
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds that University of Hawaii
2 research and training contracts and grants contribute over
3 \$200,000,000 annually to Hawaii's economy and create workforce
4 opportunities throughout the State. The university's flagship
5 campus, the University of Hawaii at Manoa, is an internationally
6 recognized, Carnegie R1 research institution.

7 The legislature further finds that the effective and
8 efficient performance of the University of Hawaii's sponsored
9 research and training activities is a matter of statewide
10 concern. Therefore, the purpose of this Act is to sustain the
11 University of Hawaii's research excellence by exempting certain
12 contracts involving research and training from the Hawaii public
13 procurement code. The exemption will enable the University to
14 handle its own affairs should the research corporation of the
15 University of Hawaii carry out its strategic plan to diversify
16 the corporation's customer base.



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

3 "(c) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts made by:

5 (1) Any regional system board of the Hawaii health systems
6 corporation; [ø]

7 (2) The Kaho`olawe island reserve commission, except as
8 provided by section 6K-4.5 [-]; or

9 (3) The University of Hawaii or the board of regents of
10 the University of Hawaii for research and training and
11 are procured using grant moneys received for the
12 research and training, or moneys expended from the
13 University of Hawaii research and training revolving
14 fund pursuant to section 304A-2253, in direct support
15 of research and training."

16 SECTION 3. Section 304A-105, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The board of regents shall develop internal policies
19 and procedures for the procurement of goods[-] and services,
20 [~~and construction-~~] consistent with the powers of the board set
21 forth in section 304A-2672, and the goals of public



1 accountability and public procurement practices, subject to
2 chapter 103D[-]; provided that:

3 (1) The procurement of goods and services for research and
4 training with grant moneys provided for this purpose;

5 and

6 (2) The expenditure of research and training revolving
7 fund moneys on the procurement of goods and services

8 that directly support research and training,

9 shall be exempt from chapter 103D; provided further that the

10 board of regents develops internal policies and procedures

11 consistent with the goals of public accountability and public

12 procurement practices; provided further that the president of

13 the university of Hawaii may delegate the procurement authority

14 for research and training to the vice president for research and

15 innovation."

16 SECTION 4. The board of regents of the University of
17 Hawaii shall submit reports to the legislature no later than
18 twenty days prior to the convening of the regular sessions
19 of and , which shall include but not be limited to
20 the following:



- 1 (1) A description of the University of Hawaii's internal
2 procurement policies and procurement processes;
- 3 (2) A description of the University of Hawaii's internal
4 procedures for handling protests of solicitation or
5 awards of contract, if different from the procedures
6 described in chapter 103D, Hawaii Revised Statutes;
- 7 (3) A description and summary of any protests or
8 litigation that have arisen since the effective date
9 of this Act; and
- 10 (4) A list of research contracts and grants and training
11 contracts and grants exempt from chapter 103D, Hawaii
12 Revised Statutes.

13 SECTION 5. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on July 1, 2023.



Report Title:

UH; Research; Training; Contracts; Grants; Procurement; Research and Training Revolving Fund; Exemption; Reports

Description:

Exempts certain University of Hawaii contracts involving research and training from the Hawaii Public Procurement Code and requires the Board of Regents to develop internal policies and procedures for those procurements. Repeals the requirement that the Board of Regents develop internal policies and procedures for the procurement of construction. Authorizes the University of Hawaii President to delegate procurement authority for research and training to the University's Vice President for Research and Innovation. Requires the Board of Regents to submit reports to the Legislature. (SD2)

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