

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,



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KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 382</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">GVO, JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/27/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	5	—	—	—
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Mike Gabbard</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div style="text-align: center;"> <b>Distribution:</b>            Original            File with Committee Report         </div> <div style="text-align: center;">           Yellow            Clerk's Office         </div> <div style="text-align: center;">           Pink            Drafting Agency         </div> <div style="text-align: center;">           Goldenrod            Committee File Copy         </div> </div>				

\*Only one measure per Record of Votes