

Honolulu, Hawaii

March 19, 2008

RE: S.B. No. 2827
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Economic Development & Business Concerns,
to which was referred S.B. No. 2827, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS,"

begs leave to report as follows:

The purpose of this bill is to give offerors more timely
access to the information required to determine if there is a need
to file a protest of an award by:

- (1) Requiring that the purchasing agency give non-selected offerors written notification of their non-selection not later than the day prior to posting of the award; and
- (2) Specifying that information posted must include, where applicable:
 - (A) The names of offerors soliciting the award;
 - (B) The evaluation scores of the acceptable and potentially acceptable proposal, and the names of priority-listed offerors and their scores if a best and final offer was requested;
 - (C) The name of the successful offeror and dollar amount of the award; and



- (D) The basis for making the award to the successful offeror.

The Department of Accounting and General Services and the State Procurement Office submitted testimony supporting the intent of this measure.

Your Committee finds that giving non-selected bidders information they need to protest an award will greatly assist in making the procurement process transparent and fair. However, your Committee also has concerns about the requirement that notification of non-selection be sent one day prior to posting of awards. Your Committee also feels that the current five-day period within which non-selected offerors must file a protest is inadequate.

Your Committee has amended this measure by:

- (1) Requiring that written notification be sent to non-selected bidders not later than the day the award is posted;
- (2) Increasing the period in which a non-selected bidder may file a protest from five to seven days; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2827, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2827, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Business
Concerns,



KYLE T. YAMASHITA, Chair



