

ASPERMONT SMALL BUSINESS DEVELOPMENT CENTER, INC.  
BID PROTEST PROCEDURES

ASBDC has established the following procedures for handling protest of capital equipment and contract awards. Protest may be made at any time during a bidding process, including pre-award, award, and post award periods. Things which may be protested include but are limited to:

- 1) Pre-award: Conditions of bid, exclusions, specifications which require sole source procurement, unreasonable bonding requirements, or other procedures which limit a vendor's ability to participate.
- 2) Award: Closed meeting at award opening, opening awards early, allowing a bid to be changed after opening of any bid, failure of ASBDC, Inc. to require same action on the part of all bidders.
- 3) Post Award: Bid process was not complied with be ASBDC, Inc.

A protest must be filed within 3 working days of the initial knowledge of the fact being protested. A request for reconsideration must be filed within 3 working days of receipt of the answer to the protest. A working day is defined as one working period not to include weekends, national holidays, or declared natural emergencies. ASBDC, Inc. will provide an initial response within 7 working days of receipt of the protest or request for reconsideration. A final report will be made within 14 working days of receipt of the protest or request for reconsideration.

The protest must contain the name and address of the protester (corporate or individual), the solicitation or contract number or a description of the invitation to bid, and a statement of the grounds on which a protest is made. A contact person should be given and a telephone number in case clarification of the protest is needed.

A protest must be received at the administrative office of ASBDC, Inc. located at 9660 U.S. Hwy 83 South, Aspermont, Texas 79502, mailing address: 9660 U.S. Hwy 83 South, Aspermont, Texas 79502 to be honored. If not hand delivered and a receipt supplied, we recommend it be sent via certified mail or courier, with a return receipt requested by the protester.

*ASBDC, Inc.* will respond in detail to each substantive allegation raised in the protest. The protest will be reviewed by a committee consisting of the CFO, a member of the board of directors, and the Executive Director. The Executive Director of *ASBDC, Inc.* will make the final decision on any protest filed with *ASBDC, Inc.* All determinations are considered final 3 working days after a protested receipt of our final report, usually no longer than 20 working days after a protest is filed.

Only when life is at risk will procurement be made when a protest is pending. Under no conditions will an award be made prior to the resolution of a protest, nor will we open bids if a protest is filed before bid opening. All potential vendors will be informed if a protest is filed prior to award of a bid.

A request for reconsideration will be granted only when a protester acquires data not previously known or available, or there has been an error of law or state bidding regulations.

If there is a question of the merits of a protest, *ASBDC, Inc.* will hold an informal conference. At a minimum, *ASBDC, Inc.* representatives and the protester will attend. All other interested parties are welcome to attend.