

ACT 211

S.B. NO. 1127

A Bill for an Act Relating to the Public Procurement Code.

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

SECTION 1. Section 103D-310, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All offerors, upon award of contract, shall comply with all laws governing entities doing business in the State, including chapters 237, 383, 386, 392, and 393~~, and shall:~~

- (1) ~~Be incorporated or organized under the laws of the State; or~~
- (2) ~~Be registered to do business in the State as a separate branch or division that is capable of fully performing under the contract].~~

Offerors shall produce documents to the procuring officer to demonstrate compliance with this subsection. Any offeror making a false affirmation or certification under this subsection shall be suspended from further offerings or awards pursuant to section 103D-702. The procuring officer shall verify compliance with this subsection for all contracts awarded pursuant to sections 103D-302, 103D-303, 103D-304, [103D-305,] and 103D-306; provided that the attorney general may waive the requirements of this subsection for contracts for legal services if the attorney general certifies in writing that comparable legal services are not available in this State.”

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 8, 2005.)