FILED MAR 17 1989

LULY State (TOVE: 89(P.1408)

SENATE FILE 482 BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 309)

Passed Senate, Date 331-89(DINC) Passed House, Date 4-13-89 (PLIN) Vote: Ayes 41 Nays 0 Vote: Ayes 93 Nays 1 Approved 4-27-89/P.1719

A BILL FOR

1 An Act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general 2 services, and providing properly related matters. 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 4 5 6 7 8 9 10 SF 482 11 1213 14 15 16 17 18 19 20 21 22 23



TLSB 1252SV 73 jw/sc/14

s.f. <u>482</u> h.f. ____

Section 1. Section 18.7, Code 1989, is amended by striking
the section and inserting in lieu thereof the following:
18.7 APPEAL.

A bidder whose bid is timely filed, and who is aggrieved by 5 the award of the purchasing division of the department, may 6 appeal the decision to the director by filing a written appeal 7 stating the grounds for appeal, and delivering the appeal to 8 the department within five days after receipt of the "notice 9 of intent to award", exclusive of Saturdays, Sundays, and 10 legal holidays. The director shall conduct a hearing and 11 determine the appeal within twenty days after the appeal is 12 filed. The decision of the director is final.

Disputes arising between the department of corrections and a purchasing department or agency over the procurement of products from Iowa state industries as described in section 46 246.808 shall be referred to the director. The decision of 17 the director is final unless a written appeal is filed with 18 the executive council within five days of receipt of the 19 decision of the director, excluding Saturdays, Sundays, and 20 legal holidays. If an appeal is filed, the executive council 21 shall hear and determine the appeal within thirty days. The 22 decision of the executive council is final.

23

EXPLANATION

This bill changes the appeal process for bidders to the department of general services. Present language provides for the bidder to appeal decisions first to the director of general services and next to the executive council. The achange would make the director's decision final and any appeals would go to district court.

30 Appeal to the executive council is retained for disputes 35 between a state agency and the department of corrections over 32 producement of products from Jowa state industries.

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SSB 309 STATE GOVERNMENT

SENATE FILE <u>4</u> BY (PROPOSED DEPARTMENT OF GENERAL SERVICES BILL)

jw/sc/14

Passed	Senate,	Date	Passed	House,	Date	
Vote:	Ayes	Nays	Vote:	Ayes	Nays	
	Ap	proved			-	

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S.F. _____H.F. _____

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Disputes arising between the department of corrections and a purchasing department or agency over the procurement of products from Iowa state industries as described in section 246.808 shall be referred to the director. The decision of the director is final unless a written appeal is filed with the executive council within five days of receipt of the decision of the director, excluding Saturdays, Sundays, and legal holidays. If an appeal is filed, the executive council shall hear and determine the appeal within thirty days. The decision of the executive council is final.

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EXPLANATION

This bill changes the appeal process for bidders to the department of general services. Present language provides for the bidder to appeal decisions first to the director of general services and next to the executive council. The Range would make the director's decision final and any appeals would go to district court.

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33 BACKGROUND STATEMENT

34 SUBMITTED BY THE AGENCY

35 The department of general services has the responsibility

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S.F. _____ H.F. _____

1 of purchasing materials for state agencies with the exception 2 of department of transportation, board of regents, blind 3 commission, and the lottery. The present law allows vendors 4 to appeal the director's decision to the executive council 5 while the other purchasing agencies do not have that same 6 requirement.

7 The change proposed would make the director of general 8 services decision final and any appeals would go to district 9 court. This should reduce the number of appeals by vendors as 10 at the present time there is no cost to the vendor to pursue 11 an appeal to the executive council. The current practice 12 actually encourages vendors to appeal, thereby delaying the 13 ability of the purchasing division to respond to the needs of 14 agencies. Lack of a timely response to those agencies has a 15 direct impact upon their ability to serve the public. 16 The executive council concurs with the change in the

17 present law to this requested language.

18 The second paragraph allows the department of corrections 19 to appeal purchasing decisions by state agencies when not 20 buying from Iowa state industries to the executive council. 21 This language is in agreement with the department of 22 corrections and the department of management.

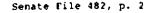
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SENATE FILE 482

AN ACT

RELATING TO THE APPEAL PROCESS FOR BIDDERS AGGRIEVED BY AWARDS OF THE PURCHASING DIVISION OF THE DEPARTMENT OF GENERAL SERVICES, AND PROVIDING PROPERLY RELATED MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 18.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following: 18.7 APPEAL.

A bidder whose bid is timely filed, and who is aggrieved by the award of the purchasing division of the department, may appeal the decision to the director by filing a written appeal stating the grounds for appeal, and delivering the appeal to the department within five days after receipt of the "notice of intent to award", exclusive of Saturdays, Sundays, and legal holidays. The director shall conduct a hearing and determine the appeal within twenty days after the appeal is filed. The decision of the director is final.

Disputes arising between the department of corrections and a purchasing department or agency over the procurement of products from Iowa state industries as described in section 246.808 shall be referred to the director. The decision of the director is final unless a written appeal is filed with the executive council within five days of receipt of the decision of the director, excluding Saturdays, Sundays, and legal holidays. If an appeal is filed, the executive council JO ANN ZIMMERMAN President of the Senate

DONALD D. AVENSON Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 482, Seventy-third General Assembly.

SF 482

Approved april 27, 1989

Secretary of the Senate 89

JOHN F. DWYER

TERRY E. BRANSTAD Governor