

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF ENTERPRISE SERVICES

SUBTITLE 4 CONCESSIONS

CHAPTER 1

AWARD OF REVOCABLE PERMITS FOR NONPROFIT BEACHBOY
CONCESSIONS

Subchapter 1 General Provisions

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SUBCHAPTER 1

GENERAL PROVISIONS

§12-1-1 Purpose. Pursuant to and by the virtue of the authority set forth in Article 3, Section 38-3.2 of the Revised Ordinances of Honolulu 2021, the Director of Enterprise Services, subject to the approval of the Mayor of the City and County of Honolulu, hereby establishes rules and regulations relating to the award of a Revocable Permit to operate a Nonprofit Beachboy Concession.

[Eff: TBD] (Auth: HRS §§91-2, 102-2; ROH §38-3.2) (Imp: ROH §38-3.2)

§12-1-2 Definitions. (a) "Nonprofit Beachboy Concession" means a concession or concession space that is set aside for operation by a Nonprofit Beachboy Association.

(b) "Nonprofit Beachboy Association" means an association dedicated to the preservation of the beachboy tradition, is incorporated as a nonprofit corporation in accordance with State law, and is exempted from taxation as prescribed under §501 of the Internal Revenue Code of 1986, as amended.

(c) "Revocable Permit" means a permit for concessions or concession spaces that are contracted through a permit revocable on notice of 30 days or less; provided that no such permits are issued for more than a one year period.

[Eff: TBD] (Auth: HRS §102-2; ROH § 38-1.3, 38-3.2) (Imp: ROH § 38-3.2)

§12-1-3 Award Procedures. The award of a Revocable Permit for the operation of a Nonprofit Beachboy Concession shall be made to the Nonprofit Beachboy Association that submitted the highest bid in response to a public notice of a request for bids.

[Eff: TBD] (Auth: HRS §102-2; ROH § 38-3.2) (Imp: ROH § 38-3.2)

§12-1-4 Notice of Request for Bids. Notice of a request for bids for the award of a Revocable Permit for the operation of a Nonprofit Beachboy Concession shall be posted on the Department of Enterprise Services' website or any other publicly available website at least five business days prior to the deadline to submit bids.

[Eff: TBD] (Auth: HRS §102-2; ROH § 38-3.2) (Imp: ROH § 38-3.2)

§12-1-5 Bids - Opening - Rejection. The date and time for the opening of bids shall not be less than five days after the notice of a request for bids

was posted online at the website of the Department of Enterprise Services or any other publicly available website. All bids shall be sealed and delivered in accordance with the request for bids, and shall be opened at the date, time, and place as specified in the request for bids. The Director of the Department of Enterprise Services or the Director of the Department of Budget and Fiscal Services may reject any or all bids and waive any defects, when in either of the Directors' opinions, such rejection or waiver will be for the best interest of the city.

[Eff: TBD] (Auth: HRS §102-2; ROH § 38-3.2) (Imp: ROH § 38-3.2)

§12-1-6 Award to Qualified Applicant with Highest Bid. The award of a Revocable Permit for the operation of a Nonprofit Beachboy Concession shall be restricted to a Nonprofit Beachboy Association. The award of a Revocable Permit shall be in writing, shall be made by the Director of the Department of Budget and Fiscal Services, and shall be made to the Nonprofit Beachboy Association that submitted the highest bid for the operation of a Nonprofit Beachboy Concession. However, if the highest bidder has been rejected, or has failed to enter into the Revocable Permit, the Director of the Department of Budget and Fiscal Services may award the Revocable Permit to the next successive high bidder.

[Eff: TBD] (Auth: HRS §102-2; ROH § 38-3.2) (Imp: ROH § 38-3.2)

DEPARTMENT OF ENTERPRISE SERVICES

The foregoing rulemaking action shall take effect ten days after filing with the Office of the City Clerk.

DITA HOLIFIELD, Director

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of
_____, 2024.

RICK BLANGIARDI, Mayor
City and County of Honolulu

CERTIFICATION

I, DITA HOLIFIELD, in my capacity as Director of the Department of Enterprise Services, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of Title 12, Subtitle 4, Chapter 1, City and County of Honolulu Administrative Rules, entitled "Award of Revocable Permits for Nonprofit Beachboy Concessions" that was adopted on _____, 2024, following a public hearing held on July 16, 2024, after public notice was given on May 10, 2024, in the Honolulu Star-Advertiser.

DITA HOLIFIELD, Director

Received this ____ day of _____, 2024

City Clerk