STAND. COM. REP. NO. 844

Honolulu, Hawaii MAR 0 3 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,

KARL RHOADS, Chair

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* 5B 1139	Committee Referral: Date: 3/1/23				
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		V			
GABBARD, Mike (VC)		V			
ELEFANTE, Brandon J.C.		//			
SAN BUENAVENTURA, Joy A.					
AWA, Brenton					V
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TOTAL	/	4			1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes