

MAR 16 2026

SENATE 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
30 WHEREAS, there may be inconsistencies between agencies in
31 how no-bid contracts are entered into during states of
32 emergency; and
33



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

7 WHEREAS, an assessment of no-bid contracts over the last
8 six years would provide information necessary to identify
9 essential reforms to emergency procurement laws; now, therefore,
10

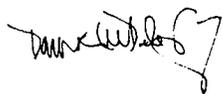
11 BE IT RESOLVED by the Senate of the Thirty-third
12 Legislature of the State of Hawaii, Regular Session of 2026,
13 that the Auditor is requested to conduct an audit of no-bid
14 contracts issued by state and county agencies under
15 proclamations declaring states of emergency during the six-year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

18 BE IT FURTHER RESOLVED that the Auditor is requested to
19 review the justifications and standards used by state and county
20 agencies to issue no-bid contracts; and
21

22 BE IT FURTHER RESOLVED that the Auditor is requested to
23 review the standards and justifications used for vendor
24 selections, what price valuations were used to determine that
25 contracts were appropriately priced, and any other
26 accountability standards used to evaluate the contracts; and
27

28 BE IT FURTHER RESOLVED that the Auditor is requested to
29 submit a report of its findings and recommendations, including
30 any proposed legislation, to the Legislature no later than
31 twenty days prior to the convening of the Regular Session of
32 2027; and
33

34 BE IT FURTHER RESOLVED that a certified copy of this
35 Resolution be transmitted to the Auditor.
36
37
38

OFFERED BY:  _____

