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## A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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

1           SECTION 1. Section 103D-102, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Notwithstanding subsection (a), this chapter shall  
4 not apply to contracts by governmental bodies:

5           (1) Solicited or entered into before July 1, 1994, unless  
6 the parties agree to its application to a contract  
7 solicited or entered into prior to July 1, 1994;

8           (2) To disburse funds, irrespective of their source:

9           (A) For grants as defined in section 42F-101, made by  
10 the State in accordance with standards provided  
11 by law as required by article VII, section 4, of  
12 the state constitution; or by the counties  
13 pursuant to their respective charters or  
14 ordinances;

15           (B) To make payments to or on behalf of public  
16 officers and employees for salaries, fringe  
17 benefits, professional fees, or reimbursements;



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- 1 (C) To satisfy obligations that the State is required  
2 to pay by law, including paying fees, permanent  
3 settlements, subsidies, or other claims, making  
4 refunds, and returning funds held by the State as  
5 trustee, custodian, or bailee;
- 6 (D) For entitlement programs, including public  
7 assistance, unemployment, and workers'  
8 compensation programs, established by state or  
9 federal law;
- 10 (E) For dues and fees of organizations of which the  
11 State or its officers and employees are members,  
12 including the National Association of Governors,  
13 the National Association of State and County  
14 Governments, and the Multi-State Tax Commission;
- 15 (F) For deposit, investment, or safekeeping,  
16 including expenses related to their deposit,  
17 investment, or safekeeping;
- 18 (G) To governmental bodies of the State;
- 19 (H) As loans, under loan programs administered by a  
20 governmental body; and



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- 1           (I) For contracts awarded in accordance with chapter  
2                   103F;
- 3           (3) To procure goods, services, or construction from a  
4                   governmental body other than the University of Hawaii  
5                   bookstores, from the federal government, or from  
6                   another state or its political subdivision;
- 7           (4) To procure the following goods or services which are  
8                   available from multiple sources but for which  
9                   procurement by competitive means is either not  
10                  practicable or not advantageous to the State:
- 11           (A) Services of expert witnesses for potential and  
12                   actual litigation of legal matters involving the  
13                   State, its agencies, and its officers and  
14                   employees, including administrative quasi-  
15                   judicial proceedings;
- 16           (B) Works of art for museum or public display;
- 17           (C) Research and reference materials including books,  
18                   maps, periodicals, and pamphlets, which are  
19                   published in print, video, audio, magnetic, or  
20                   electronic form;



- 1 (D) Meats and foodstuffs for the Kalaupapa  
2 settlement;
- 3 (E) Opponents for athletic contests;
- 4 (F) Utility services whose rates or prices are fixed  
5 by regulatory processes or agencies;
- 6 (G) Renewable energy utility services generated from  
7 a renewable energy system, as defined in section  
8 269-91, provided that the rates or prices for  
9 those services are lower than the rates and  
10 prices fixed by regulatory processes or agencies  
11 for comparable services;
- 12 [~~(G)~~] (H) Performances, including entertainment, speeches,  
13 and cultural and artistic presentations;
- 14 [~~(H)~~] (I) Goods and services for commercial resale by the  
15 State;
- 16 [~~(I)~~] (J) Services of printers, rating agencies, support  
17 facilities, fiscal and paying agents, and  
18 registrars for the issuance and sale of the  
19 State's or counties' bonds;
- 20 [~~(J)~~] (K) Services of attorneys employed or retained to  
21 advise, represent, or provide any other legal



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1 service to the State or any of its agencies, on  
2 matters arising under laws of another state or  
3 foreign country, or in an action brought in  
4 another state, federal, or foreign jurisdiction,  
5 when substantially all legal services are  
6 expected to be performed outside this State;  
7 ~~[(K)]~~ (L) Financing agreements under chapter 37D; and  
8 ~~[(H)]~~ (M) Any other goods or services which the policy  
9 board determines by rules or the chief  
10 procurement officer determines in writing is  
11 available from multiple sources but for which  
12 procurement by competitive means is either not  
13 practicable or not advantageous to the State; and  
14 (5) Which are specific procurements expressly exempt from  
15 any or all of the requirements of this chapter by:  
16 (A) References in state or federal law to provisions  
17 of this chapter or a section of this chapter, or  
18 references to a particular requirement of this  
19 chapter; and  
20 (B) Trade agreements, including the Uruguay Round  
21 General Agreement on Tariffs and Trade (GATT)



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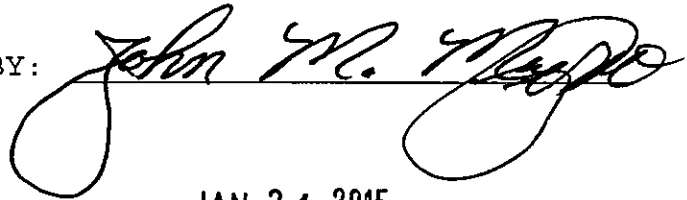
1           which require certain non-construction and non-  
2           software development procurements by the  
3           comptroller to be conducted in accordance with  
4           its terms."

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

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

8

INTRODUCED BY:



JAN 21 2015



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**Report Title:**

Procurement Code; Utilities

**Description:**

Expands the procurement exemption to non-public utility contracts for utilities services.

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

