
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 procure fresh meat and produce and animals and
9 plants, for use by any governmental body;

10 ~~(2)~~ (3) To disburse funds, irrespective of their source:

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



- 1 (B) To make payments to or on behalf of public
- 2 officers and employees for salaries, fringe
- 3 benefits, professional fees, or reimbursements;
- 4 (C) To satisfy obligations that the State is required
- 5 to pay by law, including paying fees, permanent
- 6 settlements, subsidies, or other claims, making
- 7 refunds, and returning funds held by the State as
- 8 trustee, custodian, or bailee;
- 9 (D) For entitlement programs, including public
- 10 assistance, unemployment, and workers'
- 11 compensation programs, established by state or
- 12 federal law;
- 13 (E) For dues and fees of organizations of which the
- 14 State or its officers and employees are members,
- 15 including the National Association of Governors,
- 16 the National Association of State and County
- 17 Governments, and the Multi-State Tax Commission;
- 18 (F) For deposit, investment, or safekeeping,
- 19 including expenses related to their deposit,
- 20 investment, or safekeeping;
- 21 (G) To governmental bodies of the State;



1 (H) As loans, under loan programs administered by a
2 governmental body; and

3 (I) For contracts awarded in accordance with chapter
4 103F;

5 [~~3~~] (4) To procure goods, services, or construction from
6 a governmental body other than the University of
7 Hawaii bookstores, from the federal government, or
8 from another state or its political subdivision;

9 [~~4~~] (5) To procure the following goods or services which
10 are available from multiple sources but for which
11 procurement by competitive means is either not
12 practicable or not advantageous to the State:

13 (A) Services of expert witnesses for potential and
14 actual litigation of legal matters involving the
15 State, its agencies, and its officers and
16 employees, including administrative quasi-
17 judicial proceedings;

18 (B) Works of art for museum or public display;

19 (C) Research and reference materials including books,
20 maps, periodicals, and pamphlets, which are
21 published in print, video, audio, magnetic, or
22 electronic form;



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



1 (L) Any other goods or services which the policy
2 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)~~ (6) Which are specific procurements expressly exempt
8 from any or all of the requirements of this chapter
9 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 require certain non-construction and non-
17 software development procurements by the
18 comptroller to be conducted in accordance with
19 its terms."

20 SECTION 2. Section 103D-104.5, Hawaii Revised Statutes, is
21 repealed.



H.B. NO. 1991

1 ~~["§103D-104.5] Agricultural products subject to this~~
 2 ~~chapter. The following agricultural products shall be subject~~
 3 ~~to this chapter:~~

4 ~~(1) Fresh meats and produce; and~~

5 ~~(2) Animals and plants.~~

6 ~~Except for the exemptions under section 103D-102(b), no~~
 7 ~~exemptions under this chapter shall apply to this section."]~~

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

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

11

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H.B. NO. 1991

Report Title:

Procurement Code; Governmental Bodies Exemption; Agricultural Produce

Description:

Exempts governmental bodies from the Procurement Code for fresh meat and produce and animals and plants.

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