

JAN 24 2018

A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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 the bidder will employ~~] type of
11 classification that the bidder will list on the certified
12 payroll affidavit to construct the public works, and in
13 conformance with chapter 372. The lowest total bid, taking the
14 preference into consideration, shall be awarded the contract
15 unless the solicitation provides for additional award criteria.
16 The contract amount awarded, however, shall be the amount of the
17 price offered, exclusive of the preference."



1 2. By amending subsection (c) to read:
2 "(c) At the time of submission of a competitive sealed bid
3 or a competitive sealed proposal by a bidder, the bidder shall
4 furnish written proof of being a party to a registered
5 apprenticeship agreement for each [~~apprenticeable trade the~~
6 ~~bidder will employ~~] type of classification that the bidder will
7 list on the certified payroll affidavit to construct the public
8 works and, if awarded the contract, shall continue to certify
9 monthly in writing that the bidder is a party to a registered
10 apprenticeship agreement for each [~~apprenticeable trade the~~
11 ~~bidder will employ~~] type of classification that the bidder will
12 list on the certified payroll affidavit to construct the public
13 works for the entire duration of the bidder's work on the
14 project. This subsection shall be deemed to be incorporated
15 into a public works contract. A bidder who is awarded a
16 contract shall be subject to the following sanctions if, after
17 commencement of work, the bidder at any time during the
18 construction is no longer a party to a registered apprenticeship
19 agreement for each [~~apprenticeable trade the bidder will employ~~]
20 type of classification that the bidder will list on the
21 certified payroll affidavit to construct the public works:



S.B. NO. 3014

- 1 (1) Temporary or permanent cessation of work on the
2 project, without recourse to breach of contract claims
3 by the bidder; provided that the governmental body
4 shall be entitled to restitution for nonperformance or
5 liquidated damages, as appropriate; or
6 (2) Proceedings to debar or suspend under section 103D-
7 702."

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

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: _____ 



S.B. NO. 3014

Report Title:

Public Works; Apprenticeship Agreement

Description:

Clarifies requirements for public works projects for a bidder who is a party to an apprenticeship agreement.

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

