

University of Houston Vendor Protest Procedures

I. Overview:

The mission of the Purchasing Department is to facilitate best practices and to achieve the best value when procuring goods and services necessary for the effective and efficient operation of the University. The University of Houston shall make awards to vendors offering the most advantageous bid, proposal, or other response to the institution.

It is the responsibility of the University of Houston to conduct its procurement activities fairly and openly and in accordance with relevant state and federal statutes and regulations. The University of Houston purchasing/bidding information/procedures can be found here:

<http://www.uh.edu/administration-finance/purchasing/>

The University of Houston establishes these Vendor Protest Procedures in order to provide clear instructions to resolve vendor protests relating to purchasing issues in the solicitation, evaluation, or award of a contract by the University.

II. PROCEDURE FOR FILING A PROTEST

A. Who may file a protest:

A bidder, offeror, or contractor, who believes it has been aggrieved in connection with the solicitation, evaluation, or award of a contract.

B. How to file a protest:

Formal protests must meet the requirements of these Vendor Protest Procedures in order to be considered by the University of Houston.

A formal protest must be in writing, sworn, and contain:

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 in subparagraph (A) of this paragraph;
3. A concise statement of the relevant facts;
4. An identification of the issue(s) to be resolved;
5. Argument and authorities in support of the protest;
6. The remedy that the contractor seeks to address the alleged violation; and
7. Proof that copies of the protest have been mailed or delivered to all respondents who have submitted bids, proposals or offers for the contract involved. A certification that copies were supplied to all interested parties with a list of the addresses the protest was

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sent to will be accepted as proof of delivery of copies. Upon written request, the University of Houston will provide the names and addresses of all interested parties.

C. When and where a protest can be filed:

1. The written protest must be received by the University of Houston Purchasing Director within ten (10) working days after the distribution of award/ non-award letters.
2. Protests and appeals which are not filed timely will not be considered, unless good cause for delay is shown, or the UH Purchasing Director determines that a protest or appeal raises issues significant to UH's procurement practices or procedures.
3. A Vendor Debriefing meeting is not a pre-requisite to filing a Vendor Protest.

III. Review and Determination of Formal Protest by UH Purchasing Director

- A. The purchasing director shall have the authority, prior to appeal, to settle and resolve the dispute concerning the solicitation, evaluation, or award of a contract. The purchasing director may solicit written responses to the protest from other interested parties. Upon written request, the protesting party will be given notice of the request to other interested parties and any written responses received. The purchasing director may consult legal counsel concerning the protest. The purchasing director may request written responses and documents related to the protest from University staff. See also Section V below.
- B. If the protest is not resolved by mutual agreement, the purchasing director will issue a written determination on the protest.
 1. If the purchasing director determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by a letter or email which sets forth the reasons for the determination.
 2. If the director determines that a violation of 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 other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
 3. If the director determines that a violation of rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination, which may include ordering the contract void.

IV. Appeal

- A. The determination of the purchasing director on a protest may be appealed by the protesting party to the UH Controller or designee. Any appeal must be written and received in the UH Controller's office no later than 10 working days after the date of the purchasing director's determination. The appeal will be limited to review of the purchasing director's

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determination. A copy of the appeal must be mailed or delivered by the appealing party to the UH Controller and to each interested party, and must contain a certified statement that such copies have been provided. Failure to timely appeal under these procedures within 10 working days after the date of the determination renders the determination final.

- B. The UH Controller or designee may confer with the Office of General Counsel and with the UH Senior Vice Chancellor/Vice President for Administration and Finance, in reviewing the matter appealed.
- C. The UH Controller or designee shall review:
 - 1. the appealed protest;
 - 2. any requests for and written responses to the appealed protest from any other interested party respondents;
 - 3. the determination; and
 - 4. the appeal.
- D. The determination of the UH Controller shall be final.

V. Additional Information

A. Status of Procurement During Protest and Appeal

If the contract being protested has not been awarded, upon the timely filing of a protest or appeal under these procedures, UH shall not proceed further with the solicitation or award of the contract unless the UH Purchasing Director, in consultation with the Senior Vice Chancellor/Vice President for Administration and Finance or designee, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the University.

B. Retention of Documents

The University of Houston will maintain all documentation about the purchasing process to be used in the event of a protest or appeal in accordance with the UH Records Retention Schedule.

C. Definitions

“Interested Parties” are all other actual or prospective bidders, offerors, or contractors who participated in the solicitation, evaluation, or award of a contract who are not the protesting party.

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Contact information for the UH Purchasing Director and Controller.

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