

**ACT 185**

A Bill for an Act Relating to Contracts for Public Works and Amending Chapter 9, Revised Laws of Hawaii 1955, as Amended, and Providing for Termination Thereof.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to require bidders on public works contracts to include in their bids the names of all other persons or firms to be engaged on the project as joint contractors or subcontractors and to indicate the nature of the work such joint contractor or subcontractor will perform; and to provide for the termination of the contract by the contracting agency in cases where the contractor makes substantive changes from his original itemized bid.

SECTION 2. Chapter 9, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding two new sections to be designated and to read as follows:

**“Sec. 9-27.5. Bids to include certain information.** In addition to meeting other requirements of bidders for public works construction contracts each such bid shall include the name of each person or firm to be engaged by the bidder as a joint contractor or subcontractor in the performance of the public works construction contract. The bid shall also indicate the nature and scope of the work to be performed by such joint contractor or subcontractors. All bids which do not comply with this requirement shall be rejected.”

**Sec. 9-30.5. Termination of contract by contracting agency.** The contracting officer for any contract executed in accordance with the provisions of this chapter may terminate such contract at any time when, in the opinion of the contracting officer, the contractor has made unjustifiable and substantive changes from the condition set forth in his original itemized bid, provided, however, that such changes which are directly due to the failure, refusal, or inability of a subcontractor named in the contractor's original itemized bid in accordance with the provisions of sec. 9-27.5 to enter into the subcontract or because of such subcontractor's insolvency, inability to furnish a reasonable performance bond, suspension or revocation of his license or failure or inability to comply with other requirements of the law applicable to contractors,

subcontractors and public works projects shall not be deemed to be unjustifiable and substantive changes warranting termination of the contract by the contracting officer. In the case of termination the contracting officer shall limit payment to the contractor to that part of the contract satisfactorily completed at the time of termination."

SECTION 3. Section 9-44, Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting immediately after the word and numbers "sections 9-21, 9-22," the numbers "9-27.5, 9-30.5,".

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

(Approved June 3, 1963.) **H.B. 379.**

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