

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1           SECTION 1. The legislature finds that under the State's  
2 procurement code, an aggrieved party that submitted a bid for a  
3 state project that was not awarded the bid, may protest the bid  
4 award. The legislature also finds that procurement protest  
5 review can be lengthy, causing project delays and increasing  
6 project costs that are borne by taxpayers. Thus, it is  
7 imperative that the review process for protests are completed in  
8 a timely manner to reduce the cost of state projects.  
9 Establishing a deadline for bid protests to be reviewed and  
10 resolved would expedite the protest review process and reduce  
11 the cost of state-awarded projects.

12           The purpose of this Act is to create time limits to resolve  
13 protests to the awards of competitive sealed proposal contracts  
14 and procurements of professional services.

15           SECTION 2. Section 103D-701, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) and (c) to read as follows:



1           "(b) The chief procurement officer or a designee, prior to  
2 the commencement of an administrative proceeding under section  
3 103D-709 or an action in court pursuant to section 103D-710, may  
4 settle and resolve a protest concerning the solicitation or  
5 award of a contract. If the chief procurement officer or a  
6 designee directs any department or agency of the State to review  
7 a protest concerning the solicitation or award of a contract,  
8 the originating department or agency shall submit the protest to  
9 the reviewing department or agency within           business days of  
10 receipt of the protest notice. The reviewing department or  
11 agency shall review and submit its findings to the originating  
12 department or agency within           calendar days of the  
13 submission for review. This authority shall be exercised in  
14 accordance with rules adopted by the policy board.

15           (c) If the protest is not resolved by mutual agreement [7]  
16 within the timeframe enumerated in subsection (b), the chief  
17 procurement officer or a designee shall promptly issue a  
18 decision in writing to uphold or deny the protest. The decision  
19 shall:

20           (1) State the reasons for the action taken; and



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1           (2) Inform the protestor of the protestor's right to an  
2           administrative proceeding as provided in this part, if  
3           applicable."

4           SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Anna Mercedes K.*



# S.B. NO. 1329

**Report Title:**

Procurement Protest; Resolution; Time Limit

**Description:**

Creates time limits to resolve protests to the awards of competitive sealed proposal contracts and procurements of professional services.

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

