

STATE PROCUREMENT OFFICE
LEGAL AND CONTRACTUAL REMEDIES
(PROTEST)

HRS Chapter 103D, Part VII
HAR Chapter 3-126

HRS 103D-701 Authority to resolve protested solicitations and awards.

Written **PROTEST**** submitted to the Procurement Officer (PO) within **five working days** after aggrieved person knows or should have known the facts.

HAR §3-126-5 Stay of Procurement.

No further action shall be taken until protest settled; unless the Chief Procurement Officer (CPO) determines award of the contract is necessary to protect the substantial interests of the State.

Decision by PO on protest, to deny or sustain. ACT224 SLH 2021 gives agencies up to 120 days for determination for construction contracts or airport contracts for bids and proposals.

Protest **SUSTAINED:**
Remedies pursuant to HAR Chapter 3-126, Subchapter 4. Determination that solicitation or award violates law.

****For HRS §103D-302 or §103D-303:**

- within **five working days** after the posting of award. Executive Dept agencies post notice of award at <https://hands.ehawaii.gov/hands/>
- protest based on content of solicitation is submitted prior to offer due date.

Protest DENIED:

- Protestor, within **seven calendar days** of PO decision may:
- 1) File appeal with DCCA, Office of Administrative Hearings (OAH); and
 - 2) Shall inform PO if filing an appeal with DCCA.
- *If no appeal or if protest sustained, submit SPO-043, protest form, to the State Procurement Office.**

Circuit Court: HRS §103D-710, Judicial review.

(c) Within **ten calendar days** of filing, OAH shall transmit records
(e) No later than **thirty days** from filing, court may affirm, remand or reverse or modify the decision. Court shall lose jurisdiction after the thirtieth day if not resolved; hearings officer decision prevails.

DCCA, OAH: HRS §103D-709, Administrative proceedings for review.

- (b) Hearing shall commence within **twenty-one calendar days** of receipt; no later than **forty-five days** from receipt, the hearings officer shall issue a written decision
- (d) Contracts estimated less than \$1M for protest that is greater than \$10K; or contracts estimated \$1M or more for protest that is equal to no less than 10% of estimated contract value
- (e) Cash or protest bond 1 percent of the est. contract value* Submit SPO-043, protest form, to the State Procurement Office after OAH determination.