

129—11.12(8B) Issues not for consideration. The following are types of challenges that shall not form the basis of a vendor appeal. Any attempted vendor appeal that fits into one of the following categories shall be dismissed anytime sufficient information is obtained to determine the appeal fits into one of the following categories.

11.12(1) *Contract administration.* Relating to contract administration. The administration of an existing contract is within the discretion of the purchasing entity. Disputes between a vendor and the agency are resolved pursuant to the disputes clause of the contract.

11.12(2) *Subcontract protests.* Appeals of the award or selection, or proposed award or selection, of a subcontractor. Such selection is determined pursuant to the applicable clauses of the contract.

11.12(3) *Protests of orders.* Individual orders, statements of work, or other transactional documents executed under an existing contract, including a master information technology agreement.

11.12(4) *Alternative procurement methods.* A decision to procure information technology through a method other than a competitive selection process, reverse auction process, or prequalification process. Alternative procurement methods that do not properly form the basis of a vendor appeal under this chapter include but are not limited to:

- a. A cooperative procurement agreement pursuant to Iowa Code section 8B.24(5)“a.”
- b. A negotiated contract under any of the circumstances set forth in Iowa Code section 8B.24(5)“b”(1) to (3).
- c. An intergovernmental agreement with a governmental entity that has the resources available to supply the information technology sought.
- d. An emergency procurement.
- e. A sole source procurement.

11.12(5) *Suspensions or debarments.* Suspensions or debarments.

[ARC 4826C, IAB 12/18/19, effective 1/22/20]