

NO. 29821

IN THE SUPREME COURT OF THE STATE OF HAWAII

GANNETT PACIFIC CORPORATION,
dba The Honolulu Advertiser, Petitioner,

vs.

AARON S. FUJIOKA,
Administrator, State Procurement Office, Respondent.

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 JUN -2 PM 3:08

FILED

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of the petition for a writ of mandamus filed by petitioner Gannett Pacific Corporation, dba the Honolulu Advertiser and the papers in support, it appears that the issuance of an invitation for bids involves the exercise of discretion and judgment by respondent State Procurement Office Administrator. See Hawai'i Administrative Rules §§ 3-122-10, 3-122-13, 3-122-16.06, 3-122-21. Therefore, petitioner is not entitled to mandamus relief. See Hanabusa v. Lingle, 119 Hawai'i 341, 347, 198 P.3d 604, 610 (2008) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available. A duty is ministerial where the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion and judgment.).

Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, June 2, 2009.



Fumio C. Nakayama



James E. Doolittle, Jr.

Mark E. McDonald