
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Section 103D-102, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts by governmental bodies:

5 (1) Solicited or entered into before July 1, 1994, unless
6 the parties agree to its application to a contract
7 solicited or entered into prior to July 1, 1994;

8 (2) To disburse funds, irrespective of their source:

9 (A) For grants or subsidies as those terms are
10 defined in section 42F-101, made by the State in
11 accordance with standards provided by law as
12 required by article VII, section 4, of the State
13 Constitution; or by the counties pursuant to
14 their respective charters or ordinances;

15 (B) To make payments to or on behalf of public
16 officers and employees for salaries, fringe
17 benefits, professional fees, or reimbursements;



- 1 (C) To satisfy obligations that the State is required
- 2 to pay by law, including paying fees, permanent
- 3 settlements, subsidies, or other claims, making
- 4 refunds, and returning funds held by the State as
- 5 trustee, custodian, or bailee;
- 6 (D) For entitlement programs, including public
- 7 assistance, unemployment, and workers'
- 8 compensation programs, established by state or
- 9 federal law;
- 10 (E) For dues and fees of organizations of which the
- 11 State or its officers and employees are members,
- 12 including the National Association of Governors,
- 13 the National Association of State and County
- 14 Governments, and the Multi-State Tax Commission;
- 15 (F) For deposit, investment, or safekeeping,
- 16 including expenses related to their deposit,
- 17 investment, or safekeeping;
- 18 (G) To governmental bodies of the State;
- 19 (H) As loans, under loan programs administered by a
- 20 governmental body; and
- 21 (I) For contracts awarded in accordance with chapter
- 22 103F.



- 1 (3) To procure goods, services, or construction from a
2 governmental body other than the University of Hawaii
3 bookstores, from the federal government, or from
4 another state or its political subdivision;
- 5 (4) To procure the following goods or services [~~which~~]
6 that are available from multiple sources but for which
7 procurement by competitive means is either not
8 practicable or not advantageous to the State:
- 9 (A) Services of expert witnesses for potential and
10 actual litigation of legal matters involving the
11 State, its agencies, and its officers and
12 employees, including administrative quasi-
13 judicial proceedings;
- 14 (B) Works of art for museum or public display;
- 15 (C) Research and reference materials, including
16 books, maps, periodicals, and pamphlets, [~~which~~]
17 that are published in print, video, audio,
18 magnetic, or electronic form;
- 19 (D) Meats and foodstuffs for the Kalaupapa
20 settlement;
- 21 (E) Opponents for athletic contests;



- 1 (F) Utility services whose rates or prices are fixed
- 2 by regulatory processes or agencies;
- 3 (G) Performances, including entertainment, speeches,
- 4 and cultural and artistic presentations;
- 5 (H) Goods and services for commercial resale by the
- 6 State;
- 7 (I) Services of printers, rating agencies, support
- 8 facilities, fiscal and paying agents, and
- 9 registrars for the issuance and sale of the
- 10 State's or counties' bonds;
- 11 (J) Services of attorneys employed or retained to
- 12 advise, represent, or provide any other legal
- 13 service to the State or any of its agencies, on
- 14 matters arising under laws of another state or
- 15 foreign country, or in an action brought in
- 16 another state, federal, or foreign jurisdiction,
- 17 when substantially all legal services are
- 18 expected to be performed outside this State;
- 19 (K) Financing agreements under chapter 37D; [~~and~~]
- 20 (L) Public, educational, and government cable access
- 21 services; and



1 ~~(L)~~ (M) Any other goods or services ~~[which]~~ that the
2 policy board determines by rules or the chief
3 procurement officer determines in writing is
4 available from multiple sources but for which
5 procurement by competitive means is either not
6 practicable or not advantageous to the State; and

7 (5) ~~[Which]~~ That are specific procurements expressly
8 exempt from any or all of the requirements of this
9 chapter by:

10 (A) References in state or federal law to provisions
11 of this chapter or a section of this chapter, or
12 references to a particular requirement of this
13 chapter; and

14 (B) Trade agreements, including the Uruguay Round
15 General Agreement on Tariffs and Trade (GATT)
16 ~~[which]~~, that require certain non-construction
17 and non-software development procurements by the
18 comptroller to be conducted in accordance with
19 its terms."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

Calvin K. Boy

JAN 22 2007



Report Title:

Procurement; Exemption for Public, Educational, and Government Cable Access

Description:

Exempts contracts to provide public, educational, and government cable access services from state procurement code pursuant to chapter 103D.

