

ACT 89

S.B. NO. 2332-78

A Bill for an Act Relating to Expenditure of Public Money and Public Contracts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION I. Section 103-43, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 103-43 Mandatory purchase of Hawaii products. In any expenditure of public funds, a governmental agency shall purchase any required product from the Hawaii products list established under section 103-42 where such products are available, provided the products meet the minimum specifications and the selling price f.o.b. jobsite; unloaded including applicable general excise tax and use tax does not exceed the lowest delivered price in Hawaii f.o.b. jobsite; unloaded including applicable general excise tax and use tax of a similar non-Hawaii product by more than three per cent, where Class I Hawaii products are involved, or five per cent where Class II Hawaii products are involved or ten per cent where Class III Hawaii products are involved.

Where a package bid or purchase contains both Hawaii and non-Hawaii products, then for the purpose of selecting the lowest bid or purchase price only,

the price bid or offered for a non-Hawaii product item shall be increased by adding thereto three per cent, five per cent or ten per cent where similar Class I, Class II or Class III Hawaii product items have been bid or offered by another party pursuant to the preferences stated above. The lowest total bid, taking into consideration the above preferences, shall be awarded the contract but the contract amount of any contract awarded, however, shall be the amount of the bid or price offered, exclusive of such preferences.

Notwithstanding the provisions of the preceding paragraphs, an additional five per cent preference shall be applicable to Hawaii products manufactured by nonprofit corporations and public agencies operating sheltered workshops as certified by the department of labor and industrial relations for physically or mentally handicapped persons. The state comptroller shall adopt rules under chapter 91 to require a governmental agency to give an additional five per cent preference to the purchase of products manufactured by nonprofit corporations or public agencies operating sheltered workshops consistent with this section.”

SECTION 2. Section 103-44, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 103-44 Designation of products in bidding. All persons submitting bids based on non-Hawaii products to any governmental agency shall designate in their bids which individual product is to be supplied as a non-Hawaii product. All persons shall also list in their bid, the price of the non-Hawaii product as defined in section 103-43.”

SECTION 3. Section 103-45, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 103-45 Public works contract; specifications. In all public works and any repair or maintenance contracts, a governmental agency or any person employed by a governmental agency, including architects and engineers, shall describe in all specifications, products and their established classes listed in the Hawaii products list established under section 103-42 which may be used, where the products are available and meet the minimum specifications.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 18, 1978.)

*Edited accordingly.