

Board of Regents Bid Protest Procedures

This section describes the mandatory administrative procedure whereby vendors/bidders/offerors may challenge the solicitation process and/or contract awards for public works and/or public works construction projects procured by the Board of Regents.¹

1.0 Right to Protest

Any actual or prospective bidder, proposer, offeror or contractor who is aggrieved in connection with a Board of Regents (“BOR”) solicitation or award of a contract shall have the right to file a protest. All protests shall be filed in the manner prescribed herein. Protests that do not comply with this procedure shall be deemed invalid and of no effect.

2.0 Form of Protest and Filing Deadline

The protest must be in writing and signed by a company officer authorized to execute agreements on behalf of the bidder or offeror or provided by an authorized legal representative of the protestor. The protest must include, at a minimum, the following information:

- name and address of the protestor;
- identification of the solicitation or contract by the project name and/or project number;
- a concise statement of the reasons(s) for the protest;
- any supporting exhibits, evidence or documents to substantiate the claim(s); and
- desired remedy.

The protest shall be filed with the Director of Contracts & Services via any of the following means:

Mail: Board of Regents of the University System of Georgia
Office of Real Estate & Facilities
Attention: Director of Contracts & Services
270 Washington Street, SW
Atlanta, GA 30333

Email: pwcprotest@usg.edu

¹ Per O.C.G.A. §50-5-72, all public works and public works construction contracts contracted by the Board of Regents are not required to be procured by the Department of Administrative Services (DOAS).

3.0 Filing Deadline

Protests concerning the solicitation process, including claims related to the specifications, request for proposal, request for qualifications and bid documents, shall be filed no later than three (3) working days prior to the solicitation closing date.

Protests concerning the selection of a vendor or contractor must be filed within five (5) working days from the posting of the award.

Any protest that is filed after these time periods shall be deemed invalid.

4.0 Protest Evaluation by the Director of Contracts & Services

The Director of Contracts & Services shall evaluate and make the initial determination of protest validity.

During this initial evaluation period BOR may, at its discretion, suspend further action on the solicitation or contracting.

The Director of Contracts & Services shall issue a written response to the protest within five (5) working days of receipt of the protest. If the Director of Contracts & Services is unable to adequately investigate the claim within five (5) working days, a time for completion of the investigation shall be provided within five (5) working days of the protest.

5.0 Response to Valid Protest

If the Director of Contracts & Services determines that the protest is valid, the Director of Contracts & Services shall determine the appropriate remedy. Available remedies include but are not limited to the following:

- Modification of the solicitation document and extension of the solicitation period
- Cancellation of the solicitation
- Cancellation of the selection or award of contract

6.0 Costs

In no event shall a protesting party be entitled to recover any costs incurred in connection with the protest of a solicitation or contract award, including but not limited to bid or proposal preparation costs, protest preparation costs, or attorneys' fees.

7.0 Appeal of the Decision of the Director of Contracts & Services

The protestor may appeal a decision of the Director of Contracts & Services. The protesting party shall file a written appeal with the BOR Vice Chancellor for Facilities after the Director of Contracts & Services has issued a written decision and no later than five (5) working days after receipt of the decision from the Director of Contracts & Services. Any appeal filed after that time period shall be deemed invalid.

Any appeal filed with the BOR Vice Chancellor for Facilities shall be sent by any of the following means:

Mail: Board of Regents of the University System of Georgia
Office of Real Estate & Facilities
Attention: Vice Chancellor for Facilities
270 Washington Street, SW
Atlanta, GA 30333

Email: facilities-procurement@usg.edu

The Vice Chancellor for Facilities shall review the appeal. The Vice Chancellor for Facilities or his/her designee may further investigate the claim and request additional information from the protestor or any source deemed helpful.

The Vice Chancellor for Facilities shall issue a written determination either confirming or overturning the decision of the Director of Contracts & Services within twenty (20) working days after receipt of the appeal. The decision of the Vice Chancellor for Facilities, either confirming or overturning the decision of the Director of Contracts & Services, shall be deemed to be the final decision of the BOR.