

Effective 5/12/2015

63G-6a-1802 Appeal to Utah Court of Appeals.

- (1)
 - (a) As provided in this part:
 - (i) a person may appeal a dismissal of an appeal by the board chair under Subsection 63G-6a-1706(1);
 - (ii) a person who receives an adverse decision by a procurement appeals panel may appeal that decision;
 - (iii) subject to Subsection (2), a procurement unit, other than a legislative procurement unit, a judicial procurement unit, a nonadopting local government procurement unit, or a public transit district, may appeal an adverse decision by a procurement appeals panel;
 - (iv) a person who receives an adverse decision in a protest relating to a legislative procurement unit, a judicial procurement unit, a nonadopting local government procurement unit, or a public transit district may appeal that decision; and
 - (v) a person who is debarred or suspended under Section 63G-6a-904 by a legislative procurement unit, a judicial procurement unit, a nonadopting local government procurement unit, or a public transit district may appeal the debarment or suspension.
 - (b) A person seeking to appeal a dismissal, decision, or debarment or suspension under Subsection (1)(a) shall file a notice of appeal with the Utah Court of Appeals within seven days after the dismissal, decision, or debarment or suspension.
- (2) A procurement unit may not appeal the decision of a procurement appeals panel, unless the appeal is:
 - (a) recommended by the protest officer involved; and
 - (b) except for a procurement unit that is not represented by the attorney general's office, approved by the attorney general.
- (3) A person appealing a dismissal, decision, protest, debarment, or suspension under this section may not base the appeal on a ground not specified in the proceeding from which the appeal is taken.
- (4) The Utah Court of Appeals:
 - (a) shall consider the appeal as an appellate court;
 - (b) may not hear the matter as a trial de novo; and
 - (c) may not overturn a finding, dismissal, decision, or debarment or suspension, unless the finding, dismissal, decision, or debarment or suspension is arbitrary and capricious or clearly erroneous.
- (5) The Utah Court of Appeals is encouraged to:
 - (a) give an appeal made under this section priority; and
 - (b) consider the appeal and render a decision in an expeditious manner.

Amended by Chapter 218, 2015 General Session