

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 382

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 382 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, except the summary of scores, during a debriefing requested by a non-selected offeror; and
- (2) Authorize the disclosure of a competing offeror's proposal or evaluation score after any 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 received comments on this measure from the General Contractors Association of Hawaii.

Your Committee finds that the purpose of a debriefing is to explain the purchasing agency's overall ranking of all proposals and provide a summary of the rationale for award. Your Committee further finds that during the debriefing, the procurement officer



is required to provide any significant weaknesses or deficiencies in the proposal against the solicitation criteria, and a debriefing should not include point-by-point comparisons of the debriefed proposal against those of other offerors. Your Committee additionally finds that, in order to protect the integrity and fairness of the procurement process, non-disclosure up to the point of contract execution would allow any protest decision by the Department of Commerce and Consumer Affairs' Office of Administrative Hearings to move forward. For example, if the Office of Administrative Hearings requires the agency to re-evaluate the proposals, and if the proposals were already disclosed at a debriefing, the proposals are no longer "sealed proposals", and the procurement would be compromised. This measure will ensure that the State's procurement process remains fair and equitable.

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. 382 and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



