

# **UVLSRPC Bid Protest and Dispute Policy**

## **Disputes**

Upper Valley Lake Sunapee Regional Planning Commission (Commission) will work with contractors and vendors to resolve disputes arising from its procurement of goods and services. If such disputes cannot be resolved through negotiation between the vendor and the Executive Director the Executive Committee may render a decision on the matter.

Nothing in this policy mitigates the right of the vendor to seek legal remedy in a court of competent jurisdiction.

Upper Valley Lake Sunapee Regional Planning Commission may seek the assistance of the grantor agency in resolving disputes.

## **1.1 Protests**

Protests will only be accepted by the Commission from prospective bidders or bidders whose direct economic interest would be affected by the award of a contract or refusal to award a contract. The Commission will consider all such protests, whether submitted before or after the award of a contract. All protests must be in writing and conform to the following requirements:

1. Be clear and concise.
2. Provide name, address and telephone numbers of protestor.
3. Identification of the solicitation or contract number.
4. Provide a clear and detailed statement of the legal and factual grounds of the protest including copies of all relevant documents.
5. Provide a statement as to what relief is requested.

### **1.1.1 Protests Prior to Award**

Protests before award must be submitted within the time frame specified below. If the written protest is not received by the time specified, the bid or evaluation process shall continue.

Protests addressing the adequacy of the Invitation for Bid (IFB), Request for Quotes (RFQ) or Request for Proposals (RFP), including the pre-award procedure, the instruction to bidders, general terms and conditions, specifications and scope of work, must be filed the Commission not less than fourteen (14) full working days before bid opening or date of receipt for proposals. Thereafter, all issues and appeals regarding adequacy of the invitation or RFQ are deemed waived by all interested parties.

Upon receipt of the written protest, the Commission will determine if the bid opening or date of receipt for proposals should be postponed. If the bid opening or due date is postponed, an appropriate addendum will be issued regarding a rescheduling of the bid opening.

Any protest may be withdrawn at any time before the Commission has issued its decision.

#### 1.1.2 Protests After Bid Opening/Receipt of Proposals

Any party aggrieved by an award of a contract may protest to the Commission's Executive Committee in writing, within seven days after such aggrieved party knew or should have known of the facts giving rise thereto. Such protest shall include the detailed facts leading up to the protest. The Executive Committee is authorized to settle and resolve any protest relating to the solicitation or contract award. Protests received later than 30 days after an award has been made shall not be considered.

In the absence of a settlement, the Executive Committee shall make their decision known, in writing, within one month of receipt of the protest.

The written decision of the Executive Committee shall be final, binding, and conclusive on the parties.

Protests should be transmitted to:

The Executive Committee  
Upper Valley Lake Sunapee Regional Planning Commission  
10 Water Street, Suite 225  
Lebanon, NH 03766

Protests will only be entertained by the Federal Transit Administration by an aggrieved party if the aggrieved party is alleging that Commission does not have, or is failing to follow, written protest procedures.