
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION PROCUREMENT.

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

1 SECTION 1. The legislature finds that as the largest
2 department in the State with nearly three hundred schools and
3 twenty-five thousand employees, the department of education must
4 procure numerous pieces of career and technical education
5 equipment. Examples of career and technical education equipment
6 include anatomy tables, flight simulators, and welding
7 simulators. These types of equipment allow for student learning
8 simulations that can be too expensive or not pragmatic for
9 students to perform in a regular classroom setting. While
10 students are encouraged to explore career options and acquire
11 the technical skills and knowledge to work towards industry-
12 recognized certifications and high-demand careers, the lack of
13 access to these types of equipment can severely limit the
14 technical skills and knowledge students need for the degrees in
15 which they are pursuing, requiring them to wait to gain those
16 skills upon employment or in other secondary licensure programs
17 after high school.



1 Despite the advantages and opportunities that these pieces
2 of equipment can provide, the process to procure them can be
3 lengthy, complicated, and can deter schools from purchasing
4 them. Books and maps are exempted from the Hawaii public
5 procurement code as it is not advantageous to the State to
6 procure these materials by competitive means. In a similar
7 manner, career and technical education equipment should be
8 exempt, as procurement by competitive means is adversely
9 affecting the opportunities for students to acquire necessary
10 technical skills and knowledge.

11 Therefore, the purpose of this Act is to exempt from the
12 Hawaii public procurement code educational materials and related
13 training for direct student instruction in career and technical
14 education programs within the department of education.

15 SECTION 2. Section 103D-102, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Notwithstanding subsection (a), this chapter shall
18 not apply to contracts by governmental bodies:

19 (1) Solicited or entered into before July 1, 1994, unless
20 the parties agree to its application to a contract



1 solicited or entered into [~~prior to~~] before July 1,
2 1994;

3 (2) To disburse funds, irrespective of their source:

4 (A) For grants as defined in section 42F-101, made by
5 the State in accordance with standards provided
6 by law as required by article VII, section 4, of
7 the state constitution; or by the counties
8 pursuant to their respective charters or
9 ordinances;

10 (B) To make payments to or on behalf of public
11 officers and employees for salaries, fringe
12 benefits, professional fees, or reimbursements;

13 (C) To satisfy obligations that the State is required
14 to pay by law, including paying fees, permanent
15 settlements, subsidies, or other claims, making
16 refunds, and returning funds held by the State as
17 trustee, custodian, or bailee;

18 (D) For entitlement programs, including public
19 assistance, unemployment, and workers'
20 compensation programs, established by state or
21 federal law;



1 (E) For dues and fees of organizations of which the
2 State or its officers and employees are members,
3 including the National Association of Governors,
4 the National Association of State and County
5 Governments, and the Multi-State Tax Commission;

6 (F) For deposit, investment, or safekeeping,
7 including expenses related to their deposit,
8 investment, or safekeeping;

9 (G) To governmental bodies of the State;

10 (H) As loans, under loan programs administered by a
11 governmental body; and

12 (I) For contracts awarded in accordance with chapter
13 103F;

14 (3) To procure goods, services, or construction from a
15 governmental body other than the University of Hawaii
16 bookstores, from the federal government, or from
17 another state or its political subdivision;

18 (4) To procure the following goods or services [~~which~~
19 that are available from multiple sources but for which
20 procurement by competitive means is either not
21 practicable or not advantageous to the State:



- 1 (A) Services of expert witnesses for potential and
2 actual litigation of legal matters involving the
3 State, its agencies, and its officers and
4 employees, including administrative quasi-
5 judicial proceedings;
- 6 (B) Works of art for museum or public display;
- 7 (C) Research and reference materials including books,
8 maps, periodicals, and pamphlets, which are
9 published in print, video, audio, magnetic, or
10 electronic form;
- 11 (D) Meats and foodstuffs for the Kalaupapa
12 settlement;
- 13 (E) Opponents for athletic contests;
- 14 (F) Utility services whose rates or prices are fixed
15 by regulatory processes or agencies;
- 16 (G) Performances, including entertainment, speeches,
17 and cultural and artistic presentations;
- 18 (H) Goods and services for commercial resale by the
19 State;
- 20 (I) Services of printers, rating agencies, support
21 facilities, fiscal and paying agents, and



1 registrars for the issuance and sale of the
2 State's or counties' bonds;

3 (J) Services of attorneys employed or retained to
4 advise, represent, or provide any other legal
5 service to the State or any of its agencies, on
6 matters arising under laws of another state or
7 foreign country, or in an action brought in
8 another state, federal, or foreign jurisdiction,
9 when substantially all legal services are
10 expected to be performed outside this State;

11 (K) Financing agreements under chapter 37D; [~~and~~]

12 (L) Educational materials and related training for
13 direct student instruction in career and
14 technical education programs as defined in
15 section 302A-101, including supplies, implements,
16 tools, machinery, electronic devices, or other
17 goods purchased by the department of education;
18 and

19 [~~(L)~~] (M) Any other goods or services [~~which~~] that the

20 policy board determines by rules or the chief

21 procurement officer determines in writing is



1 available from multiple sources but for which
2 procurement by competitive means is either not
3 practicable or not advantageous to the State; and

4 (5) [~~which~~] That are specific procurements expressly
5 exempt from any or all of the requirements of this
6 chapter by:

7 (A) References in state or federal law to provisions
8 of this chapter or a section of this chapter, or
9 references to a particular requirement of this
10 chapter; and

11 (B) Trade agreements, including the Uruguay Round
12 General Agreement on Tariffs and Trade (GATT)
13 [~~which~~] that require certain non-construction and
14 non-software development procurements by the
15 comptroller to be conducted in accordance with
16 its terms."

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

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



Report Title:

DOE; Procurement; Exemption; Career and Technical Education

Description:

Exempts from the Hawaii Public Procurement Code educational materials and related training for direct student instruction in career and technical education programs within the Department of Education. (SD1)

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