

WASHINGTON STATE UNIVERSITY COMPLAINT AND PROTEST PROCESS

In compliance with RCW 39.26.170 Washington State University (WSU) has established the following Complaint Process; which shall apply to University solicitations posted to WEBS (Washington Electronic Business Solutions). The complaint process allows bidders to focus on the solicitation requirements and evaluation process and raise issues with these processes early enough to allow WSU to correct a problem before bids are submitted and time expended on evaluations. The procurement complaint process will meet the following minimum requirements:

- 13.1 Bidders will be given an opportunity to submit a complaint to WSU based on any of the following:
 - a. The solicitation unnecessarily restricts competition;
 - b. The solicitation evaluation or scoring process is unfair or flawed; or
 - c. The solicitation requirements are inadequate or insufficient to prepare a response.
- 13.2 Bidders will be allowed to submit complaints until the deadline for questions within the solicitation has expired or five (5) business days before the solicitation is due; whichever is earlier. Complaints must meet the following requirements:
 - a. Must be in writing.
 - b. Must be sent to the procurement coordinator, or designee.
 - c. Should clearly articulate the basis for the complaint.
 - d. Should include a proposed remedy.
- 13.3 The procurement coordinator will respond to complaints in writing.
- 13.4 The response to complaints including any changes to the solicitation will be posted as an amendment on WEBS.
- 13.5 The Director of Purchasing Services will be notified of all complaints and will be provided a copy of the response.
- 13.6 The complaint may not be raised again during the protest period.
- 13.7 The complaint process does not include an appeal process.

In compliance with RCW 39.26.170 Washington State University (WSU) has established the following Protest Process; which shall apply to University solicitations posted to WEBS (Washington Electronic Business Solutions)

- 14.1 Protests may be made only by bidders who submitted a response to the solicitation document and who have participated in a debriefing conference. Bidders will be given three (3) business days after the apparent successful bidder is announced to provide a written request for a debriefing. Upon completing the debriefing conference, the bidder is allowed three (3) business days to file a protest of the acquisition with the RFP Coordinator. Protests must be received by the RFP Coordinator no later than 4:30 PM, local time, in Pullman Washington on the third business day following the debriefing. Protests may be submitted by e-mail or facsimile, but must then be followed by the document with an original signature.
- 14.2 Bidders protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to bidders under this procurement.
 - a. All protests must be in writing, addressed to the RFP Coordinator, and signed by the protesting party or an authorized Agent. The protest must state the RFP number, the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.
 - b. Only protests stipulating an issue of fact concerning the following subjects shall be considered:
 - i. A matter of bias, discrimination or conflict of interest on the part of an evaluator;
 - ii. Errors in computing the score;
 - iii. Non-compliance with procedures described in the procurement document or WSU policy.
- 14.3 Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator's professional judgment on the quality of a proposal, or 2) WSU's assessment of its own and/or other agencies needs or requirements.
- 14.4 Upon receipt of a protest, a protest review will be held by the WSU Purchasing Office. The Purchasing Director or an employee delegated by the Director who was not involved in the procurement will consider the record and all available facts and issue a decision within five business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.
- 14.5 In the event a protest may affect the interest of another bidder that also submitted a proposal, such bidder will be given an opportunity to submit its views and any relevant information on the protest to the RFP Coordinator.
- 14.6 The final determination of the protest shall:
 - a. Find the protest lacking in merit and uphold WSU's action; or
 - b. Find only technical or harmless errors in WSU's acquisition process and determine WSU to be in substantial compliance and reject the protest; or
 - c. Find merit in the protest and provide the WSU options which may include:
 - i. Correct the errors and re-evaluate all proposals, and/or
 - ii. Reissue the solicitation document and begin a new process, or
 - iii. Make other findings and determine other courses of action as appropriate.
- 14.7 If WSU determines that the protest is without merit, WSU will enter into a contract with the apparent successful bidder. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken. The outcome and decision of this protest procedure are final.