

NYCHA STANDARD PROCEDURE MANUAL

SP 002:94:1, RESOLUTION OF PROCUREMENT PROTESTS

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NEW YORK CITY HOUSING AUTHORITY

STANDARD PROCEDURE

SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
RESOLUTION OF PROCUREMENT PROTESTS	SUPPLY MANAGEMENT & PROCUREMENT DEPARTMENT	Issued March 8, 1995 Revised June 15, 2001 Date: <u>11/10/2021</u>	 Sergio Paneque Chief Procurement Officer  Lisa Bova-Hiatt Executive Vice-President for Legal Affairs & General Counsel	002:94:1

I. PURPOSE

This Standard Procedure establishes standards of vendor responsibility and responsiveness and a uniform process for the submission, review, and resolution of procurement protests at the New York City Housing Authority (NYCHA).

II. POLICY

NYCHA has a Procurement Policy Manual (PPM) which reflects all federal, state, local, and NYCHA rules related to procuring through a competitive procurement method. See NYCHA Manual PROCPPM, *Procurement Policy Manual*, for more information.

NYCHA may determine that responses it receives to a solicitation are non-responsive, or that the lowest responsive or highest scoring bidder or proposer is non-responsive. Any actual or prospective bidder or proposer may protest these determinations or any phase of a solicitation, proposal, or award of a contract on the grounds that NYCHA has failed to follow the standards set forth in its procurement policies, terms of the solicitation, and related procedures.

Any bidder or proposer who requests a release from its bid or proposal following the steps in Standard Procedure 002:59:1, *Review of Bidder's Application for Release from a Bid*, may not protest if NYCHA denies the request for release.

NOTE: This Standard Procedure does not apply to NYCHA's approval of subcontractors.

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III. APPLICABILITY

This Standard Procedure applies to NYCHA employees who are involved in evaluating whether bids or proposals are responsive or bidders or proposers are responsible; receive, review, or render decisions on procurement protests; or receive, review, or render administrative review decisions.

IV. DEFINITIONS

A. Affiliate

Any entity that controls a bidder or proposer, is controlled by a bidder or proposer, or is under common control with a bidder or proposer.

B. Bid or Proposal

A submission of information submitted by a bidder or proposer and received by NYCHA in response to a solicitation.

C. Bidder or Proposer

A party submitting a bid or proposal to NYCHA.

D. Bid Security (also known as a "Bid Bond" or "Bid Guarantee")

A form of security assuring the bidder, in the event they win the bid, will accept and undertake the contract according to the terms at which they bid.

E. Balanced Bid

A bid based on prices that accurately reflect the cost of the work. In contrast, an unbalanced bid is based on prices that are significantly less than cost for some work and/or significantly overstated in cost for other work.

F. Contract

1. An agreement, purchase order, act, or arrangement in which NYCHA commits to expend or does expend its funds in return for work, labor, services, personal services, supplies, equipment, materials, insurance, or any other benefit, or any combination of these items; or
2. Any other agreement or act in which NYCHA sells, transfers, conveys, leases, assigns, or otherwise gives up any property, right, or benefit of value to NYCHA.

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G. Protestor

The party protesting a determination or decision by NYCHA in any phase of a solicitation, proposal, or award of a contract on the grounds that NYCHA has failed to follow the standards set forth in its procurement policies, terms of the solicitation, and related procedures.

H. Received

A protest or request for administrative review is considered received when it electronically arrives in the recipient's inbox via e-mail. NYCHA is not responsible for any technical issues that delay the transmittal or receipt of a determination, protest, or request.

I. Responsive

A responsive bid or proposal fully responds to all the requirements of a solicitation. NYCHA may waive a non-material response to the requirements of the solicitation (e.g., may waive a submission that does not include a required form or follow the specified formatting). Factors contributing to a bid or proposal's responsiveness are listed in Section VII.A.

J. Responsible

A responsible bidder or proposer can fully perform the contract requirements and has the business integrity to justify the award of public funds. Factors contributing to a bidder or proposer's responsibility are listed in Section VII.B.

