

MAR 16 2026

SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF NO-BID CONTRACTS
ISSUED BY STATE AND COUNTY AGENCIES UNDER PROCLAMATIONS
DECLARING STATES OF EMERGENCY DURING THE SIX-YEAR PERIOD
BETWEEN JANUARY 1, 2020, AND DECEMBER 31, 2025.

1 WHEREAS, section 103D-307, Hawaii Revised Statutes,
2 establishes a framework for emergency procurements, in which
3 heads of purchasing agencies may obtain goods or services or
4 contract for construction essential to meet an emergency, under
5 certain conditions; and
6

7 WHEREAS, in times of an emergency, the Governor or the
8 Mayor of a county may declare the existence of a state of
9 emergency by issuing of a proclamation pursuant to section
10 127A-14, Hawaii Revised Statutes; and
11

12 WHEREAS, section 127A-13, Hawaii Revised Statutes,
13 establishes a mechanism to "[s]uspend any law that impedes or
14 tends to impede or be detrimental to the expeditious and
15 efficient execution of, or to conflict with, emergency
16 functions, including laws that . . . specifically are made
17 applicable to emergency personnel"; and
18

19 WHEREAS, the suspension of provisions of the Hawaii Public
20 Procurement Code pursuant to chapter 103D, Hawaii Revised
21 Statutes, during a state of emergency could allow for no-bid
22 contracts during the period in which a state of emergency is in
23 effect; and
24

25 WHEREAS, however, the suspension of provisions of the
26 Hawaii Public Procurement Code does not also suspend the
27 responsibility of state and county agencies to exercise prudence
28 with and take accountability for public funds; and
29



1 WHEREAS, there may be inconsistencies between agencies in
2 how no-bid contracts are entered into during states of
3 emergency; and
4

5 WHEREAS, the terms of certain public contracts entered into
6 between the National Kidney Foundation of Hawaii and the City
7 and County of Honolulu and other agencies during the Coronavirus
8 Disease 2019 (COVID-19) pandemic have raised questions regarding
9 the use of public moneys during states of emergency; and
10

11 WHEREAS, an assessment of no-bid contracts over the last
12 six years would provide information necessary to identify
13 essential reforms to emergency procurement laws; now, therefore,
14

15 BE IT RESOLVED by the Senate of the Thirty-third
16 Legislature of the State of Hawaii, Regular Session of 2026, the
17 House of Representatives concurring, that the Auditor is
18 requested to conduct an audit of no-bid contracts issued by
19 state and county agencies under proclamations declaring states
20 of emergency during the six-year period between January 1, 2020,
21 and December 31, 2025; and
22

23 BE IT FURTHER RESOLVED that the Auditor is requested to
24 review the justifications and standards used by state and county
25 agencies to issue no-bid contracts; and
26

27 BE IT FURTHER RESOLVED that the Auditor is requested to
28 review the standards and justifications used for vendor
29 selections, what price valuations were used to determine that
30 contracts were appropriately priced, and any other
31 accountability standards used to evaluate the contracts; and
32

33 BE IT FURTHER RESOLVED that the Auditor is requested to
34 submit a report of its findings and recommendations, including
35 any proposed legislation, to the Legislature no later than
36 twenty days prior to the convening of the Regular Session of
37 2027; and
38

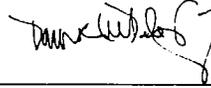


S.C.R. NO. 111

1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Auditor.

3
4
5

OFFERED BY: _____

A handwritten signature in black ink, appearing to read "Dennis L. ...", is written over a horizontal line.