STAND. COM. REP. NO. 430-12

Honolulu, Hawaii

Feb 15 , 2012

RE: H.B. No. 2122 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 2122 entitled:

"A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE,"

begs leave to report as follows:

The purpose of this measure is to suspend for five years the filing of any protest against the awarding of a contract under the State Procurement Code.

The Building Industry of Hawaii testified in support of the intent of this measure. The State Procurement Office and Subcontractors Association of Hawaii testified in opposition to this measure. The General Contractors Association provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with language that amends the administrative review process by limiting the hearing's officers' scope of review to a review of the written record below of the procuring agency's protest proceedings in order to determine whether the agency's decision was arbitrary, capricious, fraudulent, or clearly erroneous;
- (2) Changing the effective date to July 1, 2112, for the purposes of facilitating further discussion; and

(3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2122, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2122, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Economic Revitalization & Business,

ANGUS L.K. McKELVEY, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: HB 2122	Committee Refer	FIN	Da	te: 2/2/12	•
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
ERB Members		Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)		V			
2. CHOY, Isaac W. (VC)		/			
3. AWANA, Karen L.		V			
4. BROWER, Tom		V			
5. EVANS, Cindy		V	0.000		
6. HASHEM, Mark J.		/			
7. NISHIMOTO, Scott Y.		/			
8. TOKIOKA, James Kunane			****		
9. TSUJI, Clift					
10. MARUMOTO, Barbara C.					~
11. PINE, Kymberly Marcos		· · · · <u>·</u>			V
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TOTAL (11)		9		_	2
The recommendation is: Macopted Not Adopted					
Vice Chair's or designee's signature:					
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO					