

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 122.03

DATE: 15 June 2019

SUBJECT: PURCHASE AWARD PROTEST

POLICY DIRECTIVE

PURPOSE:

To establish a mechanism that allows vendors to protest specifications and purchase order/contract awards.

REFERENCE:

WV Code 15A-2-1 and 15A-3-4.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

None.

APPLICABILITY:

All units within the Division of Corrections and Rehabilitation. This Policy is available for general distribution.

DEFINITIONS:

None.

POLICY:

- I.** The Division of Corrections and Rehabilitation provides vendors with the right to protest specifications and purchase order/contract awards. The Division of Administrative Services solicits bids and awards contracts/purchase orders on behalf of Division of Corrections and Rehabilitation; therefore, the Division of Administrative Services will be responsible for the resolution of all protests. The Director of

Administrative Services shall notify the Commissioner of the Division of Corrections and Rehabilitation of all submitted protests, regardless of amount.

II. Submission of Protest: Protests based on bid specifications must be submitted no later than five business days prior to bid opening. Protest of purchase order or contract awards must be submitted no later than five business days after the award. The vendor is responsible for knowing the bid opening and award dates. Protests received after these dates may be rejected at the option of the Director of Division of Administrative Services.

A. All protests shall be submitted in writing to the Director of Division of Administrative Services and contain the following information:

1. The name and address of the protestor;
2. The requisition, purchase order, or contract numbers;
3. A statement of the grounds of protest;
4. Supporting documentation (if necessary); and
5. The resolution or relief sought.

B. Failure to submit this information shall be grounds for rejection of the protest.

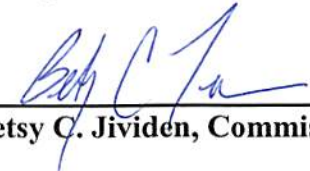
III. Protest Review: The Director or his/her designee shall review the matter of protest and issue a written decision. A hearing may be conducted at the option of the Director or assigned designee.

A. Continuation or delay of the purchase order or contract award while the protest is considered is at the discretion of the Director.

B. The Division of Administrative Services may refuse to review any protests when the matter involved is subject to litigation before a court of competent jurisdiction; if the merits have previously been decided by a court of competent jurisdiction; or if it has been decided in a previous protest by the Agency.

C. All protests, regardless of dollar amount should be directed to the Division of Administrative Services. Responsibility for delivery of the protest to the Agency shall remain with the protesting vendor.

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner


Date