

2 CA ADC § 1195

2 CCR § 1195

Cal. Admin. Code tit. 2, § 1195

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 1.5. CONTRACT PROTEST PROCEDURES; PROTEST PROCEDURES  
FOR  
CONSULTING AND SERVICES CONTRACTS  
This database is current through 2/29/08, Register 2008, No. 9  
§ 1195. Definitions.

As used in this article:

- (a) "Department" shall mean the Department of General Services.
- (b) An "interested party" shall be defined as one of the following:
  - (1) The State agency which proposed the protested award;
  - (2) A protestant claiming to be the lowest responsible bidder meeting specifications, or, in any other instance, where the protestant claiming that the protestant would have been the awardee if the prescribed procedure for making the award had been followed.
  - (3) The proposed contract awardee.
- (c) "Protestant" shall be an interested party who files a protest.
- (d) "Detailed Statement of Protest" shall mean the written document filed with the department by the protestant within five days of the notice of protest. It shall contain all of the grounds upon which the protestant bases the protest.
- (e) "Good Cause" shall be defined only as one of the following events or conditions:
  - (1) Death of a party, representative or attorney of a party, or witness to an essential fact, or the parent, child or member of the household of such person, when it is not feasible to substitute another representative, attorney or witness because of the proximity of the hearing date.

(2) Incapacitating illness of a party, representative or attorney of a party, or witness to an essential fact when it is not feasible to substitute another representative, attorney or witness because of the proximity of the hearing date.

(3) Lack of notice of hearing as provided in Section 1194.2.

(4) Stipulation for continuance signed by the protestant and awarding agency which is timely communicated with request for continuance to the Department of General Services.

(5) Substitution of the representative or attorney of a party upon showing that the substitution is required.

(6) Unavailability.

(A) Unavailability of a party, representative, attorney or witness to an essential fact on account of conflicting and required appearance in a judicial matter if:

1. When the hearing date was set, the person did not know and could neither anticipate nor at any time avoid the conflict.

2. The conflict with request for continuance is immediately communicated to the Department of General Services.

(B) The unavailability of a party, representative or attorney or material witness due to an unavoidable emergency.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10376, 10378, 10343 and 10345, Public Contract Code.  
Reference: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

#### HISTORY

1. New Subchapter 1.5 (Sections 1195-1195.6, not consecutive) filed 4-19-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 16).

2 CCR § 1195, 2 CA ADC § 1195  
1CAC

2 CA ADC § 1195

END OF DOCUMENT

(C) 2008 Thomson/West. No Claim to Orig. US Gov. Works.

2 CA ADC § 1195.2

2 CCR § 1195.2

Cal. Admin. Code tit. 2, § 1195.2

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 1.5. CONTRACT PROTEST PROCEDURES; PROTEST PROCEDURES  
FOR  
CONSULTING AND SERVICES CONTRACTS

This database is current through 2/29/08, Register 2008, No. 9  
§ 1195.2. Disposition Procedures.

Following receipt of a protest filed as prescribed by these regulations, the department shall determine whether the protest is to be resolved by written submission of material or by public hearing. In the event a public hearing is to be held, the department shall set a date, time and place for the hearing and shall so notify all interested parties not less than 5 calendar days in advance of the hearing. The department may, in its discretion upon notice to all interested parties, change the date of, postpone or continue the hearing at the request of an interested party upon a showing of good cause or upon its own motion.

The location of the hearing shall be at the discretion of the hearing officer and situated for the convenience of all parties.

In the event the protest is to be determined through written submissions, notice shall be sent to all interested parties, each of whom may submit written argument in support of its position in accordance with the deadline established by the hearing officer. The determination that the protest shall be determined through written submission shall be made upon the hearing officer's evaluation that oral or additional testimony would be unnecessary to a full understanding of the issues.

Any written submission to the department including that submitted for purposes of the hearing shall be in an original and two copies, together with proof of service of a copy to each interested party.

At any time the department finds that a protest is clearly insufficient on its face, entirely without

merit, or outside the scope of the jurisdiction of the department, it may make final disposition of the protest forthwith.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10376, 10378, 10343 and 10345, Public Contract Code.  
Reference: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

2 CCR § 1195.2, 2 CA ADC § 1195.2  
1CAC

2 CA ADC § 1195.2

END OF DOCUMENT

(C) 2008 Thomson/West. No Claim to Orig. US Gov. Works.

2 CA ADC § 1195.4

2 CCR § 1195.4

Cal. Admin. Code tit. 2, § 1195.4

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 1.5. CONTRACT PROTEST PROCEDURES; PROTEST PROCEDURES  
FOR  
CONSULTING AND SERVICES CONTRACTS

This database is current through 2/29/08, Register 2008, No. 9  
§ 1195.4. Powers and Responsibilities of the Hearing Officer.

The hearing officer shall have the following powers when conducting a hearing:

- (a) issue orders;
- (b) rule on requests and motions;
- (c) grant extensions of time, upon showing of good cause;
- (d) examine witnesses;

(e) waive or modify these rules to accommodate the needs in a specific case, upon notice to the parties;

(f) set time for submission of any written material.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10376, 10378, 10343 and 10345, Public Contract Code.  
Reference: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

2 CCR § 1195.4, 2 CA ADC § 1195.4  
1CAC

2 CA ADC § 1195.4

END OF DOCUMENT

(C) 2008 Thomson/West. No Claim to Orig. US Gov. Works.

2 CA ADC § 1195.5

2 CCR § 1195.5

Cal. Admin. Code tit. 2, § 1195.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 1.5. CONTRACT PROTEST PROCEDURES; PROTEST PROCEDURES  
FOR  
CONSULTING AND SERVICES CONTRACTS  
This database is current through 2/29/08, Register 2008, No. 9  
§ 1195.5. Decisions.

The department shall make its decision on any protest within thirty (30) calendar days after submission for decision to the department and shall serve a copy thereof, on all interested parties.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

Reference: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

2 CCR § 1195.5, 2 CA ADC § 1195.5  
1CAC

2 CA ADC § 1195.5

END OF DOCUMENT

(C) 2008 Thomson/West. No Claim to Orig. US Gov. Works.

2 CA ADC § 1195.6

2 CCR § 1195.6

Cal. Admin. Code tit. 2, § 1195.6

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 1.5. CONTRACT PROTEST PROCEDURES; PROTEST PROCEDURES  
FOR  
CONSULTING AND SERVICES CONTRACTS

This database is current through 2/29/08, Register 2008, No. 9  
§ 1195.6. Form of Notice.

Any notice required by, or made pursuant to, this article shall be in writing and shall be served in person or by deposit in the United States mail properly addressed with sufficient postage affixed.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10376, 10378, 10343 and 10345, Public Contract Code.  
Reference: Sections 10376, 10378, 10343 and 10345, Public Contract Code.

2 CCR § 1195.6, 2 CA ADC § 1195.6  
1CAC

2 CA ADC § 1195.6

END OF DOCUMENT

(C) 2008 Thomson/West. No Claim to Orig. US Gov. Works.