

## LATE TESTIMONY

The House

Committee on Higher Education

February 3, 2009

2:00 p.m.

**H.B. No. 347      Relating to the University of Hawaii**

The University of Hawaii Professional Assembly supports H.B. No. 347. For a number of legislative sessions UHPA has supported allowing the University of Hawaii to establish and effectuate its own procurement process. The University of Hawaii has distinct characteristics and needs that make it practical and efficient for procurement to be undertaken by the institution.

Respectively submitted,

Kristeen Hanselman  
Associate Executive Director

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**UNIVERSITY OF HAWAII SYSTEM**  
Legislative Testimony

**LATE TESTIMONY**

Testimony Presented Before the  
House Committee on Higher Education  
February 3, 2009 at 2:00pm

by  
Howard Todo  
Vice President for Budget & Finance/CFO, University of Hawai'i

HB 0347 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Chang, Vice Chair Nakashima and Members of the Committee:

This Bill provides the University with flexibility in procurement. The University had this flexibility from 1998 through 2004 and used it responsibly and to great benefit during that period. This measure would assist us in implementing much needed deferred maintenance and capital renewal projects on all our campuses more quickly, shortening delays in the contracting and procurement process. The University's capital improvements budget request as approved by the Board of Regents includes approximately \$350 million in health and safety, capital renewal and deferred maintenance, and equipment as the top three priorities. These projects are already identified, involve little in the way of permitting and are ready to launch quickly—just the kind of economic stimulus in President Obama's initiative.

In addition, please let me give you the following specific supporting points:

*1. Providing the University of Hawaii with administrative flexibility has been accepted public policy embraced by all branches of government and the general public.*

In 1997 the Governor, Senate President and Speaker of the House created an unprecedented blue ribbon Economic Revitalization Task Force composed of Hawaii's business, community and government leaders. Their objective was to develop recommendations on how to strengthen Hawaii's economy. Recognizing the importance of the University of Hawaii as a major economic engine for the State, one of the clear conclusions of the task force, accepted by all, was that autonomy for the university would materially enhance the university's performance of its constitutional responsibilities and allow it to contribute more meaningfully to the economic revitalization of the State of Hawaii. In 1998 the Legislature passed and the Governor signed Act 115 granting the University of Hawaii greater flexibility in managing its own affairs and, most notably, exempting the University of Hawaii from the State Procurement Code. This flexibility allowed the Board of Regents to adopt University procurement procedures consistent with State procurement law, but not dependent on the State governmental processes, procedures and resources. Taking this flexibility even further, in the 2000 legislative session a constitutional amendment was approved to provide the University of Hawaii with even greater autonomy. This constitutional amendment was overwhelmingly ratified by Hawaii's voters in the 2000 election.

*2. The University has used this flexibility responsibly and effectively.*

As required by Act 115, the University developed and implemented its own internal procedures and policies for procurement. The University used its flexibility to create the most advanced and open electronic public sector procurement system in the State of Hawaii. An electronic sourcing system called "SuperQuote" was established at no cost to the University, through which requests for quotation are solicited online. By making use of the Internet, quotes are received faster, the process is more open, competition is increased resulting in lower prices, and there is automatically an audit trail. The University also implemented the first purchasing card (PCard) program in the State. Accountability is maintained through various restrictions on the type and amount of allowable spending. The PCard program reduces time, costs and effort in purchasing, including enabling purchases over the Internet. Both SuperQuote and the PCard system have direct electronic interfaces to the University's financial management information system. This eliminates duplicate data entry in purchasing, which further reduces administrative costs and decreases a potential source of errors. The University developed comprehensive and thorough written policies and procedures appropriate for these modern practices. The University's Administrative Procedures on Procurement have been available online for many years and can be found at the following website: <http://www.hawaii.edu/apis/apm/a8200.html>. While the current versions of these procedures reflect the 2005 revocation of the University's Act 115 flexibility, the previous procedures that took advantage of the flexibility are also available in the online archives at <http://www.hawaii.edu/svpa/apm/archives/a8200.html>.

*3. The University is fully committed to openness, appropriate public oversight and accountability.*

In improving its internal procurement system, the University of Hawaii completely honored the statutory requirement to comply with the intent of the State procurement code. While dramatically increasing open competition and improving operational efficiency, the University has also embraced applicable federal procurement guidelines in its new processes and systems. The University procedures developed to implement the flexibility granted by Act 115, as described above, were all reviewed, discussed and approved by the Board of Regents at duly noticed open public meetings conducted under the State "Sunshine" laws. In addition to a bevy of internal control processes, the University's procurement practices are independently audited each year to ensure fair and equitable treatment of vendors, to foster effective broad-based competition in order to secure best value in purchases, and to maintain the integrity of the procurement process.

