

**R33. Government Operations, Purchasing and General Services.**

**R33-19. General Provisions Related to Protest or Appeal.**

**R33-19-101. Encouraged to Obtain Legal Advice From Legal Counsel.**

(1) All definitions in Title 63G, Chapter 6a, Utah Procurement Code, shall apply to this rule unless otherwise specified in this rule. This rule provides additional requirements and procedures and must be used in conjunction with Title 63G, Chapter 6a.

(2) Title 63G, Chapter 6a, Part 19 contains provisions regarding:

(a) limitations on challenges of:

(i) a procurement;

(ii) a procurement process;

(iii) the award of a contract relating to a procurement;

(iv) a debarment; or

(v) a suspension;

(b) the effect of a timely protest or appeal;

(c) the costs to or against a protester;

(d) the effect of prior determinations by employees, agents, or other persons appointed by the procurement unit;

(e) the effect of a violation found after award of a contract;

(f) the effect of a violation found prior to the award of a contract;

(g) interest rates; and

(h) a listing of determinations that are final and conclusive unless they are arbitrary and capricious or clearly erroneous.

(3) Due to the complex nature of protests and appeals, any person involved in the procurement process, protest or appeal, is encouraged to seek advice from the person's own legal counsel.

(4) The procurement unit will not assist in writing or provide statutory interpretation to the vendor in the filing of a protest or appeal.

**KEY: appeals, protests, general provisions, procurement code**

**Date of Enactment or Last Substantive Amendment: January 22, 2021**

**Notice of Continuation: July 8, 2019**

**Authorizing, and Implemented or Interpreted Law: 63G-6a**