

JAN 25 2023

A BILL FOR AN ACT

RELATING TO PUBLIC CONTRACTS.

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

1 SECTION 1. Section 11-355, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) It shall be unlawful for any person who enters into
4 any contract with the State, any of the counties, or any
5 department or agency thereof either for the rendition of
6 personal services, the buying of property, or furnishing of any
7 material, supplies, or equipment to the State, any of the
8 counties, any department or agency thereof, or for selling any
9 land or building to the State, any of the counties, or any
10 department or agency thereof, if payment for the performance of
11 the contract or payment for material, supplies, equipment, land,
12 property, or building is to be made in whole or in part from
13 funds appropriated by the legislative body, at any time between
14 the execution of the contract through the completion of the
15 contract, to:
16 (1) Directly or indirectly make any contribution, or
17 promise expressly or impliedly to make any



1 contribution to any candidate committee or
 2 noncandidate committee, or to any candidate or to any
 3 person for any political purpose or use; or

4 (2) Knowingly solicit any contribution from any person for
 5 any purpose during any period.

6 Any public contract subject to chapter 103D shall include a
 7 provision documenting that the person entering into the contract
 8 agrees to be subject to these prohibitions and possible
 9 penalties under this part for any violations."

10 SECTION 2. Section 103D-101, Hawaii Revised Statutes, is
 11 amended by amending subsection (b) to read as follows:

12 "(b) Any actual or prospective bidder, offeror,
 13 [†]contractor[†], or business taking part in the conduct of
 14 public procurement, shall act in good faith to practice
 15 purchasing ethics, and when applicable, display business
 16 integrity as a responsible offeror through the public
 17 procurement process, including but not limited to the following:

18 (1) Avoiding the intent and appearance of unethical
 19 behavior or business practices;




- 1 (2) Refraining from any activity that would create the
- 2 appearance of impropriety or conflicts of personal
- 3 interest and the interests of the State or counties;
- 4 (3) Identifying and eliminating any conflicts of interest;
- 5 and
- 6 (4) Ensuring that all persons are afforded an equal
- 7 opportunity to compete in a fair and open environment.

8 To display business integrity, all public contracts subject to
 9 this chapter shall include a provision documenting that the
 10 contractor or business taking part in the conduct of public
 11 procurement agrees to be subject to the prohibitions under
 12 section 11-355 at any time between the execution through the
 13 completion of the contract and the penalties for any violations
 14 under chapter 11, part XIII."

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18
 INTRODUCED BY: 



S.B. NO. 1450

Report Title:

Campaign Contributions; Public Contracts; Procurement Code

Description:

Requires all public contractors to explicitly agree through a provision in their public contracts to be subject to the prohibition and penalties for any violations of campaign finance laws.

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

