

JOSH B. GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



BONNIE KAHAKUI
ADMINISTRATOR

STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I
STATE PROCUREMENT OFFICE

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TESTIMONY
OF
BONNIE KAHAKUI, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
GOVERNMENT OPERATIONS
JANUARY 28, 2025; 3:00 p.m.

SENATE BILL 382
RELATING TO PROCUREMENT

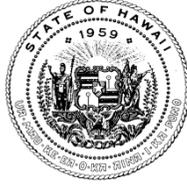
Chair McKelvey, Vice Chair Gabbard, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 382. The State Procurement Office (SPO) strongly supports this bill as it provides clear guidance to purchasing agencies what shall not be disclosed at a debriefing.

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(s). During the debriefing, the Procurement Officer shall provide any significant weaknesses or deficiencies in the proposal against the solicitation criteria. The debriefing should not include point-by-point comparisons of the debriefed proposal against those of other offerors.

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 State Department of Commerce and Consumer Affairs' Office of Administrative Hearings to move forward. If proposals are released prior to calling for Best and Final Offers (BAFO), offers are exposed and are no longer "sealed" proposals.

Thank you for the opportunity to submit testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
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January 28, 2025
3:00 p.m.
State Capitol
Conference Room 225 & Videoconference

S.B. 382
RELATING TO PROCUREMENT

The Senate Committee on Government Operations

The Department of Transportation (DOT) **supports** the bill that 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; and authorizes the disclosure of a competing offeror's proposal or evaluation score after any protest is resolved and the contract is executed.

The disclosure of competing offerors' proposals or evaluation scores during debriefing(s) with non-selected offeror(s) would conflict with maintaining confidentiality of an offeror's proposed pricing strategy and methodology in response to the respective request for proposals, prior to final contract execution. To disclose an offeror's proposal or evaluation score in debriefings with non-selected offerors, prior to resolution of protests and final contract execution, will compromise the core value of fair competition and competitive advantage. It is key that the State conduct evaluations of proposals, up to contract execution, with the highest degree of perceived fairness and trust in the determination of award.

Thank you for the opportunity to provide testimony.