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# A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE.

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

1           SECTION 1. Section 103D-302, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:  
3           "(h) The contract shall be awarded with reasonable  
4 promptness by written notice to the lowest responsible and  
5 responsive bidder whose bid meets the requirements and criteria  
6 set forth in the invitation for bids. Any false information or  
7 misrepresentation knowingly placed in the bid shall be a basis  
8 for not awarding the bid to that bidder. Additionally, the  
9 chief procurement officer shall place the bidder on a one year  
10 mandatory suspension from bidding for any contract under this  
11 chapter, if, after affording the bidder a reasonable opportunity  
12 to be heard, the chief procurement officer finds that the bidder  
13 knowingly placed false information or any misrepresentation in a  
14 bid. In the event all bids exceed available funds as certified  
15 by the appropriate fiscal officer, the head of the purchasing  
16 agency responsible for the procurement in question is authorized  
17 in situations where time or economic considerations preclude



1 resolicitation of work of a reduced scope to negotiate an  
2 adjustment of the bid price, including changes in the bid  
3 requirements, with the low responsible and responsive bidder, in  
4 order to bring the bid within the amount of available funds."

5 SECTION 2. Section 103D-303, Hawaii Revised Statutes, is  
6 amended by amending subsection (g) to read as follows:

7 "(g) Award shall be made to the responsible offeror whose  
8 proposal is determined in writing to be the most advantageous  
9 taking into consideration price and the evaluation factors set  
10 forth in the request for proposals. No other factors or  
11 criteria shall be used in the evaluation. The contract file  
12 shall contain the basis on which the award is made. Any false  
13 information or misrepresentation knowingly placed in the  
14 proposal shall be a basis for not selecting the offeror of that  
15 proposal. Additionally, the chief procurement officer shall  
16 place the offeror on a one year mandatory suspension from  
17 submitting any proposal for any contract under this chapter, if,  
18 after affording the offeror a reasonable opportunity to be  
19 heard, the chief procurement officer finds that the offeror  
20 knowingly placed false information or any misrepresentation in a  
21 proposal.



# S.B. NO. 2867

1 SECTION 3. New statutory material is underscored.

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

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**Report Title:**

Procurement; Sealed Bids; Sealed Proposals

**Description:**

Provides sanctions for false information or misrepresentation in competitive sealed proposals and competitive sealed bids.

