

RFP HBE 15-004 – APPENDIX C RFP PROTEST PROCEDURES

A. Procedure

This protest procedure is available to Vendors who submitted a Response to this solicitation, were not selected as Apparently Successful Vendors, and have participated in a debriefing conference.

Protests are made to HBE after HBE has announced the Apparently Successful Vendors for this solicitation. Vendor protests shall be received by the RFP Coordinator, in writing, within five (5) Business Days after the Vendor debriefing conference.

B. Grounds for protest are:

1. Arithmetic errors were made in computing the Vendor's evaluation score;
2. The Exchange failed to follow procedures established in the solicitation document, or applicable state or federal laws or regulations; or
3. There was bias, discrimination or conflict of interest on the part of an evaluator.

Protests based on criteria or grounds not listed in Section B (1-3) will not be considered.

C. Format and Content

Vendors making a protest shall include in their written protest to HBE all facts and arguments upon which the Vendor is basing its protest, and shall be signed by a person authorized to bind the vendor to a contractual relationship. Vendors may forward the written request via email to the RFP Coordinator. The email submission must contain the authorized person's signature and be received within the timeframe established in Section 3 RFP Schedule. The protest letter shall, at a minimum, provide:

1. Information about the protesting Vendor; name of firm, mailing address, phone number and name of individual responsible for submission of the protest;
2. Specific and complete statement of the Exchange action(s) being protested;
3. Specific reference to the grounds for the protest (see Section B above); and
4. Description of the relief or corrective action requested.

D. HBE Review Process

Upon receipt of a Vendor's protest, HBE will postpone signing Contract(s) with the Apparently Successful Vendor(s) until all Vendor protests have been resolved. HBE will perform an objective review of the protest, by individuals not involved in the acquisition process being protested. The review shall be based on the written protest material submitted by the Vendor and all other relevant facts known to HBE. HBE will render a written decision to the Vendor within five (5) Business Days after receipt of the Vendor protest, unless more time is needed. The protesting Vendor shall be notified if additional time is necessary.

E. HBE Determination

The final determination shall:

1. Find the protest lacking in merit and uphold the Exchange's action;
2. Find only technical or harmless errors in the Exchange's acquisition process conduct, determine the Exchange to be in substantial compliance, and reject the protest;
3. Find merit in the protest and provide the Exchange with options that may include:
 - Correct errors and reevaluate all proposals; or
 - Reissue the solicitation document; or
 - Make other findings and determine other courses of action as appropriate.
4. Not require the Exchange to award the Contract to the protesting party or any other Vendor, regardless of the outcome.

F. The resulting decision is final; no further administrative appeal is available.