

Effective 3/29/2014

Superseded 3/28/2016

63G-6a-709 Award of contract -- Cancellation -- Disqualification.

- (1) After the completion of the evaluation and scoring of proposals and the justification statement, including any required cost-benefit analysis, the evaluation committee shall submit the proposals, evaluation scores, and justification statement to the head of the procurement unit or designee for review and final determination of a contract award.
- (2) After reviewing the proposals, evaluation scores, and justification statement, including any required cost-benefit analysis, the head of the issuing procurement unit or designee shall:
 - (a) award the contract as soon as practicable to:
 - (i) the responsive and responsible offeror with the highest total score; or
 - (ii) if, in accordance with Subsection (3), the procurement officer or the head of the issuing procurement unit disqualifies the offeror described in Subsection (2)(a)(i), the responsive and responsible offeror with the next highest total score; or
 - (b) cancel the request for proposals without awarding a contract.
- (3) In accordance with Subsection (4), the procurement officer or the head of the issuing procurement unit may disqualify an offeror for:
 - (a) a violation of this chapter;
 - (b) not being responsive or responsible;
 - (c) a violation of a requirement of the request for proposals;
 - (d) unlawful or unethical conduct; or
 - (e) a change in circumstance that, had the change been known at the time the proposal was submitted, would have caused the proposal to not have the highest score.
- (4) A procurement officer or head of an issuing procurement unit who disqualifies an offeror under Subsection (3) shall:
 - (a) make a written finding, stating the reasons for disqualification; and
 - (b) provide a copy of the written finding to the disqualified offeror.
- (5) If an issuing procurement unit cancels a request for proposals without awarding a contract, the issuing procurement unit shall make available for public inspection a written justification for the cancellation.