

---

---

# 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 to the person who violates  
16 this chapter and reasonable opportunity to be heard, the chief  
17 procurement officer, after consultation with the using agency



1 and the attorney general or corporation counsel, as applicable,  
2 may render a written decision or issue a written order providing  
3 for the assessment of an administrative fine; provided that the  
4 amount of the fine shall be set out in rules adopted by the  
5 policy board pursuant to section 103D-202; and provided further  
6 that the written decision or order shall be final and  
7 conclusive, subject to an administrative review under section  
8 103D-709."

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

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

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Public Procurement Code; Administrative Fines

**Description:**

Authorizes the procurement policy board to set administrative fines and authorizes the chief procurement officer to assess the administrative fines. (SD1)

