

VENDOR PROTESTS/DISPUTE RESOLUTION

A. Purpose

It is the purpose of this policy to provide guidelines and time frames for accepting and processing vendor (bidder) protests in the solicitation, evaluation, or awarding of any bids, purchase order or contract. It also provides information regarding disputes arising with a vendor after the awarding of a bid.

B. Protests/Dispute Resolution Procedure

Any bidder who is aggrieved in connection with the solicitation, evaluation, or awarding of any bid, purchase order, contract or that has a dispute after the award may formally protest to the Director of Purchasing. Protests must be in writing and must be received within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. In the event of a timely protest or appeal, the Purchasing Department shall not proceed further with the solicitation or with the awarding. If the dispute arises after the award of the contract, the vendor will not proceed until the dispute is resolved.

The formal protest must contain:

1. the specific statutory or regulatory provision(s) that the action complained of is alleged to have violated;
2. a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. a precise statement of the relevant facts;
4. an identification of the issues(s) to be resolved: and
5. argument and authorities in support of the protest.

The Director of Purchasing shall have the authority to settle and resolve the dispute and may solicit written responses to the protest from other interested parties. If the protest is not resolved, the Director of Purchasing, within ten (10) working days, will issue a written determination on the protest as follows:

1. If it is determined that no violation occurred, the Director of Purchasing will inform the protesting party and any other interested parties by letter which sets forth the reasons for the determination.
2. If a violation occurred and an award has not been made, the Director of Purchasing will inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
3. If a violation occurred and an award has been made, the Director of Purchasing will inform the protesting party and other interested parties by letter which sets forth the reasons for the determination which may include voiding the purchase order or contract.

C. Appeal

The Director of Purchasing's determination may be appealed to the Vice President for Business Affairs. To be considered, the appeal must be in writing and must be received no later than ten (10) working days after the date of the Director of Purchasing's determination. The appeal shall be limited to review of the Director of Purchasing's determination. A decision, issued in writing, within ten (10) working days, by the Vice President for Business Affairs on the Director of Purchasing's determination shall be final and not subject to further appeal.

D. Review

This policy shall be reviewed annually by the Director of Purchasing.