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BONNIE KAHAKUI
ACTING ADMINISTRATOR

STATE OF HAWAII
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TESTIMONY
OF
BONNIE KAHAKUI, ACTING ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
JUDICIARY
March 1, 2022, 9:30 A.M.

SENATE BILL 3373 SD 1
RELATING TO THE PROCUREMENT CODE

Chair Rhoads, Vice Chair Keohokalole, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 3373 SD 1. The State Procurement Office (SPO) supports the intent of the bill to clarify the language regarding requirements for submitting protests.

The SPO suggest revisions to include **§103D-304**, Hawaii Revised Statutes, which may have been inadvertently left out.

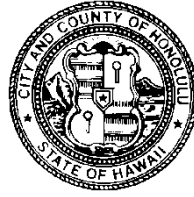
Recommend that Section 1, page 1, lines 10 -13, of the bill reads as follows:

A protest of an award [~~or proposed award~~] shall [~~in any event~~] be submitted in writing within five working days after the posting of award of the contract under section 103D-302, or 103D-303, **or 103D-304**, if no request for debriefing has been made, as applicable [~~; provided further that no~~].”

Thank you.

(bill no)
(committee name)
(date of hearing)
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RICK BLANGIARDI
MAYOR



ANDREW T. KAWANO
DIRECTOR

CARRIE CASTLE
DEPUTY DIRECTOR

TESTIMONY OF ANDREW T. KAWANO
DIRECTOR OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
BEFORE THE SENATE COMMITTEE ON JUDICIARY
March 1, 2022, 9:30 AM, Videoconference

TO: The Honorable Karl Rhoads, Chair
and Members of the Senate Committee on Judiciary

RE: OPPOSITION OF SENATE BILL 3373, SD1, RELATING TO PUBLIC
PROCUREMENT

The Department of Budget and Fiscal Services, City and County of Honolulu (City), **opposes** Senate Bill (SB) 3373, SD1, Relating to Public Procurement.

By removing the provision that a protest be submitted within five working days after the aggrieved person knows or should have known of the facts giving rise thereto, it no longer holds the prospective offerors responsible to submit a timely protest and could lead to unnecessary delays and costs associated with the procurement.

The City offers the following proposed revisions:

"(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the chief procurement officer or a designee as specified in the solicitation. [~~Except as provided in sections 103D-303 and 103D-304, a protest shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts giving rise thereto; provided that a~~] A protest of an award [or proposed award] shall [in any event] be submitted in writing within five working days after the posting of award of the contract under section 103D-302, ~~or~~ 103D-303, **or 103D-304** if no request for debriefing has been made, as applicable[; ~~provided further that no~~]. A protest based upon the content of the solicitation shall be [~~considered unless it is~~] submitted in writing **within five working days after the aggrieved person should have known of the facts giving rise thereto, and no later than prior to** the date set for the receipt of offers."

For the reasons stated above, the City respectfully opposes Senate Bill 3373, SD1.

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.