Honolulu, Hawaii

Fely 4 , 2008

RE: H.B. No. 2267 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Economic Development & Business Concerns, to which was referred H.B. No. 2267 entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

begs leave to report as follows:

The purpose of this bill is to improve the protest procedure in the Hawaii Public Procurement Code by:

- (1) Prohibiting the Chief Procurement Officer from delegating the authority to resolve protested awards;
- (2) Allowing protesting parties to recover attorney's fees if they prevail; and
- (3) Transferring review of procurement determinations from the Office of Administrative Hearings of the Department of Commerce and Consumer Affairs to the Ombudsman.

The State Procurement Office recommended that the bill be held. The Office of the Ombudsman could not support the bill in part. The County of Hawaii Department of Finance opposed the bill.

Your Committee believes that there is value in continuing the discussion of this measure, which seeks to increase the openness and fairness of the procurement process. Your Committee would like to see dialog on this subject continue, and has amended this measure by:

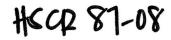
- (1) Changing its effective date to July 1, 2034; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2267, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2267, H.D. 1, and be referred to the Committee on Legislative Management.

Respectfully submitted on behalf of the members of the Committee on Economic Development & Business Concerns,

KYLE T. YAMASHITA, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Economic Development & Business Concerns

Bill/Resolution No.:	Committee Referral: Date:			
HB 2267 EDB, LMG, FIN		1/29/08		
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
EDB Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMASHITA, Kyle T. (C)				
2. WAKAI, Glenn (VC)				
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3. BERG, Lyla B., Ph.D.				
4. BROWER, Tom				
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5. CHANG, Jerry L.				
6. HANOHANO, Faye P.				
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7. HERKES, Robert N.	V			
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8. MANAHAN, Joey				
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9. TSUJI, Clift				
10. YAMANE, Ryan I.				
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11. CHING, Corinne W.L.				
		1 美工建造工作。		
12. MARUMOTO, Barbara C.				
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TOTAL (12)	. 10	Ø	2_	Ø
The recommendation is: Adopted Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				