



BIDDER PROTEST POLICY

PURPOSE

This policy communicates The Upper Shore Workforce Investment Board's (USWIB) policy in handling bidder protest and grievances for all types of procurements.

BACKGROUND

The Upper Shore Workforce Investment Board (USWIB), through its Administrative Agreement with Fiscal Agent Chesapeake College, has adopted methods for the procurement of goods and services and sets forth the requirements provided by the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule Title 2 of the Code of Federal Regulations at 2 CFR 200.

POLICY

To support our open, fair, and competitive procurement process, the USWIB shall entertain bidder's protests based on the following:

- Only protests setting out an issue of fact concerning a matter of bias, discrimination, conflict of interest, or non-compliance with procedures described in the procurement documents shall be considered.
- All protests must be in writing and signed by the protesting party or authorized agent.
- Proposals received after the due and time listed in the procurement document are deemed non-responsive and therefore have no appeal rights under this "bidder protest and grievance policy."
- The procedure and time limits set forth in this policy are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest.

PROCEDURES

1. Unsuccessful bidders will be notified of the evaluation results by authorized representative of the USWIB. The unsuccessful bidder may request for a debriefing meeting. A request must be made in writing within seven (7) calendar days following the receipt of the unsuccessfulbidder letter.
2. If a bidder or prospective bidder would like to place a protest, a written protest shall be submitted in writing to the USWIB. Written protests shall be submitted to the USWIB Executive Director PO Box 8 Wye Mills, MD 21679. All written protests must be received by 5:00 pm local time (postmarks not accepted) no later than seven (7) calendar days following the receipt of notice of non- acceptance or closing date for receipt of proposals, whichever is latest.
3. The protest must contain a complete statement of the basis for the protest, must state the facts and refer to the specific portion of the document or the specific statute that forms the basis for the protest. The protest must include the name, address (including e-mail) and telephone number of the person representing the protesting party.
4. Only protests setting out an issue of fact concerning a matter of bias, discrimination, conflict of interest or non-compliance with procedures described in the procurement documents shall be considered.
5. Protests not based on procedural matters will not be considered. Protest challenging or questioning evaluator's professional judgments on the quality of a proposal or the USWIB's assessment of its own needs or requirements will be rejected.

The USWIB will review all timely protests prior to awarding of a bid. At the time of the consideration of the award of the bid, The USWIB shall also consider the merits of any timely protests. The USWIB will consider the record and all facts available and issue a decision within ten (10) working days of receipt of the protest unless additional time is required, in which case the protesting party will be notified accordingly.

REFERENCES

- OMB Uniform Guidance 2 CFR Part 200 Parts 200.318-200.326
- Final Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Office of Management and Budget (OMB); FederalRegister Vol. 79, No. 244
- 2 CFR part 2900, Department of Labor

- TEG 15-14-Implementation of the New Uniform Guidance Regulations