

ACT 162

H.B. NO. 2070

A Bill for an Act Relating to Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

[If the initiating party prevails in the administrative proceeding, the] The cash or protest bond shall be returned to that party[-If], minus administrative costs as determined by the office of administrative hearings of the department of commerce and consumer affairs; provided that full forfeiture of the cash or

protest bond shall occur if the initiating party does not prevail in the administrative proceeding[;] and the office of administrative hearings finds that the appeal was frivolous or made in bad faith, in which case the cash or protest bond shall be deposited into the general fund.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 3. This Act shall take effect upon its approval.

(Approved July 2, 2024.)