
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Section 103D-709, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) The party initiating a proceeding falling within
4 subsection (d) shall pay to the department of commerce and
5 consumer affairs a cash or protest bond in the amount of one per
6 cent of the estimated value of the contract.

7 ~~[If the initiating party prevails in the administrative~~
8 ~~proceeding, the] The cash or protest bond shall be returned to~~
9 ~~that party[. —If], minus administrative costs as determined by~~
10 ~~the office of administrative hearings of the department of~~
11 ~~commerce and consumer affairs; provided that full forfeiture of~~
12 ~~the cash or protest bond shall occur if the initiating party~~
13 ~~does not prevail in the administrative proceeding[7] and the~~
14 ~~office of administrative hearings finds that the appeal was~~
15 ~~frivolous or made in bad faith, in which case the cash or~~
16 ~~protest bond shall be deposited into the general fund."~~



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on July 1, 2040.



Report Title:

DCCA; Office of Administrative Hearing; Hawaii Public Procurement Code; Administrative Proceedings for Review; Cash or Protest Bond; Return to Party; Forfeiture

Description:

Requires cash or protest bonds paid or filed by parties initiating an administrative appeal for protests of solicitations or award of contracts under the Hawaii Public Procurement Code to be returned to the initiating parties, minus administrative costs except in cases where the party does not prevail and the Office of Administrative Hearing of the Department of Commerce and Consumer Affairs finds that the appeal was frivolous or made in bad faith. Takes effect 7/1/2040. (SD2)

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