

APPENDIX 15 PROTEST PROCEDURES

THE UNIVERSITY OF TEXAS AT SAN ANTONIO
PURCHASING OFFICE POLICIES AND PROCEDURES

ISSUED DATE: 10/1/2001
REVISED DATE:

PROTEST PROCEDURES

GENERAL INFORMATION

The time limits required of the vendor in the protest and dispute resolution procedure are as stated. If a vendor fails to follow a procedural step within the time limits provided, the protest/dispute is considered withdrawn.

Protests, Disputes, Resolutions

- (a) Any actual or prospective bidder, offeror, proposer, or contractor (Bidder) who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest such grievances to the University's Assistant Director of Purchasing, or acting representative (Primary Purchasing Officer). Such protests must be in writing and received in the office of the Primary Purchasing Officer within 10 working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements of this policy and shall be resolved in accordance with the procedure set forth below.
- (b) In the event of a timely protest under this section, and appealed prior to award, the University shall not proceed further with the solicitation or with the award of the contract unless the Primary Purchasing Officer, after consultation with the using department, makes a written determination that the award of the contract without delay is necessary to protect the best interests of the University.
- (c) A formal protest must contain:
 - (1) a specific identification of the State or University requirements that the action complained of is alleged to have violated;
 - (2) a specific description of each act alleged to have violated the State or University requirements identified in subsection (c)(1);
 - (3) a precise statement of the relevant facts;
 - (4) an identification of the issue or issues to be resolved; and
 - (5) argument and authorities in support of the protest.
- (d) If the protest is not resolved by mutual agreement, the Primary Purchasing Officer will issue a written determination on the protest.
 - (1) If the Primary Purchasing Officer determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and the using department by letter which sets forth the reasons for the determination.
 - (2) If the Primary Purchasing Officer determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the protesting party and the using department by letter which sets forth the reasons for the determination and the appropriate remedial action.

- (3) If the Primary Purchasing Officer determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and the using department by letter which sets forth the reasons for the determination and the appropriate remedial action, which may include declaring the contract void.
- (e) The Primary Purchasing Officer's determination on a protest may be appealed by the protesting party to the Vice President of Business Affairs (VPBA) of the University. An appeal of the Primary Purchasing Officer's determination must be in writing and must be received in the VPBA's office no later than 10 working days after the date of the Primary Purchasing Officer's determination. The appeal shall be limited to review of the Primary Purchasing Officer's determination.
- (f) The Primary Purchasing Officer shall have the authority prior to the appeal to the VPBA, to settle and resolve the dispute concerning the solicitation or award of a contract.
- (g) A protest or appeal that is not filed timely will not be considered.
- (h) A decision issued in writing by the VPBA is final.