

DEPARTMENT OF ADMINISTRATION

8-9

Adm 10

Adm 10.12 Contract administration. Every contract for services shall have a specific person designated as the contract administrator. Responsibilities of the contract administrator are as follows:

(1) **COMPLIANCE.** To determine whether the contractor is in compliance with the terms and conditions of the contract before any scheduled payment is made;

(2) **ACTION.** To take action in the event of any nondelivery or other breach of contract; and

(3) **EVALUATION.** To file with the department, within 60 days of fulfillment of the contract, an evaluation of the contractor's performance.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Adm 10.13 Delegation of authority. (1) **DEGREE OF DELEGATION.** The degree of authority delegated to designated agents pursuant to s. 16.71, Stats., shall be at the discretion of the department. The delegation shall be in writing.

(2) **DELEGATION REVIEW.** Delegation of its purchasing power under s. 16.71, Stats., does not absolve the department from its responsibilities under subch. IV of ch. 16, Stats. The department shall periodically review the exercise of delegated authority by agencies and may withdraw delegation at any time for cause.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Adm 10.14 Performance of contractors. The department shall review evaluations of contractor performance submitted by agencies pursuant to s. 16.705 (6), Stats. The department shall investigate each negative report and develop a list of contractors determined to have performed in an unsatisfactory manner. A contractor placed on this list shall be excluded from participating in state contracts for a period specified by the department not to exceed 2 years. A contractor who is placed on this list may request a hearing under s. 227.064, Stats.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Adm 10.15 Appeals. (1) **RIGHT TO PROTEST.** Any bidder or proposer or labor organization or organizations representing the appropriate certified state collective bargaining unit or units who is aggrieved in connection with the solicitation may protest to the procuring agency. The protest shall be submitted in writing to the head of the procuring agency within 5 days after receipt of the solicitation. Any bidder or proposer who is aggrieved by the intent to award a contract may protest to the procuring agency. The protest shall be submitted in writing to the head of the procuring agency within 5 days after issuance of the letter of intent to award a contract.

(2) **AUTHORITY TO RESOLVE PROTESTS.** The head of the procuring agency, or designee, shall have the authority to settle and resolve a protest of an aggrieved bidder or proposer concerning the solicitation or intent to award a contract.

(3) **DECISION.** If the protest is not resolved by mutual agreement, the head of the procuring agency, or designee, shall promptly issue a decision in writing.

Adm 10

(4) **NOTICE OF DECISION.** A copy of the decision shall be mailed or otherwise furnished to the protestor.

(5) **APPEAL.** The protestor may appeal the decision of the procuring agency, provided the protestor alleges a violation of a statute or a provision of this chapter, to the secretary within 7 days of receipt of the decision. The secretary, or designee, shall take necessary action to settle and resolve the protest and shall promptly issue a decision in writing which shall be mailed or otherwise furnished to the protestor.

(6) **STATE OF PROCUREMENTS DURING PROTESTS.** In the event of a timely protest under sub. (1), the state shall not proceed further with the solicitation or with the award of the contract unless the secretary, after consultation with the head of the contracting agency, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the state.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Adm 10.16 Exceptions. This chapter does not apply to procurements of services of other items that are not contractual services or to any contracts under ss. 16.75 (2) (b), 16.87 or 84.01 (13) or ch. 35, Stats.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Next page is numbered 10-1