

Honolulu, Hawaii

**MAR 03 2023**

RE: S.B. No. 1138

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, 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 and intent of this measure is to:

- (1) 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) Authorize 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 State Procurement Office and Department of Transportation.

Your Committee finds that the intention of public procurement is to make available government contracts to the public in a manner that is fair and seamless. Your Committee also finds that the many offerors of government contracts have competing interests and release sensitive information to the procurement office that can be detrimental to offerors and the procurement process when released publicly at an inappropriate time. Thus, this measure prohibits the disclosure or release of an offeror's proposal or



evaluation score to a non-selected offeror until after any protest is resolved and the contract is executed.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1138 and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



