

JAN 21 2022

A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The legislature finds that the procurement of
2 professional services pursuant to section 103D-304, Hawaii
3 Revised Statutes, currently requires a selection committee to
4 rank a minimum of three persons based on the selection criteria
5 and send the ranking to the head of the purchasing agency to
6 begin negotiations. This requirement was upheld in Asato v.
7 Procurement Policy Board, 322 P.3d 228 (Haw. S. Ct. 1994).
8 However, when an agency procures professional services and does
9 not receive the requisite number of responses, it must continue
10 to re-solicit. This forces the procuring official to continue
11 expending time and resources to fulfill the solicitation. An
12 alternate procurement approval would increase efficiency and
13 facilitate the procurement of specialized professional services.
14 Accordingly, the purpose of this Act is to allow agencies
15 to seek alternative procurement approval for the procurement of
16 professional services when there are fewer than three qualified
17 persons available.



1 SECTION 2. Section 103D-304, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) The selection committee shall rank a minimum of three
4 persons based on the selection criteria and send the ranking to
5 the head of the purchasing agency. If less than three qualified
6 persons are available, the agency may submit a request for
7 alternative procurement approval from the chief procurement
8 officer or designee. The contract file shall contain a copy of
9 the summary of qualifications for the ranking of each of the
10 persons provided to the head of the purchasing agency for
11 contract negotiations. If more than one person holds the same
12 qualifications under this section, the selection committee shall
13 rank the persons in a manner that ensures equal distribution of
14 contracts among the persons holding the same qualifications.
15 The recommendations of the selection committee shall not be
16 overturned without due cause."

17 SECTION 3. New statutory material is underscored.

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

19 INTRODUCED BY: 

S.B. NO. 2385

Report Title:

Procurement; Professional Services; Alternative Procurement
Approval

Description:

Allowing agencies to seek alternative procurement approval for the procurement of professional services when there are fewer than three qualified persons.

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