
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 under section 103D-304, Hawaii Revised
3 Statutes, currently requires a selection committee to rank a
4 minimum of three persons based on the selection criteria and
5 send the ranking to the head of the purchasing agency to begin
6 negotiations. This requirement was upheld in *Asato v.*
7 *Procurement Policy Board*, 322 P.3d 228 (Haw. 2014).

8 However, the legislature further finds that when an agency
9 seeks to procure professional services and does not receive the
10 requisite minimum of three responses, it must continue to re-
11 solicit, expending additional time and resources to fulfill the
12 solicitation. An exemption from the procurement approval
13 process would increase efficiency and facilitate the procurement
14 of specialized professional services by allowing procuring
15 agencies to timely procure needed professional services in
16 situations when there are fewer than three qualified
17 submissions.



1 Accordingly, the purpose of this Act is to allow agencies
2 procuring professional services to submit a request for an
3 exemption from the procurement process from the chief
4 procurement officer if fewer than three qualified persons
5 respond to a solicitation.

6 SECTION 2. Section 103D-304, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (g) to read:

9 "(g) The selection committee shall rank a minimum of three
10 persons based on the selection criteria and send the ranking to
11 the head of the purchasing agency. If fewer than three
12 qualified persons respond to a solicitation, the agency may
13 submit a request for exemption from the chief procurement
14 officer pursuant to section 103D-102(b)(4)(L). The contract
15 file shall contain a copy of the summary of qualifications for
16 the ranking of each of the persons provided to the head of the
17 purchasing agency for contract negotiations. If more than one
18 person holds the same qualifications under this section, the
19 selection committee shall rank the persons in a manner that
20 ensures equal distribution of contracts among the persons



1 holding the same qualifications. The recommendations of the
2 selection committee shall not be overturned without due cause."

3 2. By amending subsection (j) to read:

4 "(j) Contracts for professional services [~~of less than~~
5 within the limits in section 103D-305[~~7~~] may be negotiated by
6 the head of the purchasing agency, or designee, with at least
7 any two persons on the list of qualified persons established
8 pursuant to subsection (c). Negotiations shall be conducted in
9 the manner set forth in subsection (h), with ranking based on
10 the selection criteria of subsection (e) as determined by the
11 head of the agency."

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

14 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Procurement; Professional Services; Procurement Approval
Exemption

Description:

Allows a purchasing agency to submit a request for an exemption from the procurement process from the chief procurement officer or chief procurement officer's designee if fewer than three qualified persons respond to a solicitation. Effective 7/1/2050. (HD2)

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

