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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1           SECTION 1. Section 103D-307, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[+] §103D-307 [+]~~  **Emergency procurements.** (a) The head of  
4 a purchasing agency may obtain a good, service, or construction  
5 essential to meet an emergency by means other than specified in  
6 this chapter when the following conditions exist:

7           (1) A situation of an unusual or compelling urgency  
8           creates a threat to life, public health, welfare, or  
9           safety by reason of major natural disaster, epidemic,  
10           riot, fire, or similar events and to a lesser extent,  
11           by reason of equipment failures, repairs to public  
12           property in order to protect against further loss of,  
13           or damage to, public property, or to prevent or  
14           minimize serious disruption in continued functioning  
15           of government services, or such other reason as may be  
16           determined by the head of that purchasing agency;



1           (2) The emergency condition generates an immediate and  
2           serious need for goods, services, or construction that  
3           cannot be met through normal procurement methods and  
4           the government would be seriously injured if the  
5           purchasing agency is not permitted to employ the means  
6           it proposes to use to obtain the goods, services or  
7           construction; and

8           (3) Without the needed good, service, or construction, the  
9           continued functioning of government, the preservation  
10          or protection of irreplaceable property, or the health  
11          and safety of any person will be seriously threatened.

12          (b) The emergency procurement shall be made with such  
13          competition as is practicable under the circumstances [~~and,~~  
14          ~~where practicable, approval from the chief procurement officer~~  
15          ~~shall be obtained prior to the procurement~~]. A written  
16          determination of the basis for the emergency and for the  
17          selection of the particular contractor shall be included in the  
18          contract file.

19          (c) The head of the purchasing agency that makes an  
20          emergency procurement in response to a serious threat to life,  
21          public health, welfare, or safety by reason of major natural



1 disaster, epidemic, riot, fire, or similar events and to a  
2 lesser extent, equipment failures, repairs to public property in  
3 order to protect against further loss of, or damage to, public  
4 property, to prevent or minimize serious disruption in continued  
5 functioning of government services, shall account for the money  
6 spent in making the procurement and report on that accounting to  
7 the chief procurement officer in a timely manner and to the  
8 legislature within sixty days after the end of the fiscal year  
9 in which the procurement was made."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Emergency; Procurement; Public Property; Repairs; Equipment Failures; Government Services

**Description:**

Allows the head of a purchasing agency to obtain emergency procurements due to equipment failures; repairs to public property to protect against further loss of, or damage to, public property; and to prevent or minimize serious disruption in continued functioning of government services. Replaces Chief Procurement Officer approval with an accounting report to the Chief Procurement Officer in a timely manner and to the Legislature within sixty days after the end of the fiscal year in which the procurement was made. (SD1)

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

