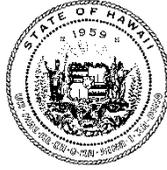


JOSH B. GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



BONNIE KAHAKUI
ADMINISTRATOR

DAYNA OMIYA
ASSISTANT ADMINISTRATOR

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

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Honolulu, Hawaii 96810-0119
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<http://spo.hawaii.gov>

TESTIMONY
OF
BONNIE KAHAKUI, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
GOVERNMENT OPERATIONS
FEBRUARY 5, 2026, 3:01 PM

SENATE BILL 2927
RELATING TO PROCUREMENT

Chair McKelvey, Vice Chair Gabbard, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 2927. The State Procurement Office (SPO) is in strong support of Senate Bill 2927, which enhances fairness, integrity, and trust in Hawaii's procurement system by establishing clear guidance when procurement information may be disclosed to non-selected offerors in competitive sealed proposal processes.

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.

Senate Bill 2927 prohibits procurement officers from disclosing a competing offeror's proposal contents or individual evaluation scores beyond a summary of scores to any non-selected offeror after protests are resolved and the contract is executed.

The bill protects the integrity and fairness of the procurement process as well as proprietary and sensitive information contained in competitive sealed proposals.

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

DEPARTMENT OF BUDGET AND FISCAL SERVICES
KA 'OIHANA MĀLAMA MO'OHĒLU A KĀLĀ
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813
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DIRECTOR
PO'O

CARRIE CASTLE
DEPUTY DIRECTOR
HOPE PO'O

February 4, 2026

The Honorable Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Government Operations
State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair McKelvey and Vice-Chair Gabbard and Committee Members:

SUBJECT: Opposition on Senate Bill 2927, Relating to Procurement
Hearing: February 5, 2026, 3:01 p.m., Conference Room 225 and
via Videoconference

The Department of Budget and Fiscal Services, City and County of Honolulu
("City"), **strongly opposes** Senate Bill ("SB") 2927, Relating to Procurement.

The City agrees that a Request for Proposal ("RFP") debriefing is not meant to discuss an offeror's proposal or the details of an offeror's score with any competing offeror. However, withholding any information after award complicates the rights and remedies afforded to aggrieved offerors if a contract is improperly awarded. See *Hawaii Revised Statutes ("HRS") 103D-701 Authority to resolve protested solicitations and awards*.

Therefore, the City cannot support the draft bill when information should be disclosed. A non-selected offeror should be allowed to request all documents in the procurement file upon award, but they should not be allowed to discuss any other offeror's scoring and/or proposal in the RFP debriefing except their own.

For the reason stated above, the City strongly **opposes** SB 2927.

The Honorable Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Government Operations
February 4, 2026
Page 2

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact the Department of Budget & Fiscal Services' Division of Purchasing at (808) 768-5535 or bfspurchasing@honolulu.gov.

Sincerely,


Andrew T. Kawano
Director



February 5, 2026

TO: HONORABLE ANGUS MCKELVEY, CHAIR, HONORABLE MIKE GABBARD, VICE CHAIR, COMMITTEE ON GOVERNMENT OPERATIONS.

SUBJECT: **COMMENTS ON S.B. 2927, RELATING TO PROCUREMENT.** 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.

HEARING

DATE: Thursday, February 5, 2026
TIME: 3:01 p.m.
PLACE: Capitol Room 225

Dear Chair McKelvey, Vice Chair Gabbard and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

GCA Comments on S.B. 2927, which 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 current law and Procurement Policy Board implementing rules already prohibit the sharing of proprietary information designated by an offeror as confidential trade secrets or other proprietary data. HAR Title 3, Subtitle 11, Chapter 122, Subchapter 6, §3-122-58(a). Challenges to an offeror's confidentiality designations are available pursuant to subsequent subsections §3-122-58(b), (c) & (d). The debriefing process with protest deadlines is detailed in subsections §3-122-60. GCA suggests that the State Procurement Office send out a memo to the agencies reminding them not to share competing offeror's proposals designated confidential trade secrets or proprietary information pursuant to 3-122-58 (applicable to Competitive Sealed Proposals) as made applicable to Multi-Step Competitive Sealed Bidding pursuant to subsection §3-122-61.07.

This measure will hamper competing offerors from challenging unfair treatment of competing offerors if the bidder is unable to analyze how other bids were scored until after the protest deadline has passed.