

JAN 26 2022

A BILL FOR AN ACT

RELATING TO THE PROCUREMENT CODE.

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

1 SECTION 1. Section 103D-701, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Any actual or prospective bidder, offeror, or
4 contractor who is aggrieved in connection with the solicitation
5 or award of a contract may protest to the chief procurement
6 officer or a designee as specified in the solicitation. Prior
7 to submission of a protest, all parties shall use their best
8 efforts to resolve concerns raised by the protesting party at
9 the procurement officer level through open and frank
10 discussions. Except as provided in sections 103D-303 and
11 103D-304, a protest shall be submitted in writing within five
12 working days after the aggrieved person knows or should have
13 known of the facts giving rise thereto; provided that a protest
14 of an award or proposed award shall in any event be submitted in
15 writing within five working days after the posting of award of
16 the contract under section 103D-302 or 103D-303, if no request
17 for debriefing has been made, as applicable; provided further



1 that no protest based upon the content of the solicitation shall
2 be considered unless it is submitted in writing prior to the
3 date set for the receipt of offers."

4 SECTION 2. Section 103F-501, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) The protest shall be submitted to the head of the
7 purchasing agency, in writing, within five working days after
8 the postmark date on the notice of award. Prior to submission
9 of a protest, all parties shall use their best efforts to
10 resolve concerns raised by the protesting party at the
11 procurement officer level through open and frank discussions."

12 SECTION 3. New statutory material is underscored.

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

14 INTRODUCED BY:

Anna Meriades Ke



S.B. NO. 3371

Report Title:

Government Contracts; Procurement; Protests

Description:

Requires parties to procurement protests to use best efforts to resolve issues at the procurement officer level before submission of a protest.

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

