

MAR 07 2024

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND
TOURISM TO COMMISSION A STATEWIDE DISPARITY STUDY REGARDING
THE PARTICIPATION OF WOMAN- AND MINORITY-OWNED BUSINESSES
IN STATE CONTRACTING DERIVED FROM FEDERAL SOURCES OF
FUNDING.

1 WHEREAS, every year, the State receives substantial monies
2 for state contracting purposes from the federal government,
3 including through the Inflation Reduction Act of 2022 (Inflation
4 Reduction Act); Creating Helpful Incentives to Produce
5 Semiconductors for America Fund Act of 2022 (CHIPS Act of 2022);
6 and other federal allocations for energy-related projects,
7 including semiconductor manufacturing, clean energy
8 manufacturing, and electrification of residential and commercial
9 properties; and

10
11 WHEREAS, all businesses in the State, including those that
12 are woman-owned and minority-owned, deserve the opportunity to
13 participate equitably in state contracting; and

14
15 WHEREAS, the State must do what it can to ensure the
16 equitable participation of woman-owned businesses and minority-
17 owned businesses in state contracts derived from federal sources
18 of funding; now, therefore,

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20 BE IT RESOLVED by the Senate of the Thirty-second
21 Legislature of the State of Hawaii, Regular Session of 2024, the
22 House of Representatives concurring, that the Department of
23 Business, Economic Development, and Tourism is requested to
24 commission a statewide disparity study regarding the
25 participation of woman- and minority-owned businesses in state
26 contracting derived from federal sources of funding; and
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S.C.R. NO. 40

1 BE IT FURTHER RESOLVED that for purposes of the study, the
2 Department of Business, Economic Development, and Tourism is
3 requested to consider the following federal funding sources:
4 the Inflation Reduction Act; CHIPS Act of 2022; and other
5 federal allocations for energy-related projects, including
6 semiconductor manufacturing, clean energy manufacturing, and
7 electrification of residential and commercial properties; and
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9 BE IT FURTHER RESOLVED that for the purposes of the
10 statewide disparity study, the following definitions are
11 requested to be used:
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14 (1) "Minority individual" means an individual who is a
15 member of a race that constitutes less than fifty
16 percent of the total population of the State;
17

18 (2) "Minority-owned business" means a business enterprise
19 that is authorized to conduct and is conducting
20 business under the laws of the State, paying all taxes
21 duly assessed, and domiciled within the State and that
22 is:
23

24 (A) At least fifty-one percent owned by one or more
25 minority individuals or, in the case of a
26 publicly owned business, at least fifty-one
27 percent of all classes or types of the stock is
28 owned by one or more minority individuals; and
29

30 (B) Controlled in its management and daily business
31 operations by one or more minority individuals;
32 and
33

34 (3) "Woman-owned business" means a business enterprise
35 that is authorized to conduct and is conducting
36 business under the laws of the State, paying all taxes
37 duly assessed, and domiciled within the State and that
38 is:
39

40 (A) At least fifty-one percent owned by one or more
41 women or, in the case of a publicly owned
42 business, at least fifty-one percent of all



S.C.R. NO. 40

1 classes or types of the stock is owned by one or
2 more women; and

3
4 (B) Controlled in its management and daily business
5 operations by one or more women; and
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7 BE IT FURTHER RESOLVED that the statewide disparity study
8 is requested to be prepared by an independent entity and
9 selected through a request for proposals process; and
10

11 BE IT FURTHER RESOLVED that the statewide disparity study
12 is requested to determine:
13

14 (1) The total amount of funds allocated to the State for
15 the financing, granting, development, or support of
16 energy-related projects that are directly or
17 indirectly contemplated by the Inflation Reduction
18 Act; CHIPS Act of 2022; and other federal allocations
19 for energy-related projects, including semiconductor
20 manufacturing, clean energy manufacturing, and
21 electrification of residential and commercial
22 properties (the Acts);
23

24 (2) The total number of projects, grants, investments, or
25 other allocations delivered by the State under the
26 purview of the Acts;
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28 (3) The methods of bidding, procurement, or disbursement
29 of the funds provided by the Acts on an annual basis;
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31 (4) Whether there is a disparity between the number of
32 woman-owned businesses and minority-owned businesses
33 that are ready, willing, and able to perform state
34 contracts derived from or funded by allocations
35 directly related to the Acts and the number of these
36 contractors actually engaged to perform the contracts;
37 and
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39 (5) What changes, if any, should be made to state policies
40 affecting woman-owned businesses and minority-owned
41 businesses; and
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S.C.R. NO. 40

1 BE IT FURTHER RESOLVED that the Department of Business,
2 Economic Development, and Tourism is requested to submit a copy
3 of its study, including findings and recommendations and any
4 proposed legislation to the Governor and Legislature no later
5 than twenty days prior to the convening of the Regular Session
6 of 2025; and

7
8 BE IT FURTHER RESOLVED that upon completion of the
9 statewide disparity study, the Department of Business, Economic
10 Development, and Tourism is requested to post the study on its
11 website so that it is available and readily accessible to the
12 public; and

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14 BE IT FURTHER RESOLVED THAT within one year of the
15 completion of the statewide disparity study, the Department of
16 Business, Economic Development, and Tourism is requested to:

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18 (1) Provide goals for the equitable participation of
19 woman-owned businesses and minority-owned businesses
20 in the performance of state contracts to the extent
21 that any disparity is revealed by the study;

22
23 (2) Establish procedures to:

24
25 (A) Ensure that woman-owned businesses and minority-
26 owned businesses are provided the opportunity to
27 participate equitably in the performance of state
28 contracts; and

29
30 (B) Assist in identifying those state contracts for
31 which woman-owned businesses and minority-owned
32 businesses may best bid to achieve the goals
33 described in paragraph (1);

34
35 (3) Provide for the certification and decertification of
36 woman-owned businesses and minority-owned businesses
37 and maintain a current list of certified woman-owned
38 businesses and minority-owned businesses; and

39
40 (4) Collect statistical data concerning the actual
41 participation of woman-owned businesses and minority-
42 owned businesses in state contracting; and



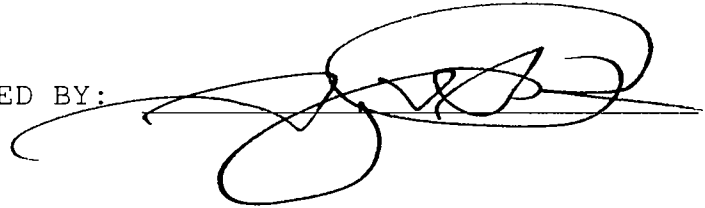
S.C.R. NO. 40

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BE IT FURTHER RESOLVED that where practicable, feasible, and appropriate, all contracting agencies of the State are requested to assess the diversity practices of contractors submitting bids or proposals in connection with the award of a state contract and promote the achievement of the goals set forth by the Department of Business, Economic Development, and Tourism for the equitable participation of woman-owned businesses and minority-owned businesses in the performance of state contracts; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor and Director of Business, Economic Development, and Tourism.

OFFERED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line.