

JAN 26 2022

A BILL FOR AN ACT

RELATING TO THE PROCUREMENT OF PROFESSIONAL SERVICES.

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

1 SECTION 1. 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 the purchasing agency
6 fails to receive submissions from a minimum of three qualified
7 persons, the purchasing agency may proceed with two or fewer
8 qualified persons, provided that the purchasing agency
9 determines in writing that it is in the best interests of the
10 State to proceed with fewer than three qualified persons. The
11 contract file shall contain a copy of the summary of
12 qualifications for the ranking of each of the persons provided
13 to the head of the purchasing agency for contract negotiations.
14 If more than one person holds the same qualifications under this
15 section, the selection committee shall rank the persons in a
16 manner that ensures equal distribution of contracts among the
17 persons holding the same qualifications. The recommendations of

S.B. NO. 3151

1 the selection committee shall not be overturned without due
2 cause."

3 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: *MM McM*

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BY REQUEST

S.B. NO. 3151

Report Title:

Procurement; Professional Services

Description:

Amends section 103D-304(g), Hawaii Revised Statutes, to allow procurement of professional services where there are fewer than three qualified persons.

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

JUSTIFICATION SHEET

SB. NO. 3151

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO THE PROCUREMENT OF PROFESSIONAL SERVICES.

PURPOSE: To amend section 103D-304(g), Hawaii Revised Statutes, procurement of professional services, to allow procurement of professional services where there are fewer than three qualified persons.

MEANS: Amend section 103D-304(g), Hawaii Revised Statutes.

JUSTIFICATION: The requirement to rank a minimum of three qualified persons based on the selection criteria and send the ranking to the head of the purchasing agency is problematic when fewer than three qualified persons offer submittals. Continuing to solicit in hopes of obtaining three bids causes project delay. The State Procurement Code was established to allow for fairness to the public, to increase public confidence, and to foster broad-based competition, fiscal responsibility, and efficiency in the procurement process. Allowing the purchasing agency to proceed when there are fewer than three qualified persons and the purchasing agency has made a written determination that it is in the best interests of the State to proceed with fewer than three qualified persons, will expedite the procurement process.

Impact on the public: Timely delivery of public works projects after procurement and award.

Impact on the department and other agencies: Reduced project delays, funding lapses, and project cost increases.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: TRN 995.

OTHER AFFECTED

AGENCIES: State Procurement Office, Department of
Accounting and General Services.

EFFECTIVE DATE: Upon approval.