

# UT SOUTHWESTERN MEDICAL CENTER AT DALLAS

## VENDOR COMPLAINT AND PROTEST PROCEDURE

### GENERAL INFORMATION

In accordance with the Texas Building and Procurement Commission's Protest Procedures and Section 2155.076 Texas Government Code 1, The University of Texas Southwestern Medical Center at Dallas has established formal procedures for handling complaints and protests regarding procurement actions processed by UT Southwestern's Purchasing Department or by any department acting under delegated authority from the Purchasing Department.

#### Protest Procedures

1. Any actual or prospective bidder, offeror or proposer who is aggrieved in connection with the solicitation, evaluation or award of a contract by UT Southwestern, may file a formal protest with the Assistant Director of Acquisition Supply. Such protests must be in writing and received in the Assistant Director of Acquisition's Supply office within 10 calendar days after such aggrieved person knows, or should have known, of the occurrence of the act or omission being protested.
2. If a protest meeting the requirements of these procedures is timely received, UT Southwestern shall not proceed further with the solicitation or with the award of a contract unless the Assistant Vice President for Materials Management of the University, after consultation with the using department and the Assistant Director of Acquisition Supply makes a written determination that it is necessary to proceed with the solicitation or award a contract without delay to protect the best interests of UT Southwestern.
3. A formal protest must contain:
  - A. a specific identification of the statutory or regulatory provision(s) that the act or omission being complained of is alleged to have violated;
  - B. A specific description of each act or omission alleged to be in violation of the statutory or regulatory provision(s) identified in paragraph (1);
  - C. A statement of the relevant facts;
  - D. An identification of the issue or issues to be resolved; and
  - E. Argument and authorities in support of the protest.
4. The Assistant Director of Acquisition Supply shall attempt to settle and resolve the protest concerning the solicitation or award of a contract prior to appeal to the Assistant Vice President for Materials Management of the University. The Assistant Director of Acquisition Supply may request additional information from the protesting party and the using department to help in the evaluation and resolution of the protest.
5. If the protest is not resolved by mutual agreement, the Assistant Director of Acquisition Supply will issue a written determination on the protest.
  - A. If the Assistant Director of Acquisition Supply determines that no violation of rules or statutes has occurred, he shall inform the protesting party and the using department by letter that sets forth the reasons for the determination.
  - B. If the Assistant Director of Acquisition Supply determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he shall inform the protesting party and the using department by letter that sets forth the reasons for the determination and the appropriate remedial action.

- C. If the Assistant Director of Acquisition Supply determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he shall inform the protesting party and the using department by letter which sets forth the reasons for the determination and the appropriate remedial action, which may include ordering the contract void.
6. The Assistant Director of Acquisition Supply's determination regarding a protest may be appealed by the protesting party to the Assistant Vice President for Materials Management of the University. An appeal of the Assistant Director of Acquisition Supply must be in writing and must be received in the Assistant Vice President's office no later than 10 calendar days after the date of the Assistant Director of Acquisition Supply's determination.
  7. Unless good cause for delay is shown or the Assistant Vice President for Materials Management 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.
  8. An appeal to the Assistant Vice President for Materials Management shall be limited to review of the Assistant Director of Acquisition Supply's written determination of the protest.
  9. The Assistant Vice President for Materials Management's determination on a protest may be appealed by an interested party to the Executive Vice President for Business Affairs. An appeal of the Assistant Vice President for Materials Management's determination must be in writing and must be received in the Executive Vice President for Business Affairs office no later than 10 calendar days after the Assistant Vice President for Materials Management's determination. The appeal shall be limited to review of the Assistant Vice President for Materials Management's determination.
  10. The Executive Vice President for Business Affairs may issue a written decision on the protest, setting forth the reasons for the decision. A decision issued in writing by the Executive Vice President for Business Affairs shall be the final administrative action by UT Southwestern.
  11. In the event that a protest is not timely submitted under paragraph 1 above or an appeal is not timely filed under paragraph 6 above, the protest or appeal will not be considered and the protesting or appealing party will be so notified in writing.
  12. All documents related to protests filed with the University will be retained for 5 years.
  13. The President, by his approval of these Protest Procedures, hereby delegates to the Assistant Director of Acquisition Supply, the Assistant Vice President for Materials Management, and the Executive Vice President for Business Affairs, authority to review and resolve procurement disputes in accordance with these protest procedures. The Assistant Director of Acquisition Supply, the Assistant Vice President of Materials Management, and the Executive Vice President for Business Affairs are not authorized to further delegate the authority granted pursuant to this delegation. All authority is subject to compliance with all applicable laws and regulations and all applicable provisions of the Regents' Rules, including but not limited to Subsections 3.2 and 3.3, Section 3, Chapter XI of Part Two of the Regents' Rules.