

**Effective 3/29/2014**

**Superseded 3/28/2016**

**63G-6a-1602 Protest -- Time for filing -- Authority to resolve protest.**

- (1)
  - (a) A protest may be filed with the protest officer by:
    - (i) an actual or prospective bidder or offeror who is aggrieved in connection with a procurement;  
or
    - (ii) a prospective contractor who is aggrieved in connection with an award of a contract.
  - (b)
    - (i) A protest under Subsection (1)(a) relating to an invitation for bids or a request for proposals shall be filed:
      - (A) before the opening of bids or the closing date for proposals; or
      - (B) if the person filing the protest did not know and should not have known of the facts giving rise to the protest before the bid opening or the closing date for proposals, within seven days after the day on which the person knows or should have known of the facts giving rise to the protest.
    - (ii) A protest under Subsection (1)(a) relating to a form of procurement not described in Subsection (1)(b)(i) but involving a deadline established for the submission of a price or response shall be filed:
      - (A) before the deadline for the submission of a price or response; or
      - (B) if the person filing the protest did not know and reasonably should not have known of the facts giving rise to the protest before the deadline for the submission of a price or response, within seven days after the day on which the person knows or reasonably should have known of the facts giving rise to the protest.
    - (iii) A protest under Subsection (1)(a) relating to a form of procurement not described in Subsection (1)(b)(i) or (ii) shall be filed within seven days after the day on which the person filing the protest knows or should have known of the facts giving rise to the protest.
- (2) A person who files a protest under this section shall include in the filing document:
  - (a) the person's address of record and email address of record; and
  - (b) a concise statement of the grounds upon which the protest is made.
- (3) A person described in Subsection (1) who fails to file a protest within the time prescribed in Subsection (1)(b) may not:
  - (a) protest to the protest officer a solicitation or award of a contract; or
  - (b) file an action or appeal challenging a solicitation or award of a contract before an appeals panel, a court, or any other forum.
- (4) Subject to the applicable requirements of Section 63G-10-403, a protest officer or the head of a procurement unit may enter into a settlement agreement to resolve a protest.