K. Solicitation

NYCHA's request for information from external parties to perform work on behalf of NYCHA. Solicitations include, but are not limited to, Requests for Expression of Interest, Requests for Information, Requests for Proposal, Requests for Qualification, Requests for Quotation, sealed bids, and small purchases.

V. REVIEW CYCLE

The Supply Management & Procurement Department shall review this Standard Procedure every three (3) years, or earlier if necessary, and advise the Compliance Department Procedures Unit via email if no changes are needed or submit its revisions to the procedure by submitting NYCHA Form 022.008, *Procedure Development Request*.

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VI. RESPONSIBILITIES

A. Office of the Chief Procurement Officer

1. Chief procurement officer (CPO)

B. Supply Management and Procurement Department (SMPD)

1. Senior vice-president (SVP)
2. Procurement Department
3. Office of Vendor Integrity and Supplier Diversity (VISD)
 - a. Director

C. Law Department

VII. PROCEDURE

A. Determining Non-Responsiveness

1. The Procurement Department may determine that a bid or proposal is non-responsive.
2. Factors contributing to a bid or proposal's responsiveness include, but are not limited to, the bidder or proposer's:
 - a. Compliance with the requirements of the solicitation instructions and/or specifications.
 - b. Conformance with the terms and conditions of the solicitation.
 - c. Submission in the form specified in the solicitation, including all required signatures in ink and all required pricing information.
 - d. Compliance with any requirement that alterations in bids or proposals be initialed in ink by the bidder or proposer.
 - e. Submission of bids or proposals by the time and date, and at the place for submission, specified in the solicitation.
 - f. Submission of a balanced bid.

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- g. Submission of a bid or proposal that is so much lower than NYCHA's independent cost estimate for the contract, or anticipated bids for, that it appears unlikely that the bidder or proposer will be able to perform the contract satisfactorily.
- h. Satisfaction of any minimum qualification requirements set forth in the solicitation, including, but not limited to, minimum financial qualifications and minimum experience requirements.
- i. Submission of any samples or literature requested in the solicitation.
- j. Submission of all required forms requested in the solicitation, including but not limited to disclosure statements and forms.
- k. Submission of bid security, if required.
- l. Submission of copies of licenses and/or license numbers, if required.
- m. Attendance at a site inspection, if required.

B. Determining Non-Responsibility

1. VISD may determine that the lowest responsive bidder or highest scoring bidder or proposer is non-responsible based on information received from NYCHA Office of the Inspector General (OIG) or Department of Investigation (DOI), including but not limited to a Vendor Name Check and/or other internal or external sources of information.
2. Factors contributing to a bidder or proposer's responsibility include, but are not limited to, whether the bidder or proposer:
 - a. Has the financial resources necessary to carry out the work in a competent and acceptable manner for the bid amount and in compliance with required delivery or performance schedules, taking into consideration the bidder or proposer's other business commitments.

(1) VISD may review bankruptcy, judgements, tax liens, tax warrants, or other financial and tax documents.
 - b. Has the necessary skill, ability, experience, and technical qualifications.
 - c. Has performed work of the same general type and scale called for under the proposed contract.

