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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,  
9 public property, serious disruption to government  
10 services, or safety by reason of major natural  
11 disaster, epidemic, riot, fire, or ~~[such other reason~~  
12 ~~as may be determined by the head of that purchasing~~  
13 ~~agency.]~~ equipment failure;

14           (2) The emergency condition generates an immediate and  
15 serious need for goods, services, or construction that  
16 cannot be met through normal procurement methods and  
17 the government would be seriously injured if the



1 purchasing agency is not permitted to employ the means  
2 it proposes to use to obtain the goods, services, or  
3 construction; and

4 (3) Without the needed good, service, or construction, the  
5 continued functioning of government, the preservation  
6 or protection of irreplaceable property, or the health  
7 and safety of any person will be seriously threatened.

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

15 (c) The head of the purchasing agency that makes an  
16 emergency procurement in response to a threat to life, public  
17 health, welfare, public property, serious disruption to  
18 government services, or safety, by reason of major natural  
19 disaster, epidemic, riot, fire, or equipment failure, shall  
20 account for the money spent in making the procurement and report  
21 on that accounting to the chief procurement officer in a timely



1 manner and to the legislature within sixty days after the end of  
2 the fiscal year in which the procurement was made."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

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

**Description:**

Allows the head of a purchasing agency to obtain emergency procurements in certain situations that create a threat to life, public health, welfare, public property, or serious disruption to government services, including situations caused by equipment failures. 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. Effective 7/1/2050. (SD2)

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

