

JAN 25 2023

A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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. [~~Except~~
7 ~~as provided in sections 103D-303 and 103D-304, a~~] A protest
8 based upon the content of the solicitation shall be submitted in
9 writing within five working days [~~after~~]:

10 (1) After the [~~aggrieved person knows or should have known~~
11 ~~of the facts giving rise thereto; provided that a~~] due
12 date for the request for information, if none was
13 submitted; or

14 (2) After response of all timely submitted requests for
15 information, if requests for information were timely
16 submitted and no later than prior to the receipt of
17 offers.



1 A protest of an award [~~or proposed award~~] shall [~~in any~~
2 ~~event~~] be submitted in writing within five working days after
3 the posting of award of the contract under section 103D-302 or
4 103D-303, if no request for debriefing has been made, as
5 applicable[; ~~provided further that no protest based upon the~~
6 ~~content of the solicitation shall be considered unless it is~~
7 ~~submitted in writing prior to the date set for the receipt of~~
8 ~~offers~~]. All other protests shall be submitted in writing
9 within five working days after the aggrieved person knows or
10 should have known of the facts giving rise thereto, except as
11 provided in sections 103D-303 and 103D-304."

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

18

INTRODUCED BY: 



S.B. NO. 1441

Report Title:

Government Contracts; Procurement; Protests

Description:

Clarifies the deadline for submitting written protests that are based on the content of a solicitation.

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