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TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
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TO THE
HOUSE COMMITTEE
ON
ECONOMIC REVITALIZATION, BUSINESS & MILITARY AFFAIRS

February 4, 2010

8:00 a.m.

HB 2057

RELATING TO PROCUREMENT.

Chair McKelvey, Vice Chair Choy, and committee members, thank you for the opportunity to testify on HB 2057.

This bill would require purchasing agencies conducting procurement for a construction or design-build project with a total estimated contract value of \$500,000 to hold a pre-bid conference ten working days prior to submission of bids utilizing the competitive sealed bids method of procurement. For construction or design-build projects with a total estimated contract value of \$100,000 or more utilizing the competitive sealed proposals, purchasing agencies will also be required to hold a pre-proposal conference ten working days prior to receipt of proposals.

This bill also would not allow a protest of an award by a party that did not participate in a pre-bid conference.

The State Procurement Office does not support the requirement of a party to attend a pre-bid or pre-proposal conference to afford them the opportunity to protest an award. The purpose of the pre-bid or pre-proposal conference is to allow opportunity to provide further clarification, allow potential offerors to ask questions and to provide feedback on the content of the procurement document. However, it is the responsibility of the offeror to understand what is required by the procurement whether or not they attended a pre-bid or pre-proposal conference and they should not have to relinquish their option to file a protest.

Thank you.