

State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

		Number PRO-I-13
		Effective 3-1-12
Section CONTRACTING FOR SERVICES	Agencies Affected ALL	Replaces 5-6-99
Title APPEALS PROCESS—CONTRACTUAL SERVICES		Page 1 of 2

AUTHORITY: [Wis. Stats. 16.705\(2\)](#)
[Wis. Adm. Code Chapter Adm 10.15](#)

SCOPE: - to define the appeals process
- to establish the roles and responsibilities of the procuring agency and the Department of Administration in the appeals process

DEFINITION: The "appeals process" is a procedure used to resolve protests about a solicitation and the intent to award a contract for services only.

CONTENT: I. The protestor, procuring agency, and the Department of Administration have specific roles and responsibilities related to the appeals process. Appeals will not be received for transactions \$50,000 or less. Also, subjective judgment of evaluators is not appealable.

II. Protests concerning a solicitation

A. A bidder, proposer, or labor organization who is aggrieved in connection with a solicitation may protest to the procuring agency. Protestors should make their protests as specific as possible and should identify statutes and Wisconsin Administrative Code provisions that are alleged to have been violated. A notice of intent to protest will be submitted in writing to the head of the procuring agency, or designee (to avoid the appearance of a conflict of interest, the designee must be a non-purchasing staff member), within five (5) working days after issuance of the solicitation. The protest will be submitted in writing to the head of the procuring agency, or designee, within ten (10) working days after issuance of the solicitation.

III. Protests concerning the intent to award a contract

A. A bidder or proposer who is aggrieved by the intent to award a contract may protest to the procuring agency. Protestors should make their protests as specific as possible and should identify statutes and Wisconsin Administrative Code provisions that are alleged to have been violated. A notice of intent to protest will be submitted in writing to the head of the procuring agency, or designee (to avoid the appearance of a conflict of interest, the designee must be a non-purchasing staff member), within five (5) working days after issuance of the notice of intent to award a contract. The protest will be submitted in writing to the head of the procuring agency, or designee, within ten (10) working days after issuance of the notice of intent to award a contract.

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IV. Procuring agency

- A. The head of the procuring agency, or designee, has the authority to settle and resolve a protest concerning the solicitation or the intent to award a contract.
- B. If the protest is not resolved by mutual agreement, the head of the procuring agency, or designee, will issue a decision in writing to the protestor and to the Secretary of the Department of Administration.
- C. If the head of the procuring agency delegates his/her authority related to handling protests, the designee must be appointed in writing by the head of the procuring agency.

V. Department of Administration

- A. The protestor may appeal the decision of the procuring agency to the Secretary of the Department of Administration within five (5) working days of issuance of the decision, with a copy of such appeal filed with the procuring agency, if the protestor alleges a violation of a statute or a provision of a Wisconsin Administrative Code. The agency will be notified immediately if an appeal is received. The Secretary will take necessary action to settle and resolve the appeal and will promptly issue a decision in writing to the individual appealing and the procuring agency.

- VI. When a timely notice of either an intent to protest, a protest, or an appeal is received, the state will not proceed further with the solicitation or with the award of the contract until a decision is rendered in response to the protest or appeal, or unless the Secretary of the Department of Administration, after consultation with the head of the procuring agency, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the state.

- VII. In all transactions for services over \$50,000, the procuring agency will include the appeals language found in [PRO-C-5](#), Bidding Policy and Procedure, Official Sealed Bid, or [PRO-C-12](#), Competitive Negotiation (Request for Proposal).

Authorized:



Rick S. Hughes, Director
State Bureau of Procurement