



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

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TESTIMONY
OF
BONNIE KAHAKUI, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
WAYS AND MEANS

APRIL 4, 2025; 10:46 AM

HOUSE BILL 988, HD1, SD1
RELATING TO PROCUREMENT

Chair Dela Cruz, Vice Chair Moriwaki, and members of the committee, thank you for the opportunity to submit testimony on House Bill 988, HD1, SD1. The State Procurement Office (SPO) strongly supports this bill as it provides clear guidance to purchasing agencies what shall not be disclosed at a debriefing.

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.

In order to protect the integrity and fairness of the procurement process, non-disclosure up to the point of contract execution would allow any protest decision by the State Department of Commerce and Consumer Affairs' Office of Administrative Hearings (OAH) to move forward. For example, if the OAH requires the agency to re-evaluate the proposals, and if the proposals were already disclosed at a debriefing, the proposals are no longer "sealed proposals" and the procurement would be compromised.

The SPO respectfully ask that the effective date in Section 4, page 2, line 3, revert to the language, "This Act shall take effect upon its approval."

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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April 4, 2025
10:46 a.m.
State Capitol
Conference Room 211 & Videoconference

H.B. 988, H.D. 1, S.D.1
RELATING TO PROCUREMENT

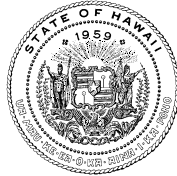
The Senate Committee on Government Operations

The Department of Transportation (DOT) **supports** the bill that prohibits a procurement officer from disclosing a competing offeror's proposal or evaluation score, except the summary of scores, during a debriefing requested by a non-selected offeror; and authorizes the disclosure of a competing offeror's proposal or evaluation score after any protest is resolved and the contract is executed.

Public disclosure of competing proposals — involving proprietary and other confidential information, such as trade secrets and confidential commercial and financial data — prior to final contract execution could foreseeably give an unfair competitive advantage to other proposers in the event discussions were to break down. Concern over this risk could cause proposers to offer up deliberately vague plans or decline to submit proposals altogether. The likely result would be fewer submissions and an increase in the cost of government procurements.

Thank you for the opportunity to provide testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

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KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ
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WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
COMMITTEE ON WAYS AND MEANS

APRIL 4, 2025, 10:46 A.M.
CONFERENCE ROOM 211 AND VIA VIDEOCONFERENCE, STATE CAPITOL

H.B. 988, H.D. 1, S.D. 1

RELATING TO PROCUREMENT

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee, thank you for the opportunity to submit testimony on this measure.

The Department of Accounting and General Services (DAGS) strongly **supports** H.B. 988, H.D. 1, S.D. 1 which prohibits a procurement officer from disclosing a competing offeror's proposal or evaluation score, except the summary of scores, during a debriefing requested by a non-selected offeror and authorizes the disclosure of a competing proposal or evaluation score after a protest is resolved and the contract is executed.

H.B. 988, H.D. 1, S.D. 1 is a DAGS administrative measure which provides clear guidance to purchasing agencies on what shall not be disclosed at a debriefing. DAGS

H.B. 988, H.D. 1, S.D. 1

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humbly requests that the current effective date language be replaced with “This act shall take effect upon its approval”.

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