

UNIVERSITY OF CENTRAL MISSOURI
BID/PROPOSAL PROTEST PROCEDURES

Right to Protest

Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a contract may protest to the Director of Procurement & Materials Management.

Process for Protest Filing

Formal protests shall be submitted in writing within 48 (forty-eight) hours after such aggrieved person becomes aware of the issue and must be made prior to bid award. Protests filed after bid award will not be considered. The protest letter shall identify the exact bid solicitation number and/or award of a contract, specific issues that are being protested and the facts that the protestor believes supports their claim. (It is the protestor's responsibility to establish their case.) When a protest has been filed before an award has been made, the university shall make no award of the contract until the protest has been settled unless, after consultation with the using department, the author determines that the award of the contract without delay is necessary to protect substantial interests of the University. The Director of Procurement & Materials Management may request additional information from the protestor who shall submit the information within the time period established.

Review of Protest

The Director of Procurement & Materials Management shall have the authority to resolve a protest with an aggrieved bidder concerning the solicitation or award of the contract. This authority shall be exercised in accordance with the University's Procurement Policy.

Decision

The Director of Procurement & Materials Management shall issue a response in writing within five (5) business days of receipt of the protest after receiving all relevant, requested information. The decision shall state the reasons for the action taken.

Appeal

A protestor may appeal the decision of the Director of Procurement & Materials Management by submitting a written appeal to the University's Vice President for Finance and Administration within five (5) business days of the date of the Director of Procurement & Materials Management's decision. The written appeal shall state with specificity the factual and legal grounds upon which reversal or modification is deemed warranted in the protestor's position. The appeal shall be reviewed by the University's Vice President for Finance and Administration, Controller or designee, who will issue a decision in writing within five (5) business days of the protestor's timely filed written appeal.

Finality of Decision

A decision under this Article shall be considered final. In the event of a timely appeal, the decision of the University's Vice President for Finance and Administration, Controller or designee, shall be considered final and not subject to appeal or further consideration.

Stay of Procurements During Protest(s)

In the event of a timely protest, the University of Central Missouri shall not proceed with the solicitation or with the award of the contract until the Director of Procurement & Materials Management issues a decision or until the University's Vice President for Finance and Administration, or designee, renders a decision on appeal, or until the Director of Procurement & Materials Management, after consulting with the University's Vice President for Finance and Administration, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the University of Central Missouri.

The procedure provided herein is intended solely as an attempt to provide bidders with the opportunity to communicate perceived issues to the University's Director of Procurement & Materials Management. It is not intended to create any legal right, cause of action, property of interest or independent means of redress that does not exist under Missouri law. This Article shall not serve to abrogate or effect the University's exclusive right to determine the lowest and most responsible bidder in any particular situation.

Director of Procurement and Materials Management