
A BILL FOR AN ACT

RELATING TO PROCUREMENT FOR THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds that Act 87, Session Laws
2 of Hawaii 2013, was enacted to remove the president of the
3 university of Hawaii's full authority to act as chief
4 procurement officer for the university for all procurement
5 contracts under chapter 103D, Hawaii Revised Statutes; transfer
6 authority to the administrator of the state procurement office
7 to act as chief procurement officer with respect to university
8 construction contracts and university professional services
9 contracts relating to construction; and address concerns about
10 the prudent and transparent management of public funds
11 appropriated by the legislature and expended by the university
12 for construction. Following its enactment, Act 87 resulted in a
13 bifurcated procurement system at the university wherein a
14 different set of rules and procedures applied depending on
15 whether the procurement involved construction or construction
16 related professional services for university construction
17 projects. Requirements for construction or professional



1 services furnished by licensees under chapter 464, Hawaii
2 Revised Statutes, had to comply with the Hawaii public
3 procurement code and procedures governing state executive branch
4 agencies, while requirements for goods and services had to
5 comply with the Hawaii public procurement code and university
6 executive and administrative procedures governing university
7 transactions.

8 In January 2016, the state procurement office issued its
9 report to the legislature as required under Act 87, which
10 documented the extensive oversight, reviews, and coordination
11 between the university and the state procurement office on
12 procurements involving construction and professional services
13 related to construction. The conclusion of the state
14 procurement office in the report was that "based on SPO's review
15 of 102 UH construction solicitations, UH's Administrative
16 Procedures, and 14 post-award Site Visits, SPO finds that UH is
17 conducting construction procurements in a compliant, efficient
18 and transparent manner." In the report, the state procurement
19 office further set forth minimal recommendations for improvement
20 and mentioned several university specific procedures as "best-
21 practices".



1 Act 42, Session Laws of Hawaii 2018, reinstated and
2 restored full authority to the president of the university of
3 Hawaii to act as the university's chief procurement officer for
4 all procurement contracts under chapter 103D, Hawaii Revised
5 Statutes. Act 42 also included a repeal and reenactment date of
6 June 30, 2021. Following the conclusion of the 2021 regular
7 session, the legislature found that on June 30, 2021, the
8 provisions of Act 42, Session Laws of Hawaii 2018, were
9 repealed. During the 2021 first special session, the
10 legislature passed Act 8, Special Session Laws of Hawaii 2021,
11 which temporarily reenacted provisions amended by Act 42,
12 Session Laws of Hawaii 2018, for the purpose of extending, for
13 three years, the authority of the president of the university of
14 Hawaii to act as the university of Hawaii's chief procurement
15 officer for all procurement contracts under chapter 103D, Hawaii
16 Revised Statutes.

17 The purpose of this Act is to remove the repeal and
18 reenactment in Act 8, Special Session Laws of Hawaii 2021, to
19 maintain the authority of the president of the university of
20 Hawaii to act as the university of Hawaii's chief procurement



1 officer for all procurement contracts under chapter 103D, Hawaii
2 Revised Statutes.

3 SECTION 2. Act 8, Special Session Laws of Hawaii 2021, is
4 amended by amending section 16 to read as follows:

5 "SECTION 16. This Act shall take effect upon its approval;
6 provided that:

- 7 (1) Parts IV and V of this Act shall apply retroactively
8 to any actions taken after June 30, 2021, by the
9 [~~University~~] university of Hawaii pursuant to the
10 sections of law amended by those parts; and
11 (2) Section 10 shall be repealed on June 30, 2024[~~and~~
12 ~~(3) Sections 12, 13, and 14 shall be repealed on June 30,~~
13 ~~2024, and sections 103D-203(a) and 304A-2672, Hawaii~~
14 ~~Revised Statutes, shall be reenacted in the form in~~
15 ~~which they read on June 11, 2018]."~~

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

18 SECTION 4. This Act shall take effect on June 29, 3000.



Report Title:

University of Hawaii; Procurement

Description:

Removes the repeal and reenactment in Act 8, Special SLH 2021, to maintain the authority of the President of the University of Hawaii to act as the University of Hawaii's chief procurement officer. Effective 6/29/3000. (HD2)

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