
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The legislature finds that confidentiality is
2 essential to preserving integrity and fairness in the
3 procurement process. The legislature also finds that
4 debriefings are a post-award process requested by a non-selected
5 offeror, through which the purchasing agency shares the overall
6 ranking of proposals and summarizes the rationale for the award
7 decision, thereby promoting the transparency and accountability
8 in the procurement process. During debriefings, procurement
9 officers may also identify significant weaknesses or
10 deficiencies in the requester's proposal measured against the
11 solicitation criteria. However, disclosing point-by-point
12 comparisons of the debriefed proposal against those of other
13 offerors, or the competing offerors' scores, pricing strategies,
14 or methodology during debriefings could compromise
15 confidentiality, undermine fair competition, and erode any
16 competitive advantage of offerors.



1 Accordingly, the purpose of this Act is to ensure
2 evaluations and contract awards are conducted with the highest
3 degree of fairness and trust, by establishing clear guidance and
4 standards on the information that may be disclosed to non-
5 selected offerors and the appropriate timing of such disclosures
6 for competitive sealed proposals under the Hawaii Public
7 Procurement Code.

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

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



H.B. NO. 1902

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 23 2026



H.B. NO. 1902

Report Title:

Hawaii Public Procurement Code; Competitive Sealed Proposals;
Disclosure of Competing Proposals

Description:

Prohibits a procurement officer from disclosing a competing offeror's proposal or evaluation score, except the summary of scores, to a non-selected offeror until after any 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.

