



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 NORTH NIMITZ HIGHWAY, SUITE 200
HONOLULU, HAWAII 96817

October 17, 2017

TO: Interested Parties

FROM: Charmaine Matsuura
Procurement Specialist

SUBJECT: **Request for Interest No. PP 2018-07**
Relating to Act 233, HRS §103D-408, Hawaiian Plants; Use in Public
Landscaping

The Office of Hawaiian Affairs (hereinafter “OHA”) issues this Request for Interest (hereinafter “RFI”) pursuant to the Hawaii Administrative Rules §3-122-9.02. The OHA is seeking assistance from the public and private sectors to assist the Procurement Policy Board (hereinafter “PPB”) in reviewing drafts of the Procurement Circular ([see Attachment 1](#)) and Procurement Directive ([see Attachment 2](#)) in the use of Hawaiian plants in certain new or renovated publicly funded landscaping and providing comments and recommendations.

Act 233 (2015), an OHA package bill, was signed into law by Governor Ige on July 13, 2015, and went into effect on June 30, 2016. It requires the use of Hawaiian plants (defined as any endemic or indigenous plant species, including land, freshwater, and marine plant species, growing or living in Hawaii without having been brought to Hawaii by humans; or any plant species, including land, freshwater, and marine plant species, brought to Hawaii by Polynesian before European contact, such as kukui, kao, wauke, niu, noni and kamani) in certain new or renovated publicly funded landscaping. The Act requires the use of gradually increasing minimum percentages of Hawaiian plants in applicable landscaping projects, beginning in 2019. However, the amendments will 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, 2016.¹

Prior to the passage of Act 233, HRS §103D-408 required the use of indigenous and Polynesian introduced plants in all plans, designs, and specifications for new or renovated landscaping of any building, complex of buildings, facility, complex of facilities, or housing developed by the State with public moneys wherever and whenever feasible.

¹ 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.”

In 2015, the State Legislature amended HRS §103D-408 in order to support the preservation of Hawai‘i’s cultural and ecological heritage, to reduce the use of non-native and invasive plant species, and to contribute to a Hawaiian sense of place. *See* Preamble, Act 233 (2015). Act 233 (2015) amended HRS-§ 103D-408, Section 2. Section 103D-408, Hawaii Revised Statutes. See Attachment 3 - Act 233 H.B. No. 206, H.D.2, S.D. 1, C.D. 1. The gradual timetable for the incorporation of Hawaiian plants is as follows:

- 10% of the total plant footprint for landscaping plans, designs and specifications by 2019.
- 25% of the total plant footprint for plans, designs and specifications landscaping by 2025.
- 35% of the total plant footprint for plans, designs and specifications landscaping by 2035.

Participation in this RFI is optional and not required in order to respond to any subsequent procurement by the OHA. Neither the OHA nor any interested party responding has any obligation under the RFI No. PP 2018-07.

All responses and questions to this RFI No. PP 2018-07 are to be submitted in writing by mail or email, no later than Friday, October 27, 2017, noon HST to the RFI Contact Person:

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Responses should indicate respondent’s name, title or area of expertise, and organization or company. Please provide any comments you may have on the Procurement Directive and Procurement Circular attached. Please state whether the requirements of the new policy of Act 233 and the guidelines implementing exclusions in the PC/PD are clear, or if you have any suggestions to improve clarity. Also, feel free to provide any information that may bear on the feasibility of the implementation schedule detailed above.

Please keep in mind that the new Hawaiian plant footprint requirements that will be phased in beginning in 2019 are already law, properly passed and codified in statute. This request seeks information to strengthen and clarify the Procurement Policy Directive and Procurement Circular that will implement the exclusion guidelines.