
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] the initiating party[~~- If~~], less twice the amount of the
10 administrative costs as determined by the office of
11 administrative hearings of the department of commerce and
12 consumer affairs; provided that full forfeiture of the cash or
13 protest bond shall occur if the initiating party does not
14 prevail in the administrative proceeding[~~7~~] and the office of
15 administrative hearings finds that the appeal was frivolous or
16 made in bad faith, in which case the cash or protest bond shall
17 be deposited into the 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 Statutory material to be repealed is bracketed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 on June 30, 3000.

4



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. Effective 6/30/3000. (HD2)

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