

CONFERENCE COMMITTEE REP. NO.

168

Honolulu, Hawaii

APR 23 , 2021

RE: H.B. No. 526  
H.D. 1  
S.D. 2  
C.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 526, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Define "past performance" with regard to contractors;
- (2) Require the State Procurement Office to implement and administer a past performance database by December 31, 2023, including adopting rules regarding the information to be included in the past performance database and procedures for informing contractors of, and permitting corrections or responses to, the information contained in the database;

2021-3241 HB526 CD1 HCCR HMSO-1



- (3) Require procurement officers to consider specific factors when making contract awards, including past performance, when available; and
- (4) Appropriate funds for the development, implementation, and training for certain procurement resources tools, including a past performance guide and past performance database.

Your Committee on Conference finds that the State's procurement process requires clear legislative direction to award contracts to responsible bidders or offerors to increase accountability, enhance performance, and utilize taxpayer dollars more efficiently. Your Committee on Conference further finds that currently, some state contracts may be awarded to the lowest bidder without regard to that bidder's poor past performance, which may lead to these bidders being considered qualified despite their poor past performance and result in repeated inefficiencies and substandard work. Your Committee on Conference believes consideration of past performance of a bidder will offer another level of consideration and diligence in evaluating responsibility, provide additional insight to positively impact the award selection, enhance quality performance, and efficiently and effectively utilize taxpayer dollars.

Your Committee on Conference has amended this measure by:

- (1) Removing the appropriation;
- (2) Changing the effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

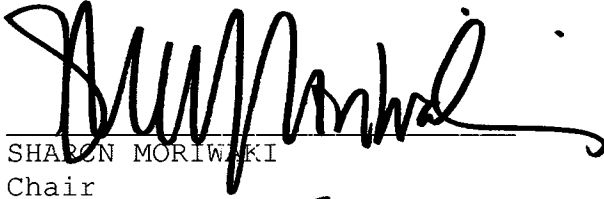
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 526, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 526, H.D. 1, S.D. 2, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

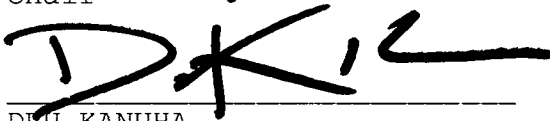
ON THE PART OF THE HOUSE



SHARON MORIWAIKI  
Chair



ANGUS L.K. MCKELVEY  
Co-Chair



DKU KANUHA  
Co-Chair



SCOT Z. MATAYOSHI  
Co-Chair

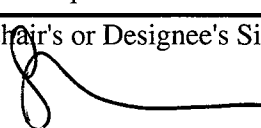
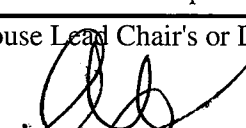


TINA WILDBERGER  
Co-Chair



**Hawaii State Legislature**  
**Record of Votes of a**  
**Conference Committee**

CCR 1608

Bill / Concurrent Resolution No.: <b>HB 526, HD 1, SD 2</b>					Date/Time: <b>APRIL 21, 2021 10:10am</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
MORIWAKI, Sharon Y., Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
KANUHA, Dru Mamo, Co-Chr.	✓				MATAYOSHI, Scot Z., Co-Chr.	✓			
CHANG, Stanley	✓				WILDBERGER, Tina, Co-Chr.	✓			
					WARD, Gene	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
<b>Distribution:</b>									
<b>Original</b>			<b>Yellow</b>		<b>Pink</b>		<b>Goldenrod</b>		
<i>File with Conference Committee Report</i>			<i>House Clerk's Office</i>		<i>Senate Clerk's Office</i>		<i>Drafting Agency</i>		