

Effective 3/29/2014

63G-6a-1907 Effect of violation found after award of contract.

- (1) If after award of a contract it is determined administratively or upon administrative or judicial review that a procurement or award of a contract is in violation of law:
 - (a)
 - (i) if the person awarded the contract did not act fraudulently or in bad faith:
 - (A) the contract may be ratified and affirmed if it is in the best interests of the procurement unit; or
 - (B) the contract may be terminated; and
 - (ii) the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract before the termination, plus a reasonable profit; or
 - (b) if the person awarded the contract acted fraudulently or in bad faith:
 - (i) the contract may be declared null and void; or
 - (ii) the contract may be ratified and affirmed if it is in the best interests of the procurement unit, without prejudice to the procurement unit's rights to any appropriate damages.
- (2) Under no circumstances is a person entitled to consequential damages in relation to a solicitation or award of a contract under this chapter, including consequential damages for lost profits, loss of business opportunities, or damage to reputation.

Amended by Chapter 196, 2014 General Session