

CONCHO VALLEY COUNCIL OF GOVERNMENTS

PROCUREMENT PROTEST PROCEDURES

1. PURPOSE

The purpose of this document is to outline the formal process by which an offeror may file a protest regarding any aspect of a procurement process. These procedures ensure that all procurement disputes are handled consistently and fairly, in accordance with applicable laws, rules, and regulations.

2. SCOPE

These procedures apply to all competitive procurement activities conducted by Concho Valley Council of Governments ("CVCOG") and provide a formal mechanism for offerors to contest procurement decisions, including the solicitation process, contract award, and any related decisions.

3. DEFINITIONS

- *Contracting Officer*: The individual designated by CVCOG who has the authority to make final decisions regarding contracts, including the resolution of procurement protests.
- *Offeror*: An individual or entity that submits a bid, proposal, or offer in response to a competitive solicitation issued by CVCOG for the purpose of entering into a contract.
- *Protest*: A formal objection by an offeror to the procurement process, including issues related to solicitation, award, or the handling of the procurement.
- *Solicitation*: Any request for bids, proposals, or qualifications issued by CVCOG for the purpose of entering into a contract.

4. PROCUREMENT PROTEST PROCEDURES

Prior to submission of a protest, all parties shall use their best efforts to resolve concerns raised by an interested party at the Contracting Officer level through open and frank discussions.

4.1. Grounds for Protest

An offeror may protest the procurement process based on one or more of the following grounds:

- 1) *Improper Evaluation*: The evaluation of proposals or bids was not conducted in accordance with the solicitation criteria.
- 2) *Violation of Laws*: The procurement process violated applicable laws, rules, or regulations.
- 3) *Improper Award*: The contract award was made to an offeror who did not meet the required qualifications or did not submit a responsive proposal or bid.
- 4) *Errors in the Solicitation*: There were errors, ambiguities, or unfair conditions in the solicitation documents that adversely affected the fairness of the procurement.

4.2. Filing a Protest

- A protest must be filed within five (5) business days following the date of the notice of award or other adverse action taken by CVCOG.
- The protest must be submitted in writing to the Contracting Officer and must include:
 - The name and contact information of the protesting party;
 - A description of the procurement action being protested;
 - A detailed statement of the grounds for the protest, including any factual and legal basis; and
 - The remedy or relief sought by the protestor.

- All procurement protests must be addressed to:
Contracting Officer
Concho Valley Council of Governments
c/o CVCOG Procurement Department
5430 Link Road
San Angelo, TX 76904
procurement-dept@cvcog.org

4.3. Acknowledgement of Protest

The Contracting Officer will acknowledge receipt of the protest within two (2) business days and will begin an initial review of the issues raised.

4.4. Resolution of Protest

The Contracting Officer, in consultation with legal counsel and other relevant officials, will review the protest and issue a written decision within fifteen (15) business days of receiving the protest.

The decision may result in one of the following actions:

- 1) Denial of the Protest: If the Contracting Officer determines that the protest lacks merit, the protest will be denied, and the procurement process will proceed as planned.
- 2) Partial or Full Remedy: If the protest is upheld in part or in full, the Contracting Officer may take corrective action, such as re-evaluating the proposals, issuing a new solicitation, or rescinding the contract award.

4.5. Appeal of Decision

If the protestor is not satisfied with the resolution provided by the Contracting Officer, the decision may be appealed to CVCOG's governing body (Executive Committee or Board of Directors) within five (5) business days from the date of the Contracting Officer's decision. The governing body will review the appeal and issue a final decision.

5. CONFIDENTIALITY

- The procurement process, including any protest, is governed by confidentiality provisions to protect sensitive information.
- Any information provided during the protest process that is deemed confidential or proprietary must not be disclosed to other offerors or third parties.

6. FINAL DECISION

The decision of the governing body or authorized appeal authority shall be final and binding.

7. RECORDKEEPING

All records related to procurement protests and the resolution of protests will be maintained in accordance with applicable laws and regulations governing public records retention.