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# A BILL FOR AN ACT

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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. 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 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       procuring professional services to request an exemption from  
3       chapter 103D, Hawaii Revised Statutes, if fewer than three  
4       qualified persons submit statements of qualifications.

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

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

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[~~-~~] The contract file shall  
11      contain a copy of the summary of qualifications for the ranking  
12      of each of the persons provided to the head of the purchasing  
13      agency for contract negotiations. If more than one person holds  
14      the same qualifications under this section, the selection  
15      committee shall rank the persons in a manner that ensures equal  
16      distribution of contracts among the persons holding the same  
17      qualifications. The recommendations of the selection committee  
18      shall not be overturned without due cause.

19      If fewer than three persons submit statements of  
20      qualifications, the agency may make a request for an exemption  
21      pursuant to section 103D-102(b)(4)(L)."



2. By amending subsection (j) to read:

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

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 Statutory material to be repealed is bracketed  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

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



**Report Title:**

Procurement; Professional Services; Exemption

**Description:**

Allows agencies procuring professional services to request an exemption from Chapter 103D, HRS, if fewer than 3 qualified persons submit statements of qualifications. 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.*

