

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1       SECTION 1. The legislature finds that a well-trained  
2 workforce is essential for Hawaii's economic growth and the  
3 successful construction of public buildings, infrastructure, and  
4 other development projects.

5       Accordingly, the purpose of this Act is to ensure a  
6 consistent supply of skilled labor, support workforce  
7 development, and enhance the outcomes of public works by  
8 incentivizing contractors bidding on projects to participate in  
9 state-registered apprenticeship programs.

10       SECTION 2. Section 103-55.6, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "~~{ }~~§103-55.6~~{ }~~ **Public works construction; apprenticeship**  
13 **agreement.** (a) A governmental body, as defined in section  
14 103D-104, that enters into a public works contract under this  
15 chapter having an estimated value of not less than \$250,000,  
16 shall decrease the bid amount of a bidder by five per cent if  
17 the bidder is a party to an apprenticeship agreement registered



1 with the department of labor and industrial relations for each  
2 apprenticeable trade [~~the bidder will employ~~] utilized to  
3 construct the public works, and in conformance with chapter 372.  
4 The lowest total bid, taking the preference into consideration,  
5 shall be awarded the contract unless the solicitation provides  
6 for additional award criteria. The contract amount awarded,  
7 however, shall be the amount of the price offered, exclusive of  
8 the preference.

9 (b) For purposes of subsection (a), in determining whether  
10 there is conformance with chapter 372, the procurement officer  
11 shall consider the actual number of apprentices enrolled in and  
12 the annual number of graduates of the apprenticeship program.

13 (c) At the time of submission of a competitive sealed bid  
14 or a competitive sealed proposal by a bidder, the bidder shall  
15 furnish written proof of being a party to a registered  
16 apprenticeship agreement for each apprenticeable trade the  
17 bidder will [~~employ~~] utilize to construct the public works and,  
18 if awarded the contract, shall continue to certify monthly in  
19 writing that the bidder is a party to a registered  
20 apprenticeship agreement for each apprenticeable trade [~~the~~  
21 ~~bidder will employ~~] utilized to construct the public works for



1 the entire duration of the bidder's work on the project. This  
2 subsection shall be deemed to be incorporated into a public  
3 works contract. A bidder who is awarded a contract shall be  
4 subject to the following sanctions if, after commencement of  
5 work, the bidder at any time during the construction is no  
6 longer a party to a registered apprenticeship agreement for each  
7 apprenticeable trade the bidder will employ to construct the  
8 public works:

9 (1) Temporary or permanent cessation of work on the  
10 project, without recourse to breach of contract claims  
11 by the bidder; provided that the governmental body  
12 shall be entitled to restitution for nonperformance or  
13 liquidated damages, as appropriate; or

14 (2) Proceedings to debar or suspend under section  
15 103D-702.

16 (d) For purposes of this section, "bidder" means an entity  
17 that submits a competitive sealed bid under section 103D-302 or  
18 submits a competitive sealed proposal under section 103D-303."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

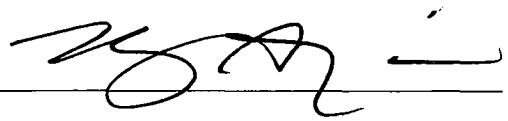
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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Z. A. I.", is written over a horizontal line.



# S.B. NO. 1057

**Report Title:**

Procurement; Public Works Construction; Apprenticeship  
Agreement; Apprenticeable Trade; Utilization

**Description:**

Clarifies that the bid incentive given to bidders for public works construction projects who are parties to an apprenticeship agreement is based on apprenticeable trades utilized, rather than employed, to construct the public works.

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

