

**STATE PRESERVATION BOARD**  
**FORMAL INVITATION FOR BIDS PROTEST PROCEDURES**

Any actual or prospective bidder, offeror, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the agency Executive Director. Such protests must be in writing and received in the care of the Executive Director within ten (10) working days after the protesting party knows, or should have known, of the occurrence of the action that is protested. The protesting party must mail or deliver copies of the protest to the agency Executive Director and other interested parties. Interested parties is defined as all vendors who have submitted bids, proposals or other expressions of interest for the provision of goods or services pursuant to a contract with the State Preservation Board.

Formal protests must conform to the specified requirements and shall be resolved in accordance with the procedures set forth.

In the event of a timely protest, the State Preservation Board shall not proceed further with the solicitation or award of the contract unless the Executive Director makes a written determination that the contract must be awarded without delay, to protect the best interests of the state.

**FORMAL PROTEST REQUIREMENTS:**

A formal protest shall be addressed to the Executive Director and must be sworn and contain:

- (1) a specific identification of a statutory or regulatory provision that the protesting party alleges has been violated;
- (2) a specific description of each action that the protesting party alleges to be a violation of the statutory or regulatory provision that the protesting party has identified in number (1) above;
- (3) a precise statement of the relevant facts;
- (4) a statement of any issues of law or fact that the protesting party contends must be resolved;
- (5) a statement of the argument and authorities that the protesting party offers in support of the protest; and
- (6) a statement that copies of the protest have been mailed or delivered to all other identifiable interested parties.

If the protest is not resolved by mutual agreement, the Executive Director will issue a written determination that resolves the protest, as specified:

- (1) if the Executive Director determines that no violation of any statutory or regulatory provisions has occurred, he shall so inform the protesting party by letter which sets forth the reasons for the determination.
- (2) if the Executive Director determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, he shall so inform the protesting party and other interested parties of that determination by

letter that details the reasons for the determination and the appropriate remedy.  
(3) if the Executive Director determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has been awarded, then the Executive Director shall inform the protesting party and other interested parties of that determination by letter that details the reasons for the determination. This letter may include an order that declares the contract void.

A protest that is not filed timely shall not be considered unless good cause for delay is shown or the Executive Director determines that an appeal raises issues that are significant to agency procurement practices or procedures in general.

A written decision by the Executive Director shall be the final administrative action.

The SPB shall maintain all documentation on the purchasing process that is the subject of a protest in accordance with the retention schedule of the agency.