
A BILL FOR AN ACT

RELATING TO GOVERNMENT ACCOUNTABILITY.

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

1 SECTION 1. The legislature finds that there is a pressing
2 need to reduce the reliance on external consultants for work
3 that can or should be performed by qualified government
4 employees. Excessive outsourcing of government functions often
5 leads to increased costs, diminished accountability, and a loss
6 of institutional knowledge within public agencies. By
7 prioritizing the use of in-house expertise, the State can foster
8 greater transparency in its operations, ensuring that decisions
9 about the allocation of public funds are clear, justifiable, and
10 aligned with the best interests of taxpayers. Moreover,
11 reducing dependence on external consultants will promote cost
12 efficiency, enabling government agencies to allocate resources
13 more effectively while building and retaining institutional
14 capacity. Strengthening the role of public employees in
15 performing core government functions will also enhance the
16 long-term sustainability and independence of state operations.
17 Through these efforts, the legislature seeks to ensure that



1 public agencies are equipped to meet the evolving needs of the
2 State in a manner that is both responsible and effective.

3 Accordingly, the purpose of this Act is to reduce reliance
4 on external consultants for work that can be performed by
5 qualified government employees and ensure transparency, cost
6 efficiency, and the development of in-house expertise within
7 government agencies by:

- 8 (1) Requiring each purchasing agency to provide
9 justification for hiring external consultants;
- 10 (2) Capping the amount each agency can spend on external
11 consultants;
- 12 (3) Requiring each agency to seek approval from the
13 legislature for consulting contracts exceeding a
14 certain dollar amount;
- 15 (4) Requiring each agency to disclose all contracts with
16 external consultants;
- 17 (5) Requiring annual reports to the legislature;
- 18 (6) Requiring the compliance audit unit to conduct regular
19 audits of agency consultant contracts to assess
20 cost-effectiveness and compliance; and



1 (7) Requiring each chief procurement officer to ensure
2 that inherent government functions are not delegated
3 to a contractor.

4 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
5 amended by adding a new section to part III to be appropriately
6 designated and to read as follows:

7 "§103D- External consultants; justification; spending
8 caps; reporting requirements; audits. (a) Notwithstanding
9 section 103D-301, each purchasing agency shall:

10 (1) Provide detailed justification for hiring external
11 consultants by:

12 (A) Demonstrating the lack of in-house capacity or
13 expertise;

14 (B) Conducting a cost-benefit analysis that compares
15 consultant costs with the expenses of hiring or
16 training state employees; and

17 (C) Publishing justification reports for public and
18 legislative review;

19 (2) Spend no more than _____ per cent of the purchasing
20 agency's budget on consulting services;



- 1 (3) Seek approval from the legislature for any contract
2 for consulting services exceeding \$ _____ ;
- 3 (4) Disclose all contracts the purchasing agency awards to
4 external consultants after the effective date of this
5 Act, including:
- 6 (A) The total costs of each contract, broken down by
7 service and duration;
- 8 (B) The names of consultants and firms; and
- 9 (C) The work scope and deliverables; and
- 10 (5) Submit an annual report to the legislature no later
11 than twenty days prior to the convening of each
12 regular session on its contracts with external
13 consultants, which shall include:
- 14 (A) The number of external consultants used; and
- 15 (B) The percentage of the purchasing agency's budget
16 spent on consulting.
- 17 (b) The compliance audit unit shall conduct regular audits
18 of each purchasing agency's external consultant contracts to
19 assess the cost-effectiveness of the contracts and compliance
20 with this section.



1 (c) This section shall not apply to the contracting of
2 external consultants for:

3 (1) Highly technical or niche expertise unavailable in the
4 State; and

5 (2) Short-term emergency needs, including disaster
6 response or urgent technical projects."

7 SECTION 3. Section 103D-205, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) For their respective jurisdictions and unless
10 otherwise specifically provided in this chapter, each chief
11 procurement officer shall serve as the central procurement
12 officer for the officer's respective jurisdiction and:

13 (1) Procure or supervise the procurement of all goods,
14 services, and construction;

15 (2) Exercise general supervision and control over all
16 inventories of goods;

17 (3) Sell, trade, or otherwise dispose of surplus goods;

18 (4) Establish and maintain programs for the inspection,
19 testing, and acceptance of goods, services, and
20 construction;



- 1 (5) Coordinate with the administrator regarding
- 2 procurement policies, opportunities for statewide
- 3 innovation implementation, and concerns;
- 4 (6) Report procurement contract data pursuant to
- 5 requirements established by the administrator, in the
- 6 form and manner prescribed by the state procurement
- 7 office; [~~and~~]
- 8 (7) Assist and cooperate with the administrator regarding
- 9 any compliance review by the administrator pursuant to
- 10 section 103D-206[~~-~~]; and
- 11 (8) Ensure that inherent government functions are not
- 12 delegated to a contractor."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect January 1, 2491.



Report Title:

External Consultants; Purchasing Agencies; Disclosure Requirements; Spending Caps; Audit; Reports

Description:

Requires each purchasing agency to provide justification for hiring external consultants. Caps the amount each agency can spend on external consultants. Requires each agency to seek approval from the Legislature for consulting contracts exceeding a certain dollar amount. Requires each agency to disclose new contracts with external consultants. Requires annual reports to the Legislature. Requires the Compliance Audit Unit to conduct regular audits of agency consultant contracts to assess cost-effectiveness and compliance. Requires each chief procurement officer to ensure that inherent government functions are not delegated to a contractor. Effective 1/1/2491. (SD2)

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