

Protest of Solicitation or Award Procedures

Unit: [University Purchasing](#)

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Purpose

In accordance with section 41-4-163, the following are the established Purchasing procedures to resolve disputes between the University and Bidders.

Process

Protest of Solicitation or Award

Any Respondent who desires to protest the award or decision to award a Contract shall submit the protest in writing to the University no later than 10 calendar days after the announcement of the intent to award. Any protest of a Solicitation shall follow this same procedure and timeline hereafter, however, must be filed prior to Solicitation due date to be considered. Public notice of the award or the announcement of the decision to award shall be given by the University in the manner prescribed in the Solicitation Terms and Instructions or conditions of the Solicitation. The written protest shall include the name of the company, contact person, detailed and clear basis for the protest, and the relief sought. The written protest shall be submitted to the University's Executive Director of Procurement by email or other written means. The Executive Director shall issue a response and/or decision in writing within 3 calendar days. The decision of the Executive Director shall be final unless the Respondent appeals within 2 calendar days of receipt of the written decision. The written appeal shall be submitted to the UAB CFO & Associate VP Financial Affairs by email or other written means. If prior to an award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The University shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a Contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made, the University may declare the Contract void upon a finding that this action is in the best interest of the public. Where a Contract is declared void, the performing Contractor shall be compensated for the cost of performance, if any, up to the time of such declaration. In no event shall the performing Contractor be entitled to lost profits.

Effect of Protest on Contract Award

An award need not be delayed for the period allowed for a Respondent to protest, but in the event of a timely protest as provided or the filing of a timely legal action as provided prior to Contract award, no further action to award the Contract shall be taken unless there is a written determination that proceeding without delay is necessary to protect the public interest as solely determined by the University. The validity of a Contract awarded and accepted in good faith shall remain and shall not be affected by the fact that a protest or appeal has been filed.