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**A BILL FOR AN ACT**

RELATING TO PROCUREMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 103D-303, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:

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

15           SECTION 2. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

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1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Nishi K. Naha*

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BY REQUEST

JAN 21 2025

# H.B. NO. 988

**Report Title:**

Hawaii Public Procurement Code; Protest; Debriefing; Disclosure of Competing Proposals

**Description:**

Prohibits a procurement officer from disclosing a competing offeror's proposal or evaluation score, except the summary of scores, during a debriefing requested by a non-selected offeror. Authorizes the disclosure of a competing offeror's proposal or evaluation score after a protest is resolved and the contract is executed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO PROCUREMENT.

PURPOSE: To provide clear guidance to purchasing agencies on what shall not be disclosed at a debriefing in order to maintain integrity and confidentiality in a manner that ensures a fair procurement process.

MEANS: Amend section 103D-303(h), Hawaii Revised Statutes (HRS).

JUSTIFICATION: While maintaining confidentiality in procurement is a requirement included in section 103D-101, HRS, the addition of wording to section 103D-303, Competitive sealed proposals, will provide clear guidance to both purchasing agencies and vendors on what shall not be disclosed at a debriefing.

Impact on the public: Maintaining integrity and confidentiality in the procurement process also maintains the public's trust in the procurement process and the method of determining how taxpayer dollars are spent.

Impact on the department and other agencies: Purchasing agencies will have clear guidance in section 103D-303, HRS.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION:

OTHER AFFECTED AGENCIES: All state and county agencies.

EFFECTIVE DATE: Upon approval.