

**16C.281 ORIGINAL JURISDICTION OF PUBLIC PROCUREMENT ACTIONS.**

Subdivision 1. **Original jurisdiction.** (a) Original jurisdiction is granted to the district court over any action seeking legal, equitable, or declaratory relief arising under or based upon the alleged violation of any law governing public procurement requirements, public procurement procedures, or the award of any public contract.

(b) The grant of original jurisdiction under paragraph (a) applies regardless of whether a public entity involved or implicated in the action is alleged to have acted, or may be held to have acted, in a judicial or quasi-judicial capacity.

(c) The grant of original jurisdiction under paragraph (a) does not: (1) alter the standard of review to be applied by a district court; (2) alter the standard of review applied by an appellate court; (3) affect section 471.345, subdivision 14; (4) affect the available remedies, including, but not limited to, the availability or nonavailability of attorney fees awards and bid preparation costs; or (5) affect the procedural or administrative steps, if any, set out by statute, rule, or procurement procedure, that a party must comply with prior to initiating any such action.

Subd. 2. **Timing for filing.** (a) A procurement process participant must file an action prior to the date when the procurement contract at issue is fully executed unless:

(1) the party demonstrates that it acted diligently in seeking access to information the party reasonably deemed necessary to review prior to bringing an action; and

(2) the procurement process participant has not been afforded (i) reasonable access to information necessary to prepare the action for filing, or (ii) a reasonable opportunity to bring the action and seek appropriate relief from the court before the public procurement contract is fully executed. Reasonable access to necessary information and a reasonable opportunity to seek relief includes receipt of data described under section 13.591, subdivision 3 or 4, at least 15 days prior to full execution of the procurement contract.

(b) This subdivision does not apply to matters alleging: (1) fraud or misrepresentation, or (2) acts following contract execution that would have been improper or illegal prior to contract execution.

**History:** 2019 c 21 s 1