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# 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 when 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:

- 12           (1) Provide the State with greater flexibility in the  
13                 procurement of certain goods and services; and  
14           (2) Improve the State's responsiveness in addressing  
15                 unique or unusual needs or situations for the benefit  
16                 of the people of this State;



1 while maintaining the accountability and transparency afforded  
2 by the Hawaii public procurement code.

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

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

17 (b) Notice of a solicitation under the special innovative  
18 procurement process shall be given in the same manner as  
19 provided in section 103D-302(c).

20 (c) A written determination of the basis for the  
21 procurement and for the selection of the particular contractor



1 shall be included by the head of the purchasing agency in the  
2 contract file, and a report shall be submitted to the state  
3 procurement office and made available publicly by the chief  
4 procurement officer at least annually."

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

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

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

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



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2030.



**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 by rules. (HB2053 HD1)

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

