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December 26, 2018

PROCUREMENT DIRECTIVE NO. 2019-01

TO: Chief Procurement Officers (CPOs):  
Department of Education, Superintendent  
University of Hawaii, President  
Office of Hawaiian Affairs, Chairperson of the Board  
Hawaii Health Systems Corporation, President and Chief Executive Officer  
Judiciary, Administrative Director of the Courts  
Senate, President  
House of Representatives, Speaker  
  
Counties of Hawaii, Kauai, Maui, and City & County of Honolulu  
Executive Branch, Finance Director  
Legislative Branch, Chairperson of the County Council  
Board/Departments of Water Supply, Manager/Chief Engineer  
Honolulu Authority for Rapid Transportation, Executive Director

FROM: Sarah Allen, Administrator 

SUBJECT: Act 233 SLH 2015 (HB 206 HD2, SD1, CD1): SECTION 2  
Hawaiian Plants; use in public landscaping

House Bill No. 206 HD2, SD1, CD1 was signed by Governor on July 13, 2015, with the effective date of June 30, 2016. The purpose of this Act is to amend HRS §103D-408 to require that all publicly funded landscaping projects include a minimum percent 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 Hawaii's cultural and ecological heritage.

SECTION 2 amends HRS §103D-408 in the following major ways:

- Renames HRS § 103D-408 as "Hawaiian plants; used in public landscaping."
- Defines Hawaiian plants.
- Subject to exceptions, requires all plans, designs, and specifications for new or renovated landscaping of State-developed buildings, complexes, facilities, or housing to incorporate minimum percentages of Hawaiian plants.

- Sets a timetable for the incorporation of Hawaiian plants into the plans, designs, and specifications of State Buildings as follows:
  - By January 1, 2019, ten percent of the total plant footprint.
  - By January 1, 2025, twenty percent of the total plant footprint.
  - By January 1, 2030, thirty five percent of the total plant footprint.
- States that the purchasing agency may exclude from the total plant footprint calculations those areas where available Hawaiian plant species are not appropriate for the particular landscaping needs or environmental conditions of such areas. Exclusion procedures shall be established by the procurement policy board (PPB).

Procurement Circular No. 2019-03 provides guidelines and procedures for purchasing agencies to make determinations on request for exclusions from HRS §103D-408(c), and to provide additional information to support the implementation of Act 233.

NOTE: The amendments to HRS § 103D-408 shall not affect landscaping plans or projects that have already been initiated as Act 233 does not apply so as to impair any contract existing as of the effective date of June 30, 2016 pursuant to SECTION 3 of the Act.<sup>1</sup>

A complete listing of all current Procurement Directives is available at: <http://spo.hawaii.gov>, click on *References*, and then click on *Procurement Directives*.

If your staff has questions on the procedures for requesting an exclusion, they may contact Stacey Kauleinamoku at 586-0571 or e-mail [stacey.l.kauleinamoku@hawaii.gov](mailto:stacey.l.kauleinamoku@hawaii.gov) or you may call me at 587-4700.

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<sup>1</sup> Section 3 of Act 233 provides that “[t]his Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Hawai‘i State Constitution or article I, section 10, of the United States Constitution.”