
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. However, disclosing point-by-point
9 comparisons of the debriefed proposal against those of other
10 offerors, or the competing offerors' scores, pricing strategies,
11 or methodology during debriefings could compromise
12 confidentiality, undermine fair competition, and erode any
13 competitive advantage of offerors.

14 Accordingly, the purpose of this Act is to ensure
15 evaluations and contract awards are conducted with the highest
16 degree of fairness and trust, by establishing clear guidance and
17 standards on the information that may be disclosed to



1 non-selected offerors and the appropriate timing of such
2 disclosures for competitive sealed proposals under the Hawaii
3 Public Procurement Code.

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

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



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. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2525.



S.B. NO. 2927
S.D. 1

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. Effective 1/1/2525.
(SD1)

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