STAND. COM. REP. NO. 1443

Honolulu, Hawaii MAR 2 2 , ²⁰²³

RE: S.B. No. 1138 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Labor & Government Operations, to which was referred S.B. No. 1138 entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- Prohibit a procurement officer from disclosing a competing offeror's proposal or evaluation score during a debriefing requested by a non-selected offeror; and
- (2) Allow the disclosure of a competing offeror's proposal or evaluation score after a protest is resolved and the contract is executed.

Your Committee received testimony in support of this measure from the Department of Transportation and State Procurement Office.

Your Committee finds that this measure will assist purchasing agencies by providing them with clear guidance on the documents and information that shall not be disclosed during a debriefing and prior to the resolution of a protest.

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Your Committee has amended this measure by allowing for the disclosure of a summary of scores during the debriefing of a non-selected offeror to enable the non-selected offeror to have an indication of where the non-selected offeror stands in the overall process.

As affirmed by the record of votes of the members of your Committee on Labor & Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1138, H.D. 1, and be referred to your Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Labor & Government Operations,

SCOT Z. MATAYOSHI, Chair



State of Hawaii House of Representatives The Thirty-second Legislature

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Record of Votes of the Committee on Labor & Government Operations

Bill/Resolution No.: SB1138		Committee	Referral:), F±N	Date	3/21/2	3
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
LGO Members			Ayes	Ayes (WR)	Nays	Excused
1. MATAYOSHI, Scot Z. (C)			V			
2. GARRETT, Andrew	Takuya (VC	C)				
3. KAPELA, Jeanne						
A MARTINEZ Base						
4. MARTINEZ, Rose						
5. SAYAMA, Jackson D).					
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6. TAM, Adrian K.			V			
7. ALCOS III, David						
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TOTAL	- . .		de la			2
The recommendation is: Adopted Not Adopted If joint referral,						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						