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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to work towards  
2 increasing transparency and accountability in state construction  
3 contracts by establishing a task force to examine the issue of  
4 past performance and establish the factors that should be  
5 considered when evaluating a construction industry contractor's  
6 past performance for the purposes of awarding a construction  
7 contract under Chapter 103D, Hawaii Revised Statutes.

8           SECTION 2. (a) The state procurement office shall convene  
9 a past performance task force to examine the issue of past  
10 performance and establish the factors that should be considered  
11 when evaluating a construction industry contractor's past  
12 performance for the purposes of awarding a construction contract  
13 under Chapter 103D, Hawaii Revised Statutes.

14           (b) The task force shall consist of the following members:

15           (1) The administrator of the state procurement office, or  
16           the administrator's designee, who shall serve as the  
17           chair;



- 1           (2) The director of commerce and consumer affairs, or the  
2           director's designee;
- 3           (3) The comptroller, or the comptroller's designee;
- 4           (4) The director of transportation, or the director's  
5           designee;
- 6           (5) The president of the University of Hawaii, or the  
7           president's designee;
- 8           (6) The superintendent of education, or the  
9           superintendent's designee;
- 10          (7) The director of the department of design and  
11          construction of the city and county of Honolulu, or  
12          the director's designee;
- 13          (8) One representative from the General Contractors  
14          Association of Hawaii;
- 15          (9) One representative from the Building Industry  
16          Association of Hawaii; and
- 17          (10) One representative from the Subcontractors Association  
18          of Hawaii.
- 19          (c) When establishing the factors to be considered in  
20          evaluating a construction industry contractor's past  
21          performance, the task force shall include:



- 1           (1) A requirement that the review be limited to the three  
2           years immediately preceding the contractor's bid for a  
3           public construction contract;
- 4           (2) A requirement that a past performance review shall  
5           only apply to construction contracts valued at  
6           \$1,000,000 or more; and
- 7           (3) Criteria and standards to ensure that the evaluation  
8           of past performance is conducted in an objective  
9           manner.
- 10          (d) Task force members shall serve without compensation  
11 but shall be reimbursed for all necessary expenses, including  
12 travel expenses, which are incurred in the performance of their  
13 duties as members of the task force.
- 14          (e) No member shall be made subject to chapter 84, Hawaii  
15 Revised Statutes, solely because of that member's participation  
16 as a member of the task force.
- 17          (f) The task force shall submit a report of its findings  
18 and recommendations, including any proposed legislation, to the  
19 legislature no later than twenty days prior to the convening of  
20 the regular session of 2016.



1 (g) The task force convened pursuant to this Act shall  
2 cease to exist on June 30, 2016.

3 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Procurement Code; Construction; Past Performance; Task Force

**Description:**

Establishes a past performance task force to establish the factors that should be considered when evaluating a construction industry contractor's past performance for the purposes of awarding a construction contract under Chapter 103D, Hawaii Revised Statutes. (HB1292 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

