

JAN 22 2016

S.B. NO. 2209

A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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

1 SECTION 1. The legislature finds that vendors who employ
2 persons with disabilities provide critical assistance to
3 individuals in the community for whom it can be difficult to
4 obtain employment. As such, these hiring practices should be
5 encouraged with procurement preferences when contracting with
6 state government.

7 The purpose of this Act is to establish a procurement
8 preference for companies bidding on state and county contracts
9 that pledge to hire individuals with disabilities.

10 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
11 amended by adding a new section to part X to be appropriately
12 designated and to read as follows:

13 "§103D- Preference for employment of persons with
14 disabilities. (a) When a governmental body contracts for
15 goods, services, or construction, a preference shall be given to
16 a bidder who pledges to hire persons with disabilities; provided



1 that the persons with disabilities are employed for the duration
2 of the contract.

3 (b) The preference amount under subsection (a) shall be
4 equal to the percentage of individuals who are persons with
5 disabilities and employed by the bidder and shall be subtracted
6 from the offer for selection purposes only; provided that:

7 (1) The preference amount shall not exceed five per cent
8 of the bid price; and

9 (2) Part-time employees who are persons with disabilities
10 shall be counted in proportion to the number of hours
11 they work in a forty-hour work week.

12 The percentage of individuals who are persons with
13 disabilities and employed by a bidder shall be calculated by
14 dividing the total number of employees with disabilities by the
15 total number of employees employed or expected to be employed
16 for the contract, and then multiplying the quotient by one
17 hundred. The product shall be the amount of the preference,
18 subject to the limitations established in paragraph (1) and (2).

19 (c) The department of human services shall:

20 (1) Certify the eligibility of persons with disabilities;
21 and



1 (2) Establish a registry of persons with disabilities who
2 are seeking employment and whom a responsive and
3 responsible offeror may employ; provided that the
4 department of human services first obtains the
5 authorization of the persons before including them in
6 the registry.

7 (d) For purposes of this section, "persons with
8 disabilities" means an individual who has a physical or mental
9 impairment that substantially limits one or more major life
10 activities, including an individual whom the department of
11 health, department of human services, or a physician or
12 osteopathic physician licensed under chapter 453 determines to
13 be disabled.

14 (e) The policy board shall adopt rules under chapter 91 to
15 establish procedures consistent with this section."

16 SECTION 3. The department of accounting and general
17 services shall submit a detailed report on the procurement and
18 hiring practices established by this Act to the legislature no
19 later than twenty days prior to the convening of the regular
20 session of 2017, and annually thereafter.



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1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2016-2017 for
4 the department of human services to establish a registry of
5 persons with disabilities for employment purposes pursuant to
6 this Act.

7 The sum appropriated shall be expended by the department of
8 human services for the purposes of this Act.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2016.

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S.B. NO. 2209

Report Title:

Procurement Code; Employment Preference; Persons with Disabilities; Appropriation

Description:

Establishes a preference to bidders who employ persons with disabilities. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

