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# HOUSE CONCURRENT RESOLUTION

URGING THE STATE PROCUREMENT OFFICE TO CLARIFY THE DEADLINE FOR  
SUBMITTING WRITTEN PROTESTS THAT ARE BASED ON THE CONTENT  
OF A SOLICITATION.

1           WHEREAS, part VII of the Hawaii Public Procurement Code,  
2 codified as chapter 103D, Hawaii Revised Statutes, provides for  
3 legal and contractual remedies related to the procurement  
4 process; and

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6           WHEREAS, despite codification and ongoing revisions to the  
7 existing law, there is still a lack of clarity and ongoing  
8 confusion as to when a party is aggrieved during the procurement  
9 process; and

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11           WHEREAS, certain agencies are denying protests on the basis  
12 that bidders are not considered aggrieved because an award has  
13 not yet been made; and

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15           WHEREAS, these agencies are also denying protests because  
16 the bidder did not protest five days after the bid opening, when  
17 the bidder knew or should have known that the bidder was  
18 aggrieved; and

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20           WHEREAS, procurement protest reviews can be lengthy,  
21 causing project delays and increasing project costs, which are  
22 ultimately borne by the State's taxpayers; and

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24           WHEREAS, it is imperative that deadlines for parties to  
25 submit protests be clearly delineated; now, therefore,

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27           BE IT RESOLVED by the House of Representatives of the  
28 Thirty-second Legislature of the State of Hawaii, Regular  
29 Session of 2023, the Senate concurring, that the State  
30 Procurement Office is requested to clarify the deadline for



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1 submitting written protests that are based on the content of a  
2 solicitation; and

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4 BE IT FURTHER RESOLVED that the State Procurement Office is  
5 requested to clearly define when parties must submit protests  
6 under section 103D-701, Hawaii Revised Statutes, based on:

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8 (1) The content of the solicitation;

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10 (2) An award or eventual award; and

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12 (3) All other protests; and

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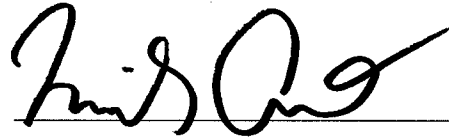
14 BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the Governor and Acting  
16 Administrator of the State Procurement Office.

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OFFERED BY:



MAR - 9 2023

