

PROTEST PROCEDURE

I. Summary

This procedure applies only to procurements for personal service contracts in which a competitive procurement process has taken place through the issuance of an RFP or a solicitation. Purchases which do not fall within the scope of the aforementioned procurement policy (i.e., service contracts under \$50,000.00, intergovernmental agreements, supplies/equipment/commodities purchased through general services, subgrants to local workforce areas, etc.) are not covered by this protest procedure. Protests regarding the purchase of equipment and/or commodities are governed by the rules and regulations of the Mississippi Procurement Review Board.

II. Protest Letters

Proposing entities who believe that funds have been wrongly awarded to a different proposing organization may elect to submit a protest letter. Protest letters must:

- A. Be written and signed by an authorized representative of the protesting organization;
- B. Be received by MDES' Chief Procurement Officer within fifteen (15) calendar days, by 5:00 p.m. on the fifteenth (15) day, after the protesting organization received written notice of the adverse funding decision. Should the fifteenth day fall on a Saturday or Sunday, the protest letter must be received by 5:00 p.m. the following Monday. **Note: In the event that the deadline falls on a state or federal holiday, the protest letter must be received by 5:00 p.m. on the following business day.**
- C. State the reason why the funding decision was wrong, including the specific rules, laws or procurement language which were violated;
- D. Include or attach any evidence or facts which support the protest;
- E. Include the desired remedy.

Failure to deliver a timely and complete protest letter on time to MDES voids protest/appeal rights.

III. Protest Process

- A. The MDES Executive Team, consisting of the Executive Director, Deputy Executive Director/CFO and Deputy Executive Director/COO, shall

consider all protest letters and shall issue a Final Determination resolving protest cases within sixty (60) calendar days after protest letters are received. This timeline may be waived or extended by MDES for good cause.

- B. Final determinations are binding and may only be appealed further if specific additional appeal rights exist under Mississippi or Federal laws or rules.
- C. Funding decisions need not be held in abeyance while protests are considered.

IV. Effective Date

This protest procedure shall take effect on July 1, 2011, and shall be utilized for all protest letters received on or after the above date, even if the adverse procurement action occurred earlier.