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- d. Has the organization, material, equipment, facilities, personnel resources, and expertise (or ability to obtain them) necessary to carry out the work in a competent and acceptable manner, for the bid amount and in compliance with required delivery or performance schedules, taking into consideration the bidder or proposer's other business commitments.
- e. Has a satisfactory record of performance in general and on contracts awarded by NYCHA or any federal, state or local government, agency, or instrumentality.
 - (1) A bidder or proposer is considered non-responsible if they failed, without good cause, to perform in accordance with the specifications or within the time limit on a NYCHA contract, or otherwise performed unsatisfactorily on a NYCHA contract. Past failure to perform acceptably (e.g., adhering to deliverables schedule) is strong evidence of non-responsibility.
 - (a) However, such a bidder or proposer may be deemed responsible if VISD determines that the circumstances were beyond the bidder or proposer's control, or that the bidder or proposer has taken appropriate corrective action.
- f. Has a satisfactory record of business integrity and compliance with laws.
 - (1) Evidence of a lack of integrity or failure to comply with laws may include, but is not limited to: a judgment of conviction; a pending criminal indictment or information; a grant of immunity; an investigation in connection with a criminal prosecution of the bidder or proposer; an investigation by OIG or DOI; a judgment of civil liability under state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract; or evidence of the suspension or revocation for cause of any professional license.
- g. Is in arrears on any debt or contract with any governmental entity, has defaulted upon any obligation to any governmental entity, or is in arrears on any tax.
- h. Has a permanent place of business.
- i. Has been previously disqualified from the award of a publicly awarded contract, such as from any federal, state, or local government, agency, or instrumentality.
- j. Has made or caused to be made any false, deceptive, or fraudulent statement in any bid, proposal, or application for NYCHA or other publicly awarded work, such as from any federal, state or local government, agency, or instrumentality.
- k. Has used any unauthorized subcontractor or has subcontracted more of contract work than was authorized in a NYCHA contract.

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- l. Has failed to cooperate with reasonable requests of any NYCHA inspector or representative, OIG representative, or DOI representative for documentation, information, or otherwise in respect to any work under the provisions, plans, or specifications of a NYCHA contract.
- m. Has engaged in improper conduct, including but not limited to: an intentional billing irregularity or negligent billing practices; submitting a false claim or frivolous or exaggerated claims; the falsification of a document or record; the willful destruction of a document or record that the bidder or proposer had an obligation to maintain; bribery; use of a false or deceptive statement to obtain some benefit; causing competition to be restrained or limited; misrepresentation; falsely claiming to be a women-owned, minority-owned, or small business; or other dishonesty incident to obtaining, prequalifying for, or performing any contract or modification thereof.
- n. Has created a hazardous condition at any work site or has failed to alleviate or remove a hazardous condition created at any work site.
- o. Has disregarded the personal safety of its employees or its subcontractors, the public, or NYCHA residents or personnel.
 - (1) NYCHA may consider, among other things, whether available evidence concerning the training of the bidder's employees, the equipment in use at the work site, the bidder's practices for identifying and addressing deficiencies, and the bidder's practices for securing employee compliance demonstrate a genuine commitment to safety, or lack thereof.
- p. Has habitually and without just cause neglected paying bills or otherwise disregarded obligations to a subcontractor, supplier of materials, or an employee of the bidder or proposer.
- q. Where the contract includes provisions for reimbursement of bidder or proposer costs, has accounting and auditing procedures adequate to control property, funds, or other assets, and to accurately delineate costs and attribute them to their causes.
- r. Has complied with all applicable requirements, including all contract requirements, to use minority-owned, women-owned, and small businesses and subcontractors.
- s. Has complied on other NYCHA contracts with the requirements set forth in Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, and implemented in 24 C.F.R. 75 et seq.
- t. Has complied with all applicable equal opportunity requirements regarding hiring, training, and employment.

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- u. Has been suspended or debarred from, or otherwise denied participation in, any contracts awarded by a federal, state, or local government, agency or instrumentality, or placed on a “caution list” or similar type of list by any federal, state, or local government, agency or instrumentality.
 - v. Has any other serious reason that would cause NYCHA to doubt the capability of the bidder or proposer to perform NYCHA’s contract requirements.
 - w. Was organized or established, or operates in a manner designed, to evade the purpose of this Standard Procedure or any other law, rule, regulation, or procedure relating to the procurement or performance of a government contract.
 - x. Is a successor, assignee, subsidiary, or affiliate of a suspended, debarred, or non-responsible contractor.
3. The fraudulent, criminal, or other improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a bidder or proposer or any affiliate of a bidder or proposer may be imputed to the bidder or proposer when the conduct occurred in connection with the individual’s performance of duties for or on behalf of the contractor or with the contractor’