
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part VI, subpart A, to be
3 appropriately designated and to read as follows:
4 "§302A- Facility construction and renovation contracts.
5 (a) Notwithstanding any other law to the contrary, contracts
6 made by the State for the procurement of construction of a new
7 department facility or renovation of an existing department
8 facility shall be exempt from part VII of chapter 103D; provided
9 that any contract awarded shall comply with the requirements
10 established by this section.
11 (b) Notwithstanding any conflicting provision under
12 chapter 103D, the department shall request bids, proposals, or
13 submissions from prospective contractors to provide services for
14 the construction of a new department facility or renovation of
15 an existing department facility. Following the closing of the
16 submission period, the department shall review the bids,
17 proposals, or submissions and prepare a written recommendation



1 regarding the award of the contract or contracts. The
2 recommendation shall be submitted to the superintendent and made
3 available to the public. The written recommendation shall not
4 be binding on the department and shall not be construed as a
5 decision.

6 (c) Within thirty days after the recommendation has been
7 made available to the public pursuant to subsection (b), any
8 person may submit comments to the superintendent. The
9 superintendent shall review the comments and may publicly
10 respond to any comment. During or following the close of the
11 public comment period, the superintendent may request another
12 written recommendation from the department. An additional
13 comment period shall be provided if an additional written
14 recommendation is requested by the superintendent.

15 (d) No less than five days after the close of the last
16 comment period provided under subsection (c), the superintendent
17 shall award the contract. The award shall constitute the
18 decision of the department. The award of the contract by the
19 superintendent shall be final and conclusive. Protest or
20 judicial review of the award of a contract under this section
21 shall be prohibited."



1 SECTION 2. Section 302A-407, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302A-407 School bus contracts.** (a) Notwithstanding any
4 other law to the contrary, contracts made by the State for the
5 procurement of transportation pursuant to section 302A-406 shall
6 be exempt from part VII of chapter 103D; provided that any
7 contract awarded shall comply with the requirements established
8 by this section.

9 (b) Notwithstanding any conflicting provision under
10 chapter 103D, no less than once every _____ years, the
11 department shall request bids, proposals, or submissions from
12 prospective contractors to provide transportation to school
13 children pursuant to section 302A-406. Following the closing of
14 the submission period, the department shall review the bids,
15 proposals, or submissions and prepare a written recommendation
16 regarding the award of the contract or contracts. The
17 recommendation shall be submitted to the superintendent and made
18 available to the public. The written recommendation shall not
19 be binding on the department and shall not be construed as a
20 decision.



1 (c) Within thirty days after the recommendation has been
2 made available to the public pursuant to subsection (b), any
3 person may submit comments to the superintendent. The
4 superintendent shall review the comments and may publicly
5 respond to any comment. During or following the close of the
6 public comment period, the superintendent may request another
7 written recommendation from the department. An additional
8 comment period shall be provided if an additional written
9 recommendation is requested by the superintendent.

10 (d) No less than five days after the close of the last
11 comment period provided under subsection (c), the superintendent
12 shall award the contract. The award shall constitute the
13 decision of the department. The award of the contract by the
14 superintendent shall be final and conclusive. Protest or
15 judicial review of the award of a contract under this section
16 shall be prohibited.

17 ~~[(a)]~~ (e) Any school bus contract between the State and
18 the contractor shall include a provision requiring the
19 contractor to equip the contractor's vehicles with the signs and
20 visual signals described in section 291C-95(d) and (g). The
21 contract shall also include other provisions as may be deemed



1 necessary by the State for the safety of school bus passengers
2 and shall include provisions requiring compliance with the rules
3 and standards described in section 286-181.

4 ~~(b)~~ (f) All moneys received from students and parents or
5 guardians of students by public schools for state-provided
6 school busing services, as authorized by section 302A-406, shall
7 be deposited into the school bus fare revolving fund. Except as
8 otherwise provided by the legislature, expenditures for the
9 operation of state-contracted school bus services, as authorized
10 by section 302A-406, shall be made from this fund."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DOE; Procurement Contracts; Student Transportation;
Construction; Protest Adjudication

Description:

Establishes a process for awarding Department of Education contracts for student transportation services and facility construction that includes public comment. Prohibits protests and judicial review of contract awards made pursuant to the process. (HB2176 HD2)

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

