
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

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

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

7 ~~[If the initiating party prevails in the administrative~~
8 ~~proceeding, the]~~ The cash or protest bond shall be returned to
9 that party[. If], less twice the amount of the administrative
10 costs as determined by the office of administrative hearings of
11 the department of commerce and consumer affairs; provided that
12 full forfeiture of the cash or protest bond shall occur if the
13 initiating party does not prevail in the administrative
14 proceeding[.] and the office of administrative hearings finds
15 that the appeal was frivolous or made in bad faith, in which
16 case the cash or protest bond shall be deposited into the
17 general fund."



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 Statutory material to be repealed is bracketed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

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

4



S.B. NO. 1135
H.D. 1

Report Title:

Hawaii Public Procurement Code; Administrative Proceedings for Review; Cash or Protest Bond; Return to Party; Forfeiture

Description:

Requires cash or protest bonds to be returned to the initiating party, less twice the amount of the administrative costs, except in cases where the appeal was frivolous or made in bad faith.
(HD1)

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