
A BILL FOR AN ACT

RELATING TO PROCUREMENT PROTESTS.

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

1 SECTION 1. The legislature finds that a meaningful protest
2 procedure must be incorporated into the state procurement code
3 to achieve its enumerated purposes of ensuring fairness,
4 providing increased economy, fostering competition, encouraging
5 transparency, and increasing public confidence in the
6 procurement process.

7 Currently, the chief procurement officer can delegate the
8 authority to resolve protests to the contracting officer, who
9 often is also the person who prepared and issued the
10 procurement. This creates a situation in which a protestor must
11 appeal to the very person who may have directly or indirectly
12 caused the problem being protested. The legislature finds that
13 the chief procurement officer should no longer delegate the
14 authority to settle protests pursuant to section 103D-701,
15 Hawaii Revised Statutes.

16 SECTION 2. Section 103D-208, Hawaii Revised Statutes, is
17 amended to read as follows:



H.B. NO. 193

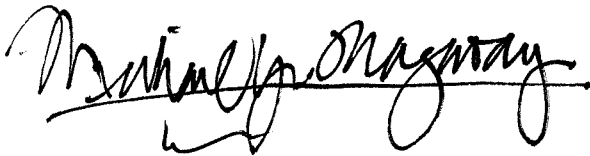
1 "§103D-208 Delegation of authority by the chief
2 procurement officer. Subject to the rules of the policy board,
3 each chief procurement officer may delegate any authority or
4 duty conferred upon the chief procurement officer by this
5 chapter to designees or to any department, agency or official
6 within their respective jurisdictions[.]; provided that the
7 chief procurement officer shall not delegate the chief
8 procurement officer's authority to resolve protests under
9 section 103D-701."

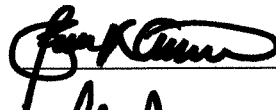
10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon approval.

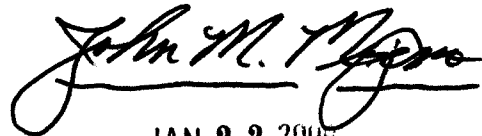
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INTRODUCED BY:









JAN 22 2009



Report Title:

Procurement

Description:

Prohibits the chief procurement officer from delegating the officer's authority to resolve protested awards.

