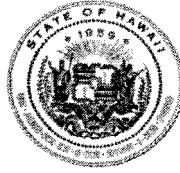


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AARON S. FUJIOKA
ADMINISTRATOR

STATE OF HAWAII
STATE PROCUREMENT OFFICE
P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
<http://hawaii.gov/spo>

TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
ECONOMIC REVITALIZATION, BUSINESS & MILITARY AFFAIRS

February 4, 2010

8:00 a.m.

HB 2283

RELATING TO PROCUREMENT

Chair McKelvey, Vice-Chair Choy and committee members, thank you for the opportunity to testify on HB 2283. This bill would require State and county personnel conducting public procurement to do so in an ethical manner.

The State Procurement Office understands the intent of this bill, however this bill is unnecessary as ethics is already addressed in HAR §3-131-1.02, Procurement Code of Ethics. These rules also have a section addressing ethics for prospective bidders, offerors, contractors, and businesses (HAR §3-131-1.02(c)). A copy of the HAR is attached.

Thank you.

Attachment

§3-131-1.02 Procurement code of ethics. (a)

Public employees shall act in good faith to discharge their duties to ensure the fair and equitable treatment of all persons who deal with government procurement; to foster public confidence in the integrity of the procurement process; and to ensure the appropriate application of purchasing ethics. Any person employed by a governmental body who, when engaging in procurement, shall be bound by this code of ethics, including but not limited to the following:

- (1) Avoid the intent and appearance of unethical behavior or practices;
- (2) Diligently follow the procurement laws, rules, and procedures;
- (3) Refrain from any activity that would create a conflict between personal interests and the interests of the State;
- (4) Identify and eliminate any conflicts of interest;
- (5) Avoid soliciting or accepting money, loans, credits, discounts, favors, or services from present or potential suppliers which may influence or appear to influence purchasing decisions; and
- (6) Ensure that all persons are afforded equal opportunity to compete in a fair and open environment.

(b) Governmental bodies shall conduct procurement in accordance with all applicable statutes and rules, including chapter 84, HRS.

(c) Any person, including any actual or prospective bidder, offeror, contractor, or business shall act in good faith to practice purchasing ethics, and when applicable, display business integrity as a responsible offeror, including but not limited to the following:

- (1) Avoid the intent and appearance of unethical behavior or business practices;
- (2) Refrain from any activity that would create a conflict between personal interests and the interests of the State;
- (3) Identify and eliminate any conflicts of interest; and
- (4) Ensure that all persons are afforded equal opportunity to compete in a fair and open environment.

[Eff and comp AUG 24 2009]
(Auth: HRS §103D-202) (Imp: HRS §§103D-101, 103D-106, 103D-310, 84-15, 84-16)