
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

SECTION 1. Section 103-55.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) A governmental body, as defined in section 103D-104, that enters into a public works contract under this chapter having an estimated value of not less than \$250,000, shall decrease the bid amount of a bidder by five per cent if the bidder is a party to an apprenticeship agreement registered with the department of labor and industrial relations for each ~~[apprenticeable trade the bidder will employ]~~ type of classification that the bidder will list on the certified payroll affidavit to construct the public works, and in conformance with chapter 372. The lowest total bid, taking the preference into consideration, shall be awarded the contract unless the solicitation provides for additional award criteria. The contract amount awarded, however, shall be the amount of the price offered, exclusive of the preference."



2. By amending subsection (c) to read:

"(c) At the time of submission of a competitive sealed bid or a competitive sealed proposal by a bidder, the bidder shall furnish written proof of being a party to a registered apprenticeship agreement for each ~~[apprenticeable trade the bidder will employ]~~ type of classification that the bidder will list on the certified payroll affidavit to construct the public works and, if awarded the contract, shall continue to certify monthly in writing that the bidder is a party to a registered apprenticeship agreement for each ~~[apprenticeable trade the bidder will employ]~~ type of classification that the bidder will list on the certified payroll affidavit to construct the public works for the entire duration of the bidder's work on the project. This subsection shall be deemed to be incorporated into a public works contract. A bidder who is awarded a contract shall be subject to the following sanctions if, after commencement of work, the bidder at any time during the construction is no longer a party to a registered apprenticeship agreement for each ~~[apprenticeable trade the bidder will employ]~~ type of classification that the bidder will list on the certified payroll affidavit to construct the public works:



(1) Temporary or permanent cessation of work on the project, without recourse to breach of contract claims by the bidder; provided that the governmental body shall be entitled to restitution for nonperformance or liquidated damages, as appropriate; or

(2) Proceedings to debar or suspend under section 103D-702."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

INTRODUCED BY:



JAN 24 2018



H.B. NO. 2548

Report Title:

Public Works; Apprenticeship Agreement

Description:

Clarifies requirements for public works projects for a bidder who is a party to an apprenticeship agreement.

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