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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. 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. S. Ct. 1994).

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 alternate procurement approval process would  
13 increase efficiency and facilitate the procurement of  
14 specialized professional services by allowing procuring agencies  
15 to timely procure needed professional services in situations  
16 where the agency receives less than three bids or proposals from  
17 qualified persons.



1       Accordingly, the purpose of this Act is to allow agencies  
2       to seek alternative procurement approval for the procurement of  
3       professional services, in situations where a procuring agency  
4       receives less than three bids or proposals from qualified  
5       persons in the solicitation of professional services.

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

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



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 Statutory material to be repealed is bracketed  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

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



**Report Title:**

Procurement; Professional Services; Alternative Procurement  
Approval

**Description:**

Allows agencies to seek alternative procurement approval for the procurement of professional services when fewer than three qualified persons submit bids or proposals. (SD1)

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

