
A BILL FOR AN ACT

RELATING TO PUBLIC WORKS.

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, shall
7 decrease the bid amount of a bidder by five per cent if the
8 bidder is a party to an apprenticeship agreement registered with
9 the department of labor and industrial relations for each
10 apprenticeable trade that the bidder will [~~employ~~] utilize in
11 the completion of the contract to construct the public works,
12 and in conformance with chapter 372. The lowest total bid,
13 taking the preference into consideration, shall be awarded the
14 contract unless the solicitation provides for additional award
15 criteria. The contract amount awarded, however, shall be the
16 amount of the price offered, exclusive of the preference."

17 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 apprenticeable trade that the
5 bidder will [~~employ~~] utilize in the completion of the contract
6 to construct the public works and, if awarded the contract,
7 shall continue to certify monthly in writing that the bidder is
8 a party to a registered apprenticeship agreement for each
9 apprenticeable trade that the bidder will [~~employ~~] utilize in
10 the completion of the contract to construct the public works for
11 the entire duration of the bidder's work on the project. This
12 subsection shall be deemed to be incorporated into a public
13 works contract. A bidder who is awarded a contract shall be
14 subject to the following sanctions if, after commencement of
15 work, the bidder at any time during the construction is no
16 longer a party to a registered apprenticeship agreement for each
17 apprenticeable trade that the bidder will [~~employ~~] utilize in
18 the completion of the contract 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



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 SECTION 2. This Act does not affect rights and duties that
 6 matured, penalties that were incurred, and proceedings that were
 7 begun before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon approval and
 11 shall apply to bids affected by this Act that are submitted on
 12 or after July 1, 2015.

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INTRODUCED BY:

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H.B. NO. 682

Report Title:

Public Works; Construction Contracts; Apprenticeship

Description:

Requires that bidders who receive a procurement preference on a public works contract be a party to a DLIR registered apprenticeship agreement for each apprenticable trade that the bidder will utilize to complete the contract.

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