
A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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

1 SECTION 1. Section 103D-106, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~+~~]**\$103D-106**[~~+~~] **Penalties.** (a) Any person who
4 intentionally violates this chapter or any rules adopted
5 pursuant to this chapter shall be [~~guilty of a misdemeanor, and~~
6 ~~in addition to the applicable criminal penalty, shall be subject~~
7 ~~to removal from office and shall be liable~~]:

8 (1) Subject to removal from office;

9 (2) Liable to the State or the appropriate county for any
10 sum paid by it in connection with the violation, and
11 that sum, together with interest and costs, shall be
12 recoverable by the State or county[~~-~~]; and

13 (3) Subject to imposition of an administrative fine under
14 subsection (b).

15 (b) After reasonable notice and reasonable opportunity to
16 be heard, the chief procurement officer, after consultation with
17 the using agency and the attorney general or corporation



1 counsel, as applicable, may render a written decision or issue a
2 written order providing for the assessment of an administrative
3 fine against a person found to have violated this chapter;
4 provided that:

- 5 (1) The amount of the fine shall be set out in rules
6 adopted by the policy board pursuant to section 103D-
7 202; and
- 8 (2) The written decision or order shall be final and
9 conclusive, subject to an administrative review under
10 section 103D-709."

11 SECTION 2. Section 103D-709, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The several hearings officers appointed by the
14 director of the department of commerce and consumer affairs
15 pursuant to section 26-9(f) shall have jurisdiction to review
16 and determine de novo any request from any bidder, offeror,
17 contractor, person aggrieved under section 103D-106, or
18 governmental body aggrieved by a determination of the chief
19 procurement officer, head of a purchasing agency, or a designee
20 of either officer under [~~sections~~] section 103D-310, 103D-701,
21 or 103D-702."



1 SECTION 3. The procurement policy board shall establish
2 proposed rules for administrative fines to implement this Act
3 and shall submit the proposed rules and any suggested
4 legislation to the legislature no later than twenty days before
5 the regular session of 2008.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2034;
9 provided that sections 1 and 2 shall take effect on July 1,
10 2008.



Report Title:

Public Procurement Code; Administrative Fines

Description:

Removes the misdemeanor penalty for violation of the procurement code. Authorizes the procurement policy board to set administrative fines and authorizes the chief procurement officer to assess the administrative fines. (SB1929 HD1)