*4. The public interest is best served by restoring the University's flexibility to establish its own procurement policies.*

The widely accepted movement to increase University flexibility has been widely supported by the Legislature over the last decade, by the last two Governors, by the business community and by the voting public. One of the most visible outcomes of this movement was the law passed by the 1998 Legislature granting the University an exemption from the state procurement processes. The University's own procurement system and processes streamlined purchasing to reduce administrative costs, increased competition, reduced the costs of good and services procured, increased openness and auditability, and reduced the costs for vendors to do business with the University. Our faculty and staff used this direct responsibility and accountability to help the University of Hawaii respond to changing

conditions, new opportunities and Hawaii's needs in a more timely and effective manner. In addition, the University's flexibility reduced cost to State Government by relieving DAGS and other agencies of any responsibility for University procurement.

*5. This flexibility is needed now to help the economy.*

With \$350 million in capital renewal and deferred maintenance projects, the University can be a significant part of the solution to Hawaii's current economic downturn by directly creating or preserving several thousand jobs. Now is the moment for bold action. This measure will help the University to address its deferred maintenance needs and assist the people and businesses of Hawaii to weather these difficult economic times.

We ask your support for the passage of this bill, which has both operational and economic importance in helping the University of Hawaii achieve the flexibility it needs to be the major engine for the economic diversification of Hawaii. As President McClain stated in an op-ed in the *Honolulu Advertiser* recently, "The people, projects and programs of the University of Hawai'i are providing a bridge across the valley of recession to a brighter, more productive future for Hawai'i."

Thank you for this opportunity to testify in support of this measure.

# IRONWORKERS STABILIZATION FUND

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Honorable Representative Jerry Chang, Chair  
Members of the House Committee on Higher Education  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**LATE TESTIMONY**

RE: IN OPPOSITION OF HB347, RELATING TO THE UNIVERSITY OF HAWAII  
Hearing: Tuesday, February 3, 2009

Dear Chair Chang, and the House Committee on Higher Education:

The Ironworkers Stabilization Fund Local 625 OPPOSES the passage of HB347, which exempts the University of Hawaii from Hawaii public procurement code requirements.

The State of Hawaii Procurement Code was enacted to ensure that public funds would be used in a fiscally prudent manner. This Procurement Code is meant to protect the welfare and safety of the workingmen and women of Hawaii. If this bill passes in its current form, there is no true review and appeal process in place if there is a situation that may occur.

We believe that if the University of Hawaii would like their own public procurement policy they should do the following:

- 1) Draft a policy that can be reviewed by all community stake holders including the State Legislature, Procurement Board and those affected;
- 2) Have in their draft a provision to allow local companies to have preference in the bidding process;
- 3) Ensure public safety by using all of the language regarding construction and the Davis Bacon/Fair Labor Standards; and
- 4) Have an appeal process in place.

We believe to ensure that our local economy is not hurt that a buy local preference should be enacted.

Thank you for the opportunity to submit this testimony for HB 347

# LATE TESTIMONY

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of Hawaii

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February 2, 2009

EMAILED TESTIMONY TO: [HEDtestimony@Capitol.hawaii.gov](mailto:HEDtestimony@Capitol.hawaii.gov)

**Hearing Date: Tuesday, February 3, 2:00 p.m., Conference Room 309  
(House Committee on Higher Education)**

Honorable Representatives Jerry L. Chang, Chair, Mark M. Nakashima, Vice Chair, and Members of the House Committee on Higher Education

Subject: **HB 347, Relating to the University of Hawaii**

Dear Chair Chang, Vice Chair Nakashima, and Committee Members,

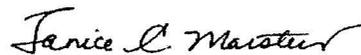
The American Council of Engineering Companies of Hawaii (ACECH), representing 70 consulting engineering firms, **strongly opposes HB 347**, Relating to the University of Hawaii. HB 347 seeks to exempt the University of Hawaii from Hawaii Revised Statutes (HRS) Chapter 103D the State procurement code.

The bill states that the University will develop internal policies and procedures for the procurement of goods, services, and construction, consistent with the goals of public accountability and public procurement practices. However, ACECH strongly believes that the State procurement code under 103D is the best means for procuring services and products, and should continue to be used by the University of Hawaii. The State procurement code provides for fair and proper award of public contracts, in a manner open and transparent to the public. The procedure of "Qualifications-based selection" under 103D provides the nationally recognized best method for procurement of professional design and other services. We believe the University has not provided sufficiently compelling reasons to sidestep the State Procurement Code and are concerned that this bill is counter to the public interest in an open and transparent procurement process.

We appreciate your time and the opportunity to present our case in opposition of HB 347. Please do not hesitate to contact us if you have any questions regarding our testimony.

Respectfully submitted,

ACEC Hawaii



Janice Marsters  
National Director