

## **Vendor Protests and Dispute Resolution**

### **1.0 PURPOSE**

To state the procedures for vendors to challenge the propriety of a solicitation, evaluation, or purchase award.

### **2.0 GENERAL**

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the Texas A&M AgriLife Purchasing Director.

### **3.0 PROCEDURE**

3.01 Such protests must be in writing and received in the AgriLife Purchasing Manager's Office in College Station within ten 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 paragraph and of paragraph 3.03 in accordance with the procedures set forth in this rule. Copies of the protest must be mailed or delivered by the protesting party to the using unit and other interested parties. "Interested parties" is defined as all vendors who have submitted bids or proposals for the contract involved.

3.02 In the event of a timely protest or appeal, Texas A&M AgriLife shall not proceed further with the solicitation or with the award of the contract unless the Purchasing Manager, after consultation with the using unit, makes a written determination that the award or contract without delay is necessary to protect substantial interest of Texas A&M AgriLife.

3.03 A formal protest must be sworn and contain:

- A. A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
- B. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
- C. A precise statement of the relevant facts;
- D. An identification of the issue or issues to be resolved;
- E. Argument and authorities in support of the protests; and
- F. A statement that copies of the protest have been mailed or delivered to the using unit and other identifiable interested parties.

3.04 The Purchasing Manager shall have the authority, prior to referral to the review committee, to settle and resolve the dispute concerning the solicitation or award of a contract. The Purchasing Manager may solicit written responses to the protest from other interested parties.

3.05 If the protest is not resolved by mutual agreement, the Purchasing Manager will refer the protest to the Review Committee.

- A. If the Review Committee determines that no violation of rules or statutes has occurred, committee shall so inform the protesting party, the using unit and other interested parties by letter that sets forth the reasons for the determination.
  - B. If the Review Committee determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the committee shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial actions.
  - C. If the Review Committee determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the committee shall so inform the protesting part, the using unit, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.
- 3.06 If the vendor does not agree with the review committee's determination on a protest, an appeal may be made by the interest party to the Vice Chancellor and Dean for Agriculture and Life Sciences and Director, Texas A&M AgriLife, whose decision will be final.

An appeal of the committee's determination must be in writing and must be received in the office of the Vice Chancellor and Dean for Agriculture and Life Sciences and Director, Texas A&M AgriLife no later than (5) working days after the date of the committee's determination and copies of the appeal must be mailed or delivered by the appealing party to other interested parties and must contain an affidavit that such copies have been provided.

- 3.07 Unless good cause for delay is shown for Texas A&M AgriLife determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.