

Subject: Appeal of Protest Decision on RFP SJN 0803

From: Leslie Ranniger <lranniger@frii.com>

Date: Fri, 30 May 2008 15:22:55 -0600

To: Rico.Munn@dora.state.co.us

CC: "Baca, Tammy" <Tammy.Baca@dora.state.co.us>

Mr. Munn:

Per C.R.S., 24-109-107(2), a protest decision "shall be final and conclusive unless the protestor, prospective contractor, or contractor appeals the decision to the executive director." It is my client's intention to appeal your decision. However, as you are the executive director, and have already decided on the protest, it's unclear to whom the appeal should be addressed. C.R.S. 24-109-109 states that "[t]he executive director is authorized to designate another person to exercise his or her powers. . ." C.R.S. 24-109-202 states: "The executive director shall adopt rules of procedure which, to the fullest extent possible, provide for the expeditious resolution of appeals of controversies." Per C.R.S. 24-109-107(1), your decision was required to "give notice to the protestor, prospective contractor, or contractor of his or her right to administrative and judicial reviews as provided for in this article." It didn't.

Please forward notice of any rules of procedure which you may have adopted which govern our appeal, and also give us notice of anyone you may have designated to exercise your powers in determining the appeal. If your decision on the protest also constitutes the decision on the appeal, please affirm that fact. If there is anything else that we must do in order to exhaust our administrative remedies before proceeding to the district court, you will need to let us know, since your protest decision was lacking in that regard.

Regards,

Leslie Ranniger
Counsel for the Colorado Nurse Health Program