
HOUSE CONCURRENT RESOLUTION

REQUESTING THE STATE PROCUREMENT OFFICE TO REVIEW HAWAII'S
PROCUREMENT LAWS IN COMPARISON WITH FEDERAL PROCUREMENT
LAWS.

1 WHEREAS, the Hawaii public procurement code under chapter
2 103D, Hawaii Revised Statutes, governs the procurement of goods,
3 services, or construction by state and county agencies; and
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5 WHEREAS, chapter 103D, Hawaii Revised Statutes, was
6 originally based on the framework provided by the American Bar
7 Association's Model Procurement Code for State and Local
8 Governments and was enacted to increase competition, ensure
9 fairness, and establish greater uniformity in the public
10 procurement of goods and services; and
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12 WHEREAS, the State's procurement laws have been amended
13 numerous times since the initial enactment of chapter 103D,
14 Hawaii Revised Statutes; and
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16 WHEREAS, federal procurement laws, including the Federal
17 Acquisition Regulation, are not aligned with state procurement
18 laws; and
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20 WHEREAS, Hawaii's procurement process could be improved
21 through a better understanding of the efficient and effective
22 ways in which the federal government conducts procurement
23 processes; now, therefore,
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25 BE IT RESOLVED by the House of Representatives of the
26 Twenty-eighth Legislature of the State of Hawaii, Regular
27 Session of 2016, the Senate concurring, that the State
28 Procurement Office is requested to review Hawaii's procurement
29 laws in comparison to federal procurement laws; and
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1 BE IT FURTHER RESOLVED that the review should include:

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- 3 (1) A cost-benefit analysis of the current Hawaii public
4 procurement process with regard to construction
5 contracts;
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- 7 (2) An examination of issues and concerns regarding the
8 Hawaii public procurement process that were raised by
9 the task force established pursuant to Senate
10 Concurrent Resolution No. 92, S.D. 2, Regular Session
11 of 2013, in its final report submitted to the
12 Legislature during the Regular Session of 2015;
- 13
- 14 (3) A review of federal procurement laws, particularly
15 Federal Acquisition Regulation Part 36—Construction
16 and Architect-Engineer Contracts, and a comparison of
17 the similarities and differences between the
18 construction procurement provisions of the Hawaii
19 public procurement code and federal construction
20 procurement laws;
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- 22 (4) An analysis of whether closer alignment of
23 construction procurement provisions of the Hawaii
24 public procurement code to federal construction
25 procurement laws would be beneficial to the State;
- 26
- 27 (5) The length of time and the effort required by the
28 State to implement changes to better align the
29 construction procurement provisions of the Hawaii
30 public procurement code with federal construction
31 procurement laws; and
- 32
- 33 (6) Any costs, including personnel costs, to the State
34 should the construction procurement provisions of the
35 Hawaii public procurement code be amended to more
36 closely align with federal construction procurement
37 laws; and
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39 BE IT FURTHER RESOLVED that the State Procurement Office is
40 requested to report its findings and recommendations, including
41 any proposed legislation, to the Legislature no later than



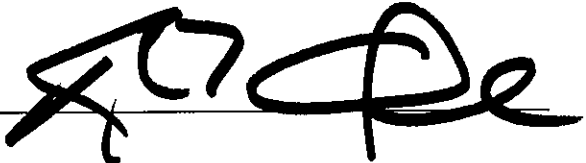
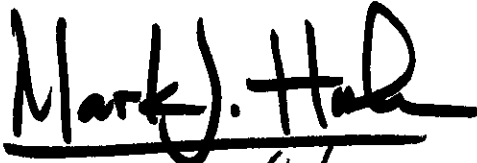
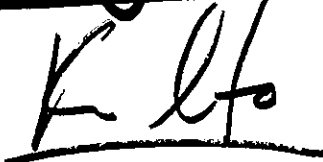

H.C.R. NO. 196

1 twenty days prior to the convening of the Regular Session of
2 2017; and

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4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to the Administrator of the
6 State Procurement Office.

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OFFERED BY:

MAR 11 2016

