

PURCHASING/CONTRACT BID PROTEST

Related Board of Trustees Policy: BP 5.2

OPR: Vice President for Administration

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Previous Edition:

PURCHASING/CONTRACT BID PROTEST

The College conducts its Purchasing/Contract Bid Protest Procedure in accordance with NCGS 143-53 and 01 NCAC 05B.1519. Following a purchasing or contract bid award made by the College, a non-awarded vendor may submit a Purchasing/Contract Bid Protest. For the purposes of this Procedure, a “vendor” is defined as a contractor, supplier, bidder, company, independent contractor, firm, corporation, partnership, individual or other entity who submitted a response to a College solicitation.

Vendors eligible to protest an award are those whose bid complied with the terms of the College’s solicitation, including but not limited to, having been timely submitted. A written letter, protesting the award and requesting a protest meeting must be received by the College within (30) calendar days from the date of the contract to be considered.

Purchasing/Contract Bids Under \$50,000.00

If the contract is valued under \$50,000.00, then the written request for a protest meeting is sent directly to the College’s Purchasing & Fixed Assets Coordinator.

- In addition to being timely, the vendor’s request must contain specific reasons for why there is a concern with the award and include applicable supporting documentation.
- The Purchasing & Fixed Assets Coordinator shall furnish a copy of the protest letter to the State Purchasing Officer (SPO) within five (5) calendar days of receipt.
- The Purchasing & Fixed Assets Coordinator may reject the meeting request if the protest is not timely, does not contain the required information, or the protest is meritless.
 - The Purchasing & Fixed Assets Coordinator will respond within fifteen (15) calendar days of the receipt of the letter advising the vendor that no meeting will be held.
- If the protest meeting is granted, it must occur within thirty (30) calendar days after receipt of the protest, or as soon as possible thereafter.
- Within ten (10) calendar days from the protest meeting, the Purchasing & Fixed Assets Coordinator will notify the vendor in writing with his/her decision and appeal rights in accordance with NCGS 150B, Article 3.
 - A copy of the decision letter will be forwarded to the SPO.

Purchasing/Contract Bids Over \$50,000.00

If the contract is valued at or above \$50,000.00, then the protest letter is sent to the SPO. The College and vendor will comply with the State Division of Purchase & Contract Protest procedures.

- In addition to being timely, the vendor's request must contain specific reasons for why there is a concern with the award and include applicable supporting documentation.
- The SPO may reject the meeting request if the protest is not timely, did not contain the required information, or the protest is meritless.
- If the protest meeting is granted, it must occur within thirty (30) calendar days after receipt of the protest, or as soon as possible thereafter.
- Within ten (10) calendar days from the protest meeting, the SPO will notify the vendor in writing with his/her decision and appeal rights in accordance with NCGS 150B, Article 3.

Associated ICPs and Forms

- ICP 5.2.1.2, *Purchasing Procedures Manual*