

Effective 3/29/2014

Superseded 5/12/2015

63G-6a-606 Evaluation of bids -- Award -- Cancellation -- Disqualification.

- (1) A procurement unit that conducts a procurement using a bidding standard procurement process shall evaluate each bid using the objective criteria described in the invitation for bids, which may include:
 - (a) experience;
 - (b) performance ratings;
 - (c) inspection;
 - (d) testing;
 - (e) quality;
 - (f) workmanship;
 - (g) time and manner of delivery;
 - (h) references;
 - (i) financial stability;
 - (j) cost;
 - (k) suitability for a particular purpose; or
 - (l) other objective criteria specified in the invitation for bids.
- (2) Criteria not described in the invitation for bids may not be used to evaluate a bid.
- (3) The conducting procurement unit shall:
 - (a) award the contract as soon as practicable to:
 - (i) the lowest responsive and responsible bidder who meets the objective criteria described in the invitation for bids; or
 - (ii) if, in accordance with Subsection (4), the procurement officer or the head of the conducting procurement unit disqualifies the bidder described in Subsection (3)(a)(i), the next lowest responsive and responsible bidder who meets the objective criteria described in the invitation for bids; or
 - (b) cancel the invitation for bids without awarding a contract.
- (4) In accordance with Subsection (5), the procurement officer or the head of the conducting procurement unit may disqualify a bidder for:
 - (a) a violation of this chapter;
 - (b) a violation of a requirement of the invitation for bids;
 - (c) unlawful or unethical conduct; or
 - (d) a change in circumstance that, had the change been known at the time the bid was submitted, would have caused the bidder to not be the lowest responsive and responsible bidder who meets the objective criteria described in the invitation for bids.
- (5) A procurement officer or head of a conducting procurement unit who disqualifies a bidder under Subsection (4) shall:
 - (a) make a written finding, stating the reasons for disqualification; and
 - (b) provide a copy of the written finding to the disqualified bidder.
- (6) If a conducting procurement unit cancels an invitation for bids without awarding a contract, the conducting procurement unit shall make available for public inspection a written justification for the cancellation.