



**Fiscal Estimate Narratives**  
**DOA 4/4/2013**

LRB Number <b>13-1726/1</b>	Introduction Number <b>AB-0093</b>	Estimate Type <b>Original</b>
<b>Description</b> Appeal or protest of a service contract award		

**Assumptions Used in Arriving at Fiscal Estimate**

Assembly Bill (SB) 93, if enacted, would require that if the Department or its agent receives a timely notice of intent to protest or appeal a decision or a timely protest or appeal to a procurement of contractual services then the Department or its agent may not proceed with contractual services until a decision is made on the protest or appeal. The prohibition would not apply if the Secretary of DOA provides a written determination that proceeding is necessary to protect public health or safety.

The State Procurement Manual, under PRO-I-13, currently provides that "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." This provision has rarely been used.

While enactment of the bill could result in a delay in implementation of contractual services contracts for which a protest or appeal is filed, the additional restrictions to the Secretary's authority are not likely to have a substantial impact on current operations.

**Long-Range Fiscal Implications**

None.