

Texas Tech University Protest Procedures

This document outlines the required procedures for protest and minor dispute resolutions with regards to awarding Texas Tech University (TTU) and Texas Tech University System (TTUS) 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, contactor, 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 Chief Procurement Officer (CPO) 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:

Jennifer Adling
Chief Procurement Officer
Texas Tech University/Texas Tech University System
Box 41094
Lubbock, Texas 79409-1094
Jennifer.adling@ttu.edu

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 CPO will review and submit a written response to the submitted protest within 10 business days. The CPO 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, TTU/TTUS 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 TTU/TTUS.
 3. **Resolution of Protest** - Upon receipt of a timely, filed, and properly documented protest, the CPO 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 CPO 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 CPO will arrange a meeting within 10 business days after determination with the appropriate TTU/TTUS 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 CPO will contact the protesting party to discuss remedial actions.

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

Any and all disputes shall be handled in accordance with Texas state statutes and TTU/TTUS Operating Policies and Procedures.