

JAN 19 2018

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# A BILL FOR AN ACT

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RELATING TO EDUCATION.

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

1           SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§302A- Procurement process limitations for  
5 transportation and construction. (a) Notwithstanding any  
6 provision of chapter 103D to the contrary, no decision resulting  
7 from an administrative hearing, pursuant to section 103D-709,  
8 reviewing the chief procurement officer's or chief procurement  
9 officer's designee's decision to uphold or deny a protest to the  
10 award of a contract relating to the procurement of student  
11 transportation services or education facility construction shall  
12 be eligible for judicial review.

13           (b) If, following an administrative hearing pursuant to  
14 section 103D-709, the hearings officers appointed by the  
15 director of the department of commerce and consumer affairs  
16 upholds the chief procurement officer's or chief procurement  
17 officer's designee's decision to deny a protest to the award of



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1 a contract relating to the procurement of student transportation  
2 services or education facility construction pursuant to section  
3 103D-701(c), the protesting party shall be liable:

4 (1) For the attorney fees of any opposing party, if  
5 applicable; and

6 (2) To the department for any costs resulting from the  
7 delay in providing student transportation services or  
8 beginning construction caused by adjudication of the  
9 protest."

10 SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15 INTRODUCED BY:

~~SC~~ SC State Representative  
J. Philip G. G. G.  
Elizabeth G. Monroe  
Rosalyn H. Baker



# S.B. NO. 2545

**Report Title:**

Department of Education; Department of Commerce and Consumer Affairs; Procurement Contracts; Student Transportation; Construction; Protest Adjudication; Appeal; Attorney Fees

**Description:**

Bars judicial review of Department of Commerce and Consumer Affairs' decisions on protests to the award of procurement contracts for student transportation or education facility construction. Requires parties who protest the award of a contract to pay attorney fees and costs resulting from the delay of the contract if the Department of Commerce and Consumer Affairs upholds the Chief Procurement Officer's decision denying the protest.

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

