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## HOUSE 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, that the State Procurement Office is requested  
28 to review Hawaii's procurement laws in comparison to federal  
29 procurement laws; and  
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31           BE IT FURTHER RESOLVED that the review should include:  
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- 1 (1) A cost-benefit analysis of the current Hawaii public  
2 procurement process with regard to construction  
3 contracts;  
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- 5 (2) An examination of issues and concerns regarding the  
6 Hawaii public procurement process that were raised by  
7 the task force established pursuant to Senate  
8 Concurrent Resolution No. 92, S.D. 2, Regular Session  
9 of 2013, in its final report submitted to the  
10 Legislature during the Regular Session of 2015;  
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- 12 (3) A review of federal procurement laws, particularly  
13 Federal Acquisition Regulation Part 36—Construction  
14 and Architect-Engineer Contracts, and a comparison of  
15 the similarities and differences between the  
16 construction procurement provisions of the Hawaii  
17 public procurement code and federal construction  
18 procurement laws;  
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- 20 (4) An analysis of whether closer alignment of  
21 construction procurement provisions of the Hawaii  
22 public procurement code to federal construction  
23 procurement laws would be beneficial to the State;  
24
- 25 (5) The length of time and the effort required by the  
26 State to implement changes to better align the  
27 construction procurement provisions of the Hawaii  
28 public procurement code with federal construction  
29 procurement laws; and  
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- 31 (6) Any costs, including personnel costs, to the State  
32 should the construction procurement provisions of the  
33 Hawaii public procurement code be amended to more  
34 closely align with federal construction procurement  
35 laws; and  
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37 BE IT FURTHER RESOLVED that the State Procurement Office is  
38 requested to report its findings and recommendations, including  
39 any proposed legislation, to the Legislature no later than  
40 twenty days prior to the convening of the Regular Session of  
41 2017; and  
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# H.R. NO. 142

1 BE IT FURTHER RESOLVED that a certified copy of this  
2 Resolution be transmitted to the Administrator of the State  
3 Procurement Office.  
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OFFERED BY:



Mark J. Hall

K.H.

R. J. Jones

MAR 11 2016

