

JAN 17 2025

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that the construction and
2 building sector is the largest emitter of greenhouse gas
3 emissions. According to the United Nations Environmental
4 Program, this sector accounts for thirty-seven per cent of
5 global greenhouse gas emissions. In particular, construction
6 vehicles have a heavy carbon footprint and emit harmful
7 pollutants into the environment.

8 The legislature further finds that all-electric
9 construction vehicles, which are powered by electricity supplied
10 by lithium-ion batteries, are becoming more widely available.
11 For example, all-electric excavators, wheel loaders, forklifts,
12 and dump trucks are available to purchase.

13 Many jurisdictions, including major European cities such as
14 Helsinki, Copenhagen, Oslo, Vantaa, and Barcelona, have
15 committed to the widespread adoption of all-electric
16 construction vehicles within the next five years. As a result,
17 these cities have built up a strong ecosystem for all-electric



1 construction vehicles and are making major progress toward the
2 creation of a sustainable construction sector.

3 The legislature believes that Hawaii should take steps to
4 reduce the environmental and climate impacts of construction by
5 promoting the adoption of all-electric construction vehicles.
6 One strategy to accomplish this is by adopting a procurement
7 preference for companies that use all-electric construction
8 vehicles, particularly in transportation infrastructure
9 projects.

10 Accordingly, the purpose of this Act is to establish a
11 preference in the Hawaii public procurement code that favors
12 bids or offers from businesses that intend to use a higher
13 proportion of all-electric construction vehicles in department
14 of transportation construction projects.

15 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
16 amended by adding a new section to part X to be appropriately
17 designated and to read as follows:

18 "§103D- All-electric construction vehicles; department
19 of transportation. (a) This section shall apply only to
20 construction contracts procured by the department of
21 transportation.



1 (b) All invitations for bids and requests for proposals to
2 which this section applies shall require the bidder or offeror
3 to disclose, of the construction vehicles the bidder intends to
4 use to perform work described in the invitation for bids or
5 request for proposals, the percentage of construction vehicles
6 that are all-electric construction vehicles.

7 (c) A bidder or offeror who proposes performing the
8 requested construction work using:

9 (1) At least twenty-five per cent, but less than fifty per
10 cent, all-electric construction vehicles pursuant to
11 subsection (b) shall receive a five per cent
12 preference; and

13 (2) At least fifty per cent all-electric vehicles pursuant
14 to subsection (b) shall receive a ten per cent
15 preference,

16 for purposes of bid or proposal evaluation. The preference
17 shall be applied by decreasing the price by the preference
18 percentage pursuant to paragraph (1) or (2); provided that the
19 price reduction shall apply only for the purpose of selecting
20 the lowest bid or purchase price. The lowest total bid or
21 proposal, taking the preference into consideration, shall be



1 awarded the contract unless the bid or offer provides additional
2 award criteria.

3 (d) Notwithstanding subsection (c), the contract amount of
4 any contract awarded shall be the amount of the bid or price
5 offered, exclusive of the preference.

6 (e) If the administrator or procurement officer who has
7 awarded a contract under this section finds that, in the
8 performance of the contract, the contractor has failed to comply
9 with the percentages represented by the contractor pursuant to
10 subsection (b), the contract shall be voidable and the findings
11 shall be referred for debarment or suspension proceedings under
12 section 103D-702."

13 SECTION 3. Section 103D-1001, Hawaii Revised Statutes, is
14 amended by adding two new definitions to be appropriately
15 inserted and to read as follows:

16 "All-electric construction vehicle" means a construction
17 vehicle that draws propulsion energy exclusively from a battery
18 that can be recharged from an external source of electricity.

19 "Construction vehicle" means any vehicle designed and
20 intended for use in construction, including bulldozers, graders,
21 excavators, backhoes, scrapers, asphalt pavers, cold planers,



1 drum rollers, cranes, and loaders. "Construction vehicle" does
2 not include pick-up trucks or other equipment having a gross
3 vehicle weight of ten thousand pounds or less."

4 SECTION 4. 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 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on January 1, 2027.

9

INTRODUCED BY:



S.B. NO. 1121

Report Title:

Procurement; DOT; All-Electric Construction Vehicles; Preference

Description:

Beginning 1/1/2027, establishes a preference in the Hawaii Public Procurement Code that favors bids or offers from businesses that intend to use a higher proportion of all-electric construction vehicles in Department of Transportation construction projects.

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

