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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1           SECTION 1. Section 103D-302, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:  
3           "(h) The contract shall be awarded with reasonable  
4 promptness by written notice to the lowest responsible and  
5 responsive bidder whose bid meets the requirements and criteria  
6 set forth in the invitation for bids[-]; provided that, if the  
7 purchasing agency determines that an award made to the lowest  
8 responsible and responsive bidder is not in the best interests  
9 of the State, the head of the purchasing agency, with the  
10 approval of the chief procurement officer, may award the  
11 contract to the responsible and responsive bidder whose bid is  
12 most beneficial to taxpayers or otherwise in the best interests  
13 of the State. In the event all bids exceed available funds as  
14 certified by the appropriate fiscal officer, the head of the  
15 purchasing agency responsible for the procurement in question is  
16 authorized in situations where time or economic considerations  
17 preclude resolicitation of work of a reduced scope to negotiate



1 an adjustment of the bid price, including changes in the bid  
2 requirements, with the low responsible and responsive bidder, in  
3 order to bring the bid within the amount of available funds."

4 SECTION 2. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

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 Statutory material to be repealed is bracketed  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

9 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Procurement; Competitive Sealed Bidding; Contract Award; Best Interests of the State

**Description:**

Authorizes the head of a procurement agency to award a contract to a bidder who is not the lowest responsible and responsive bidder, for procurements conducted by competitive sealed bidding, if the head of the procuring agency determines that the award is most beneficial to taxpayers or otherwise in the best interests of the State. Effective 7/1/3000. (HD1)

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

