

## **Procurement Appeals and Oversight:**

### ***Procurement Protest Appeals***

#### **Appeal to State Procurement Policy Board—**

A party to a protest may appeal the protest decision to the Procurement Policy Board by filing a written notice of appeal with the chair of the Procurement Policy Board including the person's address of record and email address of record and by complying with the security requirement discussed below.

The appeal must be filed either:

1. within seven days after the written decision on the protest is personally served on the party or the party's representative or emailed or mailed to the address or email address of record provided by the party, or
2. within 30 days of a written request for a final written decision (or any longer period which the parties agreed to), if a final written decision has not been issued in that time period.

No appeal of a protest decision may be filed unless a decision has been issued or the 30-day period (or longer agreed-upon period) has expired without issuance of a written decision.

*Utah Code § 63G-6a-1702(2), (3) (2013)*

#### **Appeal Security—**

Subject to waiver rules which may be made by the Procurement Policy Board, a person who files an appeal from a protest decision must pay a security deposit or post a bond with the protest officer an amount which is the greater of:

1. \$1,000 for the appeal of a debarment or suspension or for any type of procurement;
2. for an invitation for bids, 5% of:
  - a. the lowest bid amount, if the bid opening has occurred; or
  - b. the estimated contract cost, determined according to Procurement Policy Board rule, if the bid opening has not yet occurred;
3. for a request for proposals, 5% of:
  - a. the lowest cost proposed in a response to a request for proposals, if the opening of proposals has occurred; or
  - b. the estimated contract cost, determined according to Procurement Policy Board rule, if the opening of proposals has not occurred; or

4. for a type of procurement other than an invitation for bids or a request for proposals, the amount established by Procurement Policy Board rule.

*Utah Code § 63G-6a-1703(1), (2) (2013)*

#### **Appeal Limited to Grounds Stated in Protest Document—**

A person who files an appeal of a protest decision is limited to appealing on the grounds specified in the protest filing.

*Utah Code § 63G-6a-1902 (2013)*

#### **Appeal to Utah Court of Appeals—**

Either the District or a person who receives an adverse decision from a procurement appeals panel may appeal the decision to the Utah Court of Appeals within seven days after the decision is issued. However, the District may not appeal the decision of the procurement appeals panel unless the appeal is recommended by the District Protest Officer involved.

*Utah Code § 63G-6a-1802 (2013)*