

ACT 239

H.B. NO. 1374

A Bill for an Act Relating to Procurement.

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

SECTION 1. The legislature finds that the procurement process is in need of reform so that taxpayers dollars are not wasted. Remedial measures can cost taxpayers more money in the long term. The usual principle of awarding

contracts to the lowest bidder may lead to substandard work, because contractors may artificially lower bids to gain a contract, in spite of a lack of qualifications or, even worse, a record of poor performance in the past.

Therefore, the purpose of this Act is to allow procurement officials the authority to choose the appropriate source selection method to meet the circumstances of each procurement.

SECTION 2. Section 103D-301, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§103D-301]]~~ **Methods of source selection.** Unless otherwise authorized by law, all contracts shall be awarded ~~[by competitive sealed bidding]~~ pursuant to ~~[section 103D-302, except as provided in:]~~ the following sections, as applicable:

- (1) Section 103D-302 (Competitive sealed bids);
- ~~[(1)]~~ (2) Section 103D-303 (Competitive sealed proposals);
- ~~[(2)]~~ (3) Section 103D-304 (Professional services procurement);
- ~~[(3)]~~ (4) Section 103D-305 (Small purchases);
- ~~[(4)]~~ (5) Section 103D-306 (Sole source procurement); and
- ~~[(5)]~~ (6) Section 103D-307 (Emergency procurements).”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. This Act shall take effect on July 1, 2013.

(Approved June 27, 2013.)