

Iowa State Govt.
DO PASS 4-6-89 (p. 1408)

FILED MAR 17 1989

SENATE FILE 482
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 309)

Passed Senate, Date 3-31-89 (p. 1106) Passed House, Date 4-13-89 (p. 1571)
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
2 awards of the purchasing division of the department of general
3 services, and providing properly related matters.

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

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SF 482

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

3 18.7 APPEAL.

4 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.

13 Disputes arising between the department of corrections and
14 a purchasing department or agency over the procurement of
15 products from Iowa state industries as described in section
16 246.808 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

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

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

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DIGLEMAN, CH.
DRAKE
FRANCO

SSB 309
STATE GOVERNMENT

SENATE FILE 422
BY (PROPOSED DEPARTMENT OF
GENERAL SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the appeal process for bidders aggrieved by
2 awards of the purchasing division of the department of general
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9 of intent to award", exclusive of Saturdays, Sundays, and
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31 between a state agency and the department of corrections over
32 procurement of products from Iowa state industries.

33 BACKGROUND STATEMENT

34 SUBMITTED BY THE AGENCY

35 The department of general services has the responsibility

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.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1989

TERRY E. BRANSTAD
Governor