

JAN 18 2023

A BILL FOR AN ACT

RELATING TO COMPETITIVE SEALED PROPOSALS.

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

1 SECTION 1. Section 103D-303, Hawaii Revised Statutes, is
2 amended by amending subsections (f) and (g) to read as follows:
3 "(f) Discussions may be conducted with responsible
4 offerors who submit proposals determined to be reasonably likely
5 to be selected for a contract award for the purpose of
6 clarification to assure full understanding of, and
7 responsiveness to, the solicitation requirements. Offerors
8 shall be accorded fair and equal treatment with respect to any
9 opportunity for discussion and revision of proposals, and
10 revisions may be permitted after submissions and prior to award
11 for the purpose of obtaining best offers or best and final
12 offers. In conducting discussions, there shall be no disclosure
13 of any information derived from proposals submitted by competing
14 offerors.


15 (g) Award shall be made to the responsible offeror whose
16 proposal is determined in writing to be the most advantageous,
17 taking into consideration price and the evaluation factors set



1 forth in the request for proposals. No other factors or
2 criteria shall be used in the evaluation. The contract file
3 shall contain the basis on which the award is made. For
4 purposes of evaluation, when set forth in the request for
5 proposals, the purchasing agency may use the following methods
6 to select an offeror:

- 7 (1) An award or awards based solely on the ranking of
8 proposals;
- 9 (2) Discussions leading to best and final offers;
- 10 (3) Serial negotiations, beginning with the highest ranked
11 proposal;
- 12 (4) Competitive simultaneous negotiations; or
- 13 (5) A combination of the methods prescribed by this
14 subsection."

15 SECTION 2. New statutory material is underscored.
16 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

Report Title:

Procurement; Competitive Sealed Proposals

Description:

Allows offerors to revise their proposals after the submission deadline and prior to award so that the purchasing agency may obtain a best offer, not only a best and final offer. Allows a purchasing agency to conduct alternative negotiation methods to award a contract solicited through competitive sealed proposals. Removes the requirements to (1) award a contract solicited through competitive sealed proposals based solely on price and evaluation factors and (2) file the basis on which the award of a contract solicited through competitive sealed proposals was made.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

