

Vendor Protest

Any actual or prospective bidder, offeror or proposer who is aggrieved in connection with the solicitation, evaluation or award of a contract by Texas State Technical College (TSTC), may file a formal protest with the appropriate Executive Director for Procurement Operations (“Executive Director”) of the procuring campus.

Filing Requirements

Per Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter F, Division 3, [Rule 20.535 – Filing Requirements](#), to be considered by TSTC, a formal protest must be:

1. in writing 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 in a) above;
 - c. a precise statement of the relevant facts including:
 - sufficient documentation to establish that the protest has been timely filed;
 - a description of the adverse impact to the TSTC and the state; and
 - a description of the resulting adverse impact to the protesting vendor;
 - d. a statement of the argument and authorities that the protesting vendor offers in support of the protest;
 - e. an explanation of the subsequent action the vendor is requesting.
2. signed by an authorized representative of the protesting party and the signature notarized;
3. filed in the time period specified; and

4. mailed or delivered to the appropriate Executive Director at TSTC.

Issuing Campus: Harlingen, Sweetwater, Abilene, Breckenridge, Brownwood, Fort Bend

Linda Rodriguez-Guillen, MPA, CT
Executive Director for Procurement Operations
1902 N. Loop 499
Harlingen, Texas 78550

Issuing Campus: Waco, Williamson County, North Texas, Marshall and Central Administration

Peggy Wilkey, CTPM
Executive Director for Procurement Operations
3801 Campus Drive
Waco, Texas 76705

Timing

To be considered timely, the protest must be filed:

1. by the end of the posted solicitation period, if the protest concerns the solicitation documents or actions associated with the publication of solicitation documents;
2. by the day of the award of a contract resulting from the solicitation, if the protest concerns the evaluation or method of evaluation for a solicitation; or
3. no later than 10 working days after the notice of award, if the protest concerns the award.

If a timely protest of a solicitation or contract award is received, the Sr. Executive Director for Procurement and Travel Services (“Sr. Executive Director”) may, after consultation with the Executive Director, delay the solicitation or award of the contract if the Sr. Executive Director makes a determination that the contract must be awarded without delay, to protect the best interests of TSTC.

Action by Executive Director

Upon receipt of a protest, the appropriate Executive Director may:

1. dismiss the protest if:
 - it is not timely; or
 - does not meet the requirements of this procedure.
2. solicit written responses to the protest from other affected vendors; or
3. attempt to settle and resolve the protest by mutual agreement.

If a protest is not resolved by mutual agreement, the Executive Director will issue a written determination on the protest.

- If the Executive Director determines that no violation of rules or statutes has occurred, the Executive Director shall inform the protesting party and other interested parties by letter that sets forth the reasons for the determination.
- If the Executive Director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the Executive Director shall inform the protesting party and other interested parties by letter that sets forth the reasons for the determination and the appropriate remedial action.
- If the Executive Director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the Executive Director shall inform the protesting party and other interested parties by letter that sets forth the reasons for the determination and the appropriate remedial action, which may include ordering the contract void.

Appeal

The Executive Director's determination regarding a protest may be appealed by the protesting party to the Sr. Executive Director. An appeal of the Executive Director's determination must be in writing and must be received in the office of the Sr. Executive Director no later than 10 working days after the date of the Executive Director's determination. An appeal to the Sr. Executive Director shall be limited to review of the Executive Director's written determination of the protest. The protesting party must mail or deliver to Sr. Executive Director and all other interested parties a copy of the appeal, which must contain a certified statement that such copies have been provided.

Melinda M. Boykin, MA, CTCD, CPSM, CPSD
Sr. Executive Director
for Procurement and Travel Services
3801 Campus Drive
Waco, Texas 76705

Unless good cause for delay is shown or the Sr. Executive Director 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. The Sr. Executive Director may consult with legal counsel concerning the dispute. A decision issued in writing by the Sr. Executive Director shall be final.

All documents related to protests filed with Texas State Technical College will be retained in accordance with TSTC's records retention policy.

Note: Interested parties in this procedure refers to Vendors who submit bids, proposals or other written expressions of interest in response to a specific solicitation for goods or services.