

Bid Protest Procedures

Responsible Officer: Chief Financial Officer and Vice President

Sponsoring Department: Procurement Services

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Errors or changes to: aim@uta.edu

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PROCEDURE OBJECTIVE

This fiscal procedure provides guidance for any actual or prospective bidder who is aggrieved with the solicitation, evaluation or award of a contract or purchase order. This procedure does not apply to construction contracts issued by the Office of Facilities Management or space lease contracts, which contain their own dispute clauses.

RATIONALE

[Texas Government Code Section 2155.076](#) requires the development and adoption of procedures to be used in the event of a vendor protest. The Code also provides standards for maintaining documentation should a protest occur.

SCOPE

All bidders and prospective bidders except those bidding on construction or space lease contracts.

WEBSITE ADDRESS FOR THIS PROCEDURE

<http://www.uta.edu/policy/procedure/4-20>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

UT System Administration Policies and Standards	Other Policies and Standards
UTS148, Protest Procedures Related to Procurements of Goods and Services	Texas Government Code, Section 2155.076, Protest Procedures

CONTACTS

If you have any questions about this procedure, contact the following departments:

Subject	Office Name	Telephone Number	Email/URL
All topics in Procedure	Procurement Services	817-272-2194	procurement@uta.edu
Website access	Administrative Information Management	817-272-0222	aim@uta.edu http://www.uta.edu/aim

DEFINITIONS

N/A

RESPONSIBILITIES

Bidder

- Prepares formal protest documentation as required and within designated timeframe
- Provides appeal documentation as required and within designated timeframe

Senior Director of Procurement Services

- Receives and considers protests received in writing, with all required documentation, within the designated timeframe

Chief Financial Officer and Vice President

- Receives and considers appeals of decisions made by the Sr. Director of Procurement Services within the designated timeframe

PROCEDURES

Section I. Initiating a Protest

- A. The actual or prospective bidder who is aggrieved shall prepare a formal protest including the following documentation:
 - 1. A specific identification of the 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. An identification of the issue or issues to be resolved
 - 4. Argument and authorities in support of the protest
- B. The aggrieved bidder must submit the formal protest to the Sr. Director of Procurement Services within ten (10) working days after he/she knows, or should have known, of the occurrence of the action that is being protested.

Section II. Resolving a Protest

- A. The protest may be resolved by mutual agreement.
- B. The Sr. Director of Procurement Services may issue a written determination on the protest.
 - 1. If it is determined that no violation of rules or statutes has occurred, the Sr. Director of Procurement Services shall inform the protesting party and any other interested parties by a letter setting forth the reasons for the determination.
 - 2. If it is determined that a violation of rules or statutes has occurred in a case where a contract has not been awarded, he/she shall so inform the protesting party and other interested parties by a letter setting forth the reasons for the determination and the appropriate remedial action.
 - 3. If it is determined that a violation of rules or statutes has occurred in a case where a contract has been awarded, he/she shall so inform the party and any interested parties by a letter setting forth the reasons for the determination, which may include ordering the contract void.

Section III. Appealing a Protest Decision

- A. The protesting party or an interested party may appeal the decision of the Sr. Director of Procurement Services.

1. The appeal must be in writing and must be received in the Office of the Chief Financial Officer and Vice President no later than ten (10) working days after the date of the Sr. Director's determination.
 2. The appeal shall be limited to review of the Chief Financial Officer and Vice President's determination.
- B. The decision issued in writing by the Chief Financial Officer and Vice President shall be considered as the final administrative action.

Section IV. Record Retention

Documents related to protests filed with UT Arlington will be retained in accordance with the University's records retention schedule.

FORMS AND TOOLS/ONLINE PROCESSES

- [The University of Texas at Arlington Records Retention Schedule, Procurement Office](#)

APPENDICES

None