

SECTION 10:

VENDOR INTERACTIONS

SUBJECT: **VENDOR COMPLAINTS/PROTESTS Procedure #10.1**

POLICY:

Solicitations posted to WEBS shall include complaint and protest procedures in compliance with RCW 39.26.170. <http://apps.leg.wa.gov/rcw/default.aspx?cite=39.26.170> Complaints address issues with the solicitation and must be submitted and responded to prior to the deadline for submissions. Protests address issues with the award after the apparent successful bidder is announced.

The following language will be included in solicitations posted to WEBS.

Complaint Procedure:

The complaint process allows bidders to focus on the solicitation requirements and evaluation process and raise issues with these processes early enough in the process to allow UW to correct a problem before bids are submitted and time expended on evaluations.

The procurement complaint process will meet the following minimum requirements:

- 1) Bidders will be given an opportunity to submit a complaint to the UW based on any of the following:
 - a) The solicitation unnecessarily restricts competition;
 - b) The solicitation evaluation or scoring process is unfair or flawed; or
 - c) The solicitation requirements are inadequate or insufficient to prepare a response.
- 2) Bidders will be allowed to submit complaints up to 5 business days prior to the bid response deadline. Complaints must meet the following requirements:
 - a) Must be in writing.
 - b) Must be sent to the procurement coordinator, or designee.
 - c) Should clearly articulate the basis for the complaint.
 - d) Should include a proposed remedy.
- 3) The procurement coordinator or designee will respond to complaints in writing.
- 4) The response to complaints including any changes to the solicitation will be posted as an amendment on WEBS.
- 5) The Director of Procurement Services will be notified of all complaints and provided a copy of the response.
- 6) The complaint may not be raised again during the protest period.
- 7) The complaint process does not include an appeal process.

Protest Procedure:

The protest process occurs after the bids are submitted and evaluated. This allows bidders to focus on the evaluation process to ensure its integrity and fairness. Protests can raise issues related to the evaluation process as set out in the solicitation or how the process was executed. This allows for evaluation process errors and problems to be corrected before a contract is executed.

The protest process will meet the following requirements:

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- 1) After the announcement of the apparent successful bidder (ASB), bidders will be offered a debriefing upon written request.
- 2) Bidders will be given 3 business days after the ASB is announced to request a debriefing .
- 3) Bidders are required to participate in a debriefing as a prerequisite for submitting a protest.
- 4) Bidders will be given 5 business days after their debriefing to file a written protest.
- 5) The protest process will allow bidders an opportunity to submit a protest based only on the following:
 - a) A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
 - b) Errors in computing the scores; or
 - c) Non-compliance with procedures described in the procurement document or UW protest process.
- 6) Protests are to be submitted to the UW's Director of Procurement Services (Director) and the procurement coordinator.
- 7) The Director will issue a written response within 10 business days from receipt of the protest, unless additional time is needed. The protesting bidder shall be notified if additional time is needed.
- 8) The Director's protest decision is final. If a protesting bidder does not accept the protest response, the bidder may try to seek relief from superior court.
- 9) At the time that the protest response is issued, the Department of Enterprise Services Director will be provided a copy of the original protest and the UW's response.