

PROCUREMENT MEASURES FROM HAWAII'S 2015 LEGISLATIVE SESSION



FOUR PRIMARY PROCUREMENT MEASURES HAVE PASSED OUT OF THE 2015 LEGISLATIVE SESSION:

- 1) **Coordination of Information - Act 181** (HB 1180 HB1 SD2 CD1): Requires all chief procurement officer to coordinate with the administrator of the procurement office regarding procurement policies, innovations, and concerns. Requires the reporting of procurement contract data pursuant to the administrator of the procurement office.
- 2) **Data Call - HCR204 SD1**: Requests the State Procurement Administrator to collect detailed information across all 21 individual procurement jurisdictions.
- 3) **Past Performance Task Force - Act 182** (HB 1292 HD2 SD2 CD1): Extends the Procurement Task Force through June 30, 2016 and expands the Task Force to identify and propose amendments to the procurement code that may better promote economy, efficiency, effectiveness, and impartiality in the procurement of public works construction projects, including all available relevant and past performance information considerations by the procurement officer prior to bids being awarded under the state procurement code.
- 4) **Hawaiian Plants - (HB 206 HD2 SD1 CD1)**; *transmitted to the Governor*): amends the state public procurement code (HRS §103D-408) to require landscaping projects of State-developed buildings, complexes, facilities, or housing to incorporate specified percentages of Hawaiian plants in order to contribute to a Hawaiian sense of place, to reduce the use of non-native invasive plant species, and to support the preservation of Hawai'i's cultural and ecological heritage. Requires exclusion of areas to be determined by procedures, standards, or guidelines established by the policy board, allows for establishment of procedures, standards, or guidelines by the procurement policy board.

OTHER PROCUREMENT RELATED MEASURES THAT PASSED OUT OF THE 2015 LEGISLATIVE SESSION:

- 1) **Farm To School Program - Act 218** (SB 376 SD2 HD1 CD1): *Establishes a statewide farm to school program in Hawaii Department of Agriculture with a farm to School Coordinator position to coordinate educational, health, workforce, and other relationships through increasing local food procurement for the State's public schools and other institutions.*
- 2) **Naming Rights of Government Buildings - Act 176** (HB318 HD1 SD1 CD1): *Exempts the disposition or grant of rights to place one or more names on a state or county building, in accordance with applicable county sign ordinances, from the sealed bid process and the fifteen year limitation on concession contracts.*
- 3) **ADA Compliance for Public Buildings - Act 45** (SB1115 SD1 HD1): *Clarifies that construction projects on state or county land are subject to review by the Disabilities and Communication Access Board for compliance with the Americans with Disabilities Act only if they are places of public accommodation or commercial facilities.*
- 4) **Medical Marijuana Dispensaries** (HB321 HD1 SD2 CD1, SLH 2015); *enrolled to the Governor*): *Establishes a licensing system for medical marijuana dispensaries requiring Department of Health to procure a computer software tracking system exempt from chapter 103D; provided that: DOH shall publically solicit at least three proposals and the selection of the computer software tracking system shall be approved by the director of DOH & the chief information officer.*

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NOTEABLE PROCUREMENT MEASURES THAT **DID NOT PASS** OUT OF THE 2015 LEGISLATURE:

- 1) **Professional Services Procurement; Minimum Three Qualified** ([HB895 HD1](#); [SB1064 SD1 HD1](#)):
Would authorize the Procurement Policy Board to adopt rules addressing situations of less than three qualified persons for procurement of professional services.
 - SB1064 crossed-over then stalled without a JUD hearing; HB895 stalled w/o FIN hearing
- 2) **Special Innovative Procurement** ([HB1028 HD2](#); [SB1282](#)): Provides for the establishment of a special innovative procurement process for the procurement of supplies, services, professional services, or construction. Requires the establishment of procedures by the procurement policy board for use of the special innovative procurement process.
 - HB1028 crossed-over then stalled w/o GVO/WAM hearing; SB1282 was deferred in GVO
- 3) **Special Innovative Procurement & Public-Private Partnerships** ([SB1228 SD2 HD3](#)): Establishes a process for special innovative procurement and generates a framework for public-private partnership in Hawaii. Appropriates funds for a temporary position to assist the Procurement Policy Board. Appropriates funds for the Hawaii Health Systems Corp. to procure services to develop a master plan for the Samuel Mahelona Memorial Hospital and Kauai Veterans Memorial Hospital.
 - SB1228 stalled w/o a conference committee meeting
- 4) **Procurement Database & Oversight** ([HB1126 HD1](#); [SB1358](#)): Requires the state procurement office to establish a database of all government procurement contracts, accessible to each governmental entity. Requires state procurement office oversight of procurement information. Appropriates funds to establish the database.
 - HB1126 crossed over then GVO deferred; SB1358 stalled w/o WAM hearing
- 5) **Procurement Training & Education** ([HB1127 HD1 SD1](#); [SB1357 SD1](#)) Requires all procurement officers of state and county governmental bodies to attend initial training by the State Procurement Office and regular follow-up training as determined by the State Procurement Office. Appropriation.
 - HB1127 stalled in conference committee; SB1357 stalled without a JDL/WAM
- 6) **Sustainable Procurements Manager** ([HB1204](#); [SB1258](#)): Appropriates funds for a new position within the state procurement office tasked with facilitating the development and implementation of procurement processes for public agencies and private organizations for the purpose of food sustainability in Hawaii.
 - Neither measure moved (no AGR or GVO hearings)
- 7) **Small Business Office** ([SB1236 SD1](#)): Establishes the small business office to administer the state small business program. Establishes the state small business program and transfers certain duties of the chief procurement officer to the small business office, which under the state small business program may, among other things, train and assist small businesses in doing business in the State, encourage procurement from small businesses, and establish a goal of awarding twenty per cent of the State's annual purchasing expenditures to small businesses. Requires the small business regulatory review board to adopt rules to define "small business", establish set-asides for small businesses, and encourage the use of small businesses as subcontractors for large government contracts.
 - SB1236 stalled w/o a WAM hearing