
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Chapter 103, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§103- Public works construction; apprenticeship
5 agreement. (a) A governmental body, as defined in section
6 103D-104, that enters into a public works contract under this
7 chapter having of an estimated value of not less than \$250,000,
8 shall decrease the bid amount of a bidder by five per cent if
9 the bidder has a written agreement with an apprenticeship
10 program registered with the department of labor and industrial
11 relations and in conformance with chapter 372. The lowest total
12 bid, taking the preference into consideration, shall be awarded
13 the contract unless the solicitation provides for additional
14 award criteria. The contract amount awarded, however, shall be
15 the amount of the price offered, exclusive of the preference.

16 (b) For purposes of subsection (a), in determining whether
17 there is conformance with chapter 372, the procurement officer



1 shall consider the actual number of apprentices enrolled in and
2 the annual number of graduates of the apprenticeship program.

3 (c) At the time of submission by a bidder of a competitive
4 sealed bid under section 103D-302 or by an offeror of a
5 competitive sealed proposal under section 103D-303, a bidder or
6 offeror, as applicable, shall furnish written proof of having a
7 written agreement with a registered apprenticeship program and,
8 if awarded the contract, shall continue to certify monthly in
9 writing that the bidder has a written agreement with a
10 registered apprenticeship program for the entire duration of the
11 bidder's work on the project. This subsection shall be deemed
12 to be incorporated into a public works contract. A bidder who
13 is awarded a contract shall be subject to the following
14 sanctions if, after commencement of work, the bidder at any time
15 during the construction no longer has a written agreement with a
16 registered apprenticeship program:

17 (1) Temporary or permanent cessation of work on the
18 project, without recourse to breach of contract claims
19 by the bidder; provided that the governmental body
20 shall be entitled to restitution for nonperformance or
21 liquidated damages, as appropriate; or



1 (2) Proceedings to debar or suspend under section
2 103D-702."

3 SECTION 2. New statutory material is underscored.

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



Report Title:

Apprenticeship; Procurement; Construction Contracts

Description:

Requires a procurement preference to a contractor in a public works construction contract of not less than \$250,000 if the contractor has a written agreement with an apprenticeship program registered with the department of labor and industrial relations at the time of general bidding. Requires a public works contractor to comply with state labor laws. (SB19 HD1)

