

A Bill for an Act Relating to School Facilities.

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

SECTION 1. The purpose of this Act is to provide less restrictive methods to achieve the original intent of Act 316, Session Laws of Hawaii 2001, as set forth in section 36-35(f), Hawaii Revised Statutes, which requires the comptroller to develop project specifications based on qualified products lists for school repair and maintenance projects.

Specifically, this Act will delete the requirement to develop and maintain a qualified product list by model or catalog number, and instead will allow project specifications to be written either as generic specifications or as prescriptive specifications without limiting the acceptable products. Generic specifications will accomplish the same results as a qualified product list, but will allow for more competition between suppliers and more flexibility for contractors.

The intent of this Act is not to diminish the requirements of the school repair and maintenance projects act, but to allow other, more cost-effective and efficient processes to achieve similar results.

SECTION 2. Section 36-35, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The comptroller shall ensure that all repair and maintenance projects achieve maximum cost-efficiency by emphasizing functional or performance criteria, uniformity of design, and commonality of products, and by avoiding unique or custom requirements that increase costs. The comptroller shall develop project specifications based on [qualified products lists and] generic specifications or prescriptive specifications using standard commercial products. Prescriptive specifications may include a qualified product list.

For the purposes of this subsection:

~~[[“Qualified products list” means an approved list of goods, services, or construction items described by model or catalog numbers, which, prior to competitive solicitation, the State has determined will meet the applicable specification requirement.]~~

“Generic specification” means a technical specification that is written in a clear, unambiguous, and nonrestrictive manner establishing:

- (1) Design, performance, or functional requirements to identify the work to be performed; and
- (2) Material standards to be used on a project.

“Prescriptive specification” means a technical specification:

- (1) Establishing that the required work to be performed is written in a clear, unambiguous, and nonrestrictive manner; and
- (2) Listing manufacturers or products that are acceptable for use on the project.

“Standard commercial product” means a product or material that in the normal course of business is customarily maintained in stock by, or readily available for marketing from a manufacturer, distributor, or dealer.

This subsection shall not apply to any school facility designated a historic property pursuant to section 6E-5.5.”

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

**SECTION 4.** This Act shall take effect upon its approval.

(Approved May 31, 2002.)