
A BILL FOR AN ACT

RELATING TO EMERGENCY PROCUREMENT.

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

1 SECTION 1. Section 103D-307, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§103D-307 **Emergency procurements.** (a) The head of a
4 purchasing agency may obtain a good, service, or construction
5 essential to meet an emergency by means other than specified in
6 this chapter when the following conditions exist:

7 (1) A situation of an unusual or compelling urgency
8 creates a threat to life, public health, welfare, or
9 safety by reason of major natural disaster, epidemic,
10 riot, fire, or similar events and to a lesser extent,
11 by reason of equipment failures, repairs to public
12 property in order to protect against further loss of,
13 or damage to, public property, or to prevent or
14 minimize serious disruption in continued functioning
15 of government services, or such other reason as may be
16 determined by the head of that purchasing agency;



1 (2) The emergency condition generates an immediate and
 2 serious need for goods, services, or construction that
 3 cannot be met through normal procurement methods and
 4 the government would be seriously injured if the
 5 purchasing agency is not permitted to employ the means
 6 it proposes to use to obtain the goods, services or
 7 construction; and

8 (3) Without the needed good, service, or construction, the
 9 continued functioning of government, the preservation
 10 or protection of irreplaceable property, or the health
 11 and safety of any person will be seriously threatened.

12 (b) The emergency procurement shall be made with such
 13 competition as is practicable under the circumstances [~~and,~~
 14 ~~where practicable, approval from the chief procurement officer~~
 15 ~~shall be obtained prior to the procurement~~]. A written
 16 determination of the basis for the emergency and for the
 17 selection of the particular contractor shall be included in the
 18 contract file.

19 (c) The head of the purchasing agency that makes an
 20 emergency procurement in response to:

21 (1) A threat to life;



1 (2) Significant impact to ensure public access, caused by
2 an unexpected of major natural disaster, epidemic,
3 riot, fire; or
4 (3) Minimize serious disruption in continued functioning
5 of government services,
6 shall account for details of the emergency, response, and money
7 spent in making the procurement and report on the accounting of
8 the procurement to the legislature within days after the
9 procurement was made."

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

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Emergency Procurement; Government Services

Description:

Amends section 103D-307, HRS, relating to emergency procurements, to add equipment failures, repairs to public property to protect against further loss of, or damage to public property, to prevent or minimize serious disruption in continued functioning of government services. Replaces chief procurement officer approval with an accounting report to the legislature within a certain time after the end of the fiscal year in which the procurement was made. Effective 1/1/2050. (HD1)

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