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## 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-303.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) At least [~~fifteen~~] ten working days prior to  
4 submission of bids pursuant to [~~section~~]:

5           (1) Section 103D-302 for a construction or design-build  
6 project with a total estimated contract value of  
7 \$500,000 or more [~~, and at least fifteen days prior to~~  
8 ~~submission of proposals pursuant to section~~]; or

9           (2) Section 103D-303 for a construction or design-build  
10 project with a total estimated contract value of  
11 \$100,000 or more,

12 the head of the purchasing agency shall hold a pre-bid  
13 conference and [~~shall invite all potential interested bidders,~~  
14 ~~offerors, subcontractors, and union representatives to attend.~~]  
15 adequate notice shall be in the same manner as provided in  
16 section 103D-302(c). If appropriate, a purchasing agency may  
17 conduct the pre-bid conference in a manner that does not require



1 in-person attendance, such as a teleconference or video  
2 conference."

3 SECTION 2. Section 103D-701, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Any actual or prospective bidder, offeror, or  
6 contractor who is aggrieved in connection with the solicitation  
7 or award of a contract may protest to the chief procurement  
8 officer or a designee as specified in the solicitation. Except  
9 as provided in sections 103D-303 and 103D-304, a protest shall  
10 be submitted in writing within five working days after the  
11 aggrieved person knows or should have known of the facts giving  
12 rise thereto; provided that [a]:

13 (1) A protest of an award or proposed award shall in any  
14 event be submitted in writing within five working days  
15 after the posting of award of the contract under  
16 section 103D-302 or 103D-303, if no request for  
17 debriefing has been made, as applicable; [provided  
18 further that no]

19 (2) No protest of an award shall be submitted by a party  
20 that did not participate in a pre-bid conference  
21 pursuant to section 103D-303.5; and



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1        (3) No protest based upon the content of the solicitation  
2                shall be considered unless it is submitted in writing  
3                prior to the date set for the receipt of offers."

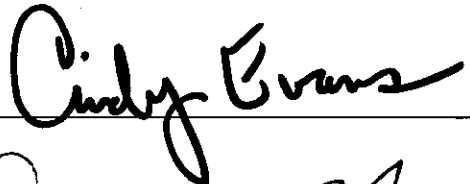
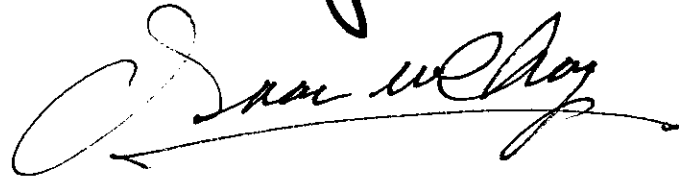
4                SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

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

9                SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY:

JAN 19 2010



**Report Title:**

Public Procurement; Pre-bid Conferences

**Description:**

Requires a purchasing agency to hold a pre-bid conference.  
Requires parties that protest a contract award to have attended a pre-bid conference.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

