (a) Contracts for goods
5 and services may be awarded with other than full competition
6 using a special innovative procurement process in accordance
7 with this section and procedures set forth in rules adopted by
8 the procurement policy board. The special innovative
9 procurement process authorized by this section shall be used
10 only when the chief procurement officer determines in writing
11 that it is advantageous to the State to use the process for
12 procurement of new or unique requirements of the State, new
13 technologies, public-private partnerships, or to achieve best
14 value.

15 (b) Notice of the solicitation shall be given in the same
16 manner as provided in section 103D-302(c).

17 (c) A written determination of the basis for the
18 procurement and for the selection of the particular contractor
19 shall be included by the head of the purchasing agency in the
20 contract file, and a report shall be submitted to the state



1 procurement office and made available publicly by the chief
2 procurement officer at least annually."

3 SECTION 3. Section 103D-301, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§103D-301 **Methods of source selection.** Unless otherwise
6 authorized by law, all contracts shall be awarded pursuant to
7 the following sections, as applicable:

- 8 (1) Section 103D-302 (Competitive sealed bids);
9 (2) Section 103D-303 (Competitive sealed proposals);
10 (3) Section 103D-304 (Professional services procurement);
11 (4) Section 103D-305 (Small purchases);
12 (5) Section 103D-306 (Sole source procurement); ~~and~~
13 (6) Section 103D-307 (Emergency procurements) [-]; and
14 (7) Section 103D- (Special procurement)."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 2053

1 SECTION 6. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:

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JAN 22 2016



H.B. NO. 2053

Report Title:

Procurement Code; Special Procurement

Description:

Provides for the establishment of a special procurement process for the procurement of goods and services. Requires the establishment of procedures by the procurement policy board for use of the special procurement process.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

