

## Midwestern State University Purchases and Contracts Protest Procedures

*Per Texas Government Code §2155.076, this document outlines the required procedures for protest and minor dispute resolutions with regards to awarding Midwestern State University (MSU) purchases and contracts. If a protesting party fails to follow the procedural process within the time limits provided, the protest/dispute is considered lapsed. Any actual or prospective vendor, contractor, individual, or sole proprietor who is aggrieved in connection with a solicitation, evaluation, or award of a purchase or contract, may file a formal protest.*

1. **Submission of Protest** - Protests must be in writing and received by the Director of Purchasing within 10 business days after the protesting party knows, or should have known, of the occurrence of the action that is being protested (ex. written notification of award to another party). For clarification purposes, any notices shall be deemed received on the date of the email or within three business days of any formal letter. The protest must be addressed to:

Midwestern State University  
ATTN: Tracy Nichols  
Director of Purchasing & Contract Management  
3410 Taft Blvd.  
Wichita Falls, TX 76308

The written protest must contain:

- Specific identification of the statutory or regulatory provision(s) alleged to have been violated,
  - Specific description of each alleged act to have violated the statutory or regulatory provision(s);
  - A precise statement of the facts relevant to the dispute or protest;
  - An identification of the issue or issues to be resolved; and
  - An argument in support of the protest.
2. **Review of Protest and Protest Determination**- the Purchasing Director will review and submit a written response to the submitted protest within 10 business days. The Purchasing Director has the authority to settle and resolve disputes concerning the solicitation, evaluation, or award of a purchase order or contract.

Provided the protest is received in accordance with this policy, MSU will not proceed with the award of the purchase order or contract while the protest is being evaluated unless it is determined the purchase or contract is an emergency and essential to prevent a hazard to life, health, safety, welfare, or property or to avoid undue additional cost to MSU.

3. **Resolution of Protest** - Upon receipt of a timely, filed, and properly documented protest, the Director of Purchasing will review the documentation to determine if a violation of statute or policy has occurred. If the determination is made that no violation of statute or policy has

occurred, the Director of Purchasing will notify the vendor in writing within 10 business days after making the determination and provide reasons for the determination and any supporting information.

If a determination is made that a violation has occurred, the Director of Purchasing will arrange a meeting within 10 business days after determination with the appropriate MSU personnel to discuss the details of the protest and determine what remedial action must be taken. A formal notice will be sent to the protesting department and the Director of Purchasing will contact the protesting party to discuss remedial actions.

4. **Appeal** -The Director of Purchasing determination on a protest may be appealed by the protesting party to MSU's Vice President for Administration and Finance (VPAF) or, if a Texas Tech University System contract, to the TTUS Vice Chancellor and Chief Financial Officer (VC&CFO). Any appeal of the Director of Purchasing determination must be in writing and must be received in the VPAF or VC&CFO's office no later than 10 business days after the date of the Director of Purchasing determination. The appeal shall be limited to review of the Director of Purchasing determination, will not be considered if not timely filed, and any decision issued in writing by the VPAF or VC&CFO shall be final.

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*Any and all disputes shall be handled in accordance with Texas state statutes and MSU Operating Policies and Procedures.*