

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



BONNIE KAHAKUI
ACTING ADMINISTRATOR

STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I
STATE PROCUREMENT OFFICE

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 586-0554
email: state_procurement_office@hawaii.gov
<http://spo.hawaii.gov>

TESTIMONY
OF
BONNIE KAHAKUI, ACTING ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE HOUSE COMMITTEE
ON
LABOR & GOVERNMENT OPERATIONS

March 21, 2023, 9:30 a.m.

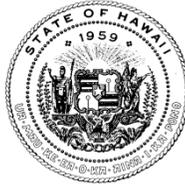
SENATE BILL 1138
RELATING TO PROCUREMENT

Chair Matayoshi, Vice Chair Garrett, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 1138. The State Procurement Office (SPO) supports this bill as it provides clear guidance to purchasing agencies which documents shall not be disclosed at a debriefing. The SPO recommends amending SECTION 1, page 1, line 9 as follows:

"(h) In cases of awards made under this section, non-selected offerors may submit a written request for debriefing to the procurement officer within three working days after the posting of the award of the contract. Thereafter, the procurement officer shall provide the non-selected offeror a prompt debriefing but shall not disclose any competing offeror's proposal or evaluation scores, except the summary of scores, until after any protest is resolved and the contract is executed. Any protest by the non-selected offeror pursuant to section 103D-701 following debriefing shall be filed in writing with the procurement officer within five working days after the date upon which the debriefing is completed."

Thank you for the opportunity to submit testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Tuesday, March 21, 2023
9:30 A.M.
State Capitol
VIA VIDEOCONFERENCE
Conference Room 309

S.B. 1138
RELATING TO PROCUREMENT

House Committee on Labor & Government Operations

The Department of Transportation (DOT) **supports** the bill amending Section 103D-303, Hawaii Revised Statutes, subsection (h), prohibiting a procurement officer from disclosing a competing offeror's proposal or evaluation score during a debriefing requested by a non-selected offeror; and authorizes the disclosure of a competing offeror's proposal or evaluation score after a protest is resolved and the contract is executed.

The addition of the proposed language amending the statute to explicitly state disclosure of any competing offeror's proposal or evaluation score is prohibited until after any protest is resolved and contract execution will provide clarification and clear understanding as to when it is appropriate for the release of the respective documents, in the event of an informal request or formal request for government record.

Thank you for the opportunity to provide testimony.