
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1 SECTION 1. The legislature finds that career and technical
2 education utilizes a wide range of activities and equipment to
3 provide students with industry-based skills and makes academic
4 content accessible to students in a hands-on context. Examples
5 of career and technical education equipment include anatomy
6 tables, flight simulators, and welding simulators. These types
7 of equipment allow for student learning simulations that can be
8 too expensive or not pragmatic for students to perform in a
9 regular classroom setting. While students are encouraged to
10 explore career options and acquire the technical skills and
11 knowledge to work toward industry-recognized certifications and
12 high-demand careers, lack of access to these types of equipment
13 are severely limiting students in the degree to which they can
14 acquire these technical skills and knowledge, requiring them to
15 wait to gain those skills upon employment or in other secondary
16 licensure programs after high school.

17 The legislature further finds that in the department of
18 education's State of Hawaii Public Education 2023-2029 Strategic



1 Plan, one of the stated goals is that all students graduate high
2 school prepared for college, career success, and community and
3 civic engagement. One avenue to achieve this goal is through
4 expanding work-based learning experiences that are often offered
5 through career and technical education. As educational teaching
6 tools have become more advanced, they have also become
7 increasingly expensive to procure, with long lead times for
8 delivery.

9 The legislature also finds that despite the advantages and
10 opportunities that these pieces of equipment can provide, the
11 process to procure them can be lengthy, complicated, and can
12 deter schools from purchasing them. Books and maps are exempted
13 from the Hawaii public procurement code as it is not
14 advantageous to the State to procure these materials by
15 competitive means. In a similar manner, career and technical
16 education equipment should be exempt, as procurement by
17 competitive means is adversely affecting the opportunities for
18 students to acquire technical skills and knowledge.

19 The purpose of this Act is to exempt from the Hawaii public
20 procurement code educational materials and related training for
21 direct student instruction in career and technical education



1 programs within the department of education, subject to certain
2 conditions.

3 SECTION 2. Section 103D-102, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Notwithstanding subsection (a), this chapter shall
6 not apply to contracts by governmental bodies:

7 (1) Solicited or entered into before July 1, 1994, unless
8 the parties agree to its application to a contract
9 solicited or entered into prior to July 1, 1994;

10 (2) To disburse funds, irrespective of their source:

11 (A) For grants as defined in section 42F-101, made by
12 the State in accordance with standards provided
13 by law as required by article VII, section 4, of
14 the state constitution; or by the counties
15 pursuant to their respective charters or
16 ordinances;

17 (B) To make payments to or on behalf of public
18 officers and employees for salaries, fringe
19 benefits, professional fees, or reimbursements;

20 (C) To satisfy obligations that the State is required
21 to pay by law, including paying fees, permanent



- 1 settlements, subsidies, or other claims, making
2 refunds, and returning funds held by the State as
3 trustee, custodian, or bailee;
- 4 (D) For entitlement programs, including public
5 assistance, unemployment, and workers'
6 compensation programs, established by state or
7 federal law;
- 8 (E) For dues and fees of organizations of which the
9 State or its officers and employees are members,
10 including the National Association of Governors,
11 the National Association of State and County
12 Governments, and the Multi-State Tax Commission;
- 13 (F) For deposit, investment, or safekeeping,
14 including expenses related to their deposit,
15 investment, or safekeeping;
- 16 (G) To governmental bodies of the State;
- 17 (H) As loans, under loan programs administered by a
18 governmental body; and
- 19 (I) For contracts awarded in accordance with chapter
20 103F;



- 1 (3) To procure goods, services, or construction from a
2 governmental body other than the [~~University~~]
3 university of Hawaii bookstores, from the federal
4 government, or from another state or its political
5 subdivision;
- 6 (4) To procure the following goods or services [~~which~~]
7 that are available from multiple sources but for which
8 procurement by competitive means is either not
9 practicable or not advantageous to the State:
- 10 (A) Services of expert witnesses for potential and
11 actual litigation of legal matters involving the
12 State, its agencies, and its officers and
13 employees, including administrative quasi-
14 judicial proceedings;
- 15 (B) Works of art for museum or public display;
- 16 (C) Research and reference materials including books,
17 maps, periodicals, and pamphlets, which are
18 published in print, video, audio, magnetic, or
19 electronic form;
- 20 (D) Meats and foodstuffs for the Kalaupapa
21 settlement;



- 1 (E) Opponents for athletic contests;
- 2 (F) Utility services whose rates or prices are fixed
- 3 by regulatory processes or agencies;
- 4 (G) Performances, including entertainment, speeches,
- 5 and cultural and artistic presentations;
- 6 (H) Goods and services for commercial resale by the
- 7 State;
- 8 (I) Services of printers, rating agencies, support
- 9 facilities, fiscal and paying agents, and
- 10 registrars for the issuance and sale of the
- 11 State's or counties' bonds;
- 12 (J) Services of attorneys employed or retained to
- 13 advise, represent, or provide any other legal
- 14 service to the State or any of its agencies, on
- 15 matters arising under laws of another state or
- 16 foreign country, or in an action brought in
- 17 another state, federal, or foreign jurisdiction,
- 18 when substantially all legal services are
- 19 expected to be performed outside [~~this~~] the
- 20 State;
- 21 (K) Financing agreements under chapter 37D; [~~and~~]



1 (L) Educational materials and related training for
2 direct student instruction in career and
3 technical education programs as defined in
4 section 302A-101, including supplies, implements,
5 tools, machinery, electronic devices, or other
6 goods purchased by the department of education;
7 provided that:

8 (i) The department of education shall acquire
9 three written quotes for purchases that
10 exceed \$100,000 made pursuant to this
11 subparagraph;

12 (ii) Awards over \$2,500 shall comply with section
13 103D-310(c); and

14 (iii) Awards over \$500,000 shall be approved by
15 the superintendent of education; and

16 ~~(L)~~ (M) Any other goods or services [which] that the
17 policy board determines by rules or the chief
18 procurement officer determines in writing is
19 available from multiple sources but for which
20 procurement by competitive means is either not
21 practicable or not advantageous to the State; and



1 (5) [~~Which~~] That are specific procurements expressly
2 exempt from any or all of the requirements of this
3 chapter by:

4 (A) References in state or federal law to provisions
5 of this chapter or a section of this chapter, or
6 references to a particular requirement of this
7 chapter; and

8 (B) Trade agreements, including the Uruguay Round
9 General Agreement on Tariffs and Trade (GATT)
10 ~~[which]~~, that require certain non-construction
11 and non-software development procurements by the
12 comptroller to be conducted in accordance with
13 its terms."

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

16 SECTION 4. This Act shall take effect upon its approval;
17 provided that on July 1, 2027, this Act shall be repealed and
18 section 103D-102(b), Hawaii Revised Statutes, shall be reenacted
19 in the form in which it read on the day prior to the effective
20 date of this Act.



Report Title:

DOE; Procurement; Exemptions; Career and Technical Education

Description:

Exempts career and technical education goods and services purchases by the Department of Education from the State Procurement Code. Requires the Department of Education to acquire three written quotes for career and technical education purchases that exceed \$100,000. Requires awards of over \$2,500 for career and technical education purchases to comply with certain statutory provisions regarding offerors. Requires awards of over \$500,000 for career and technical education purchases to be approved by the Superintendent of Education. Repeals 7/1/2027. (CD1)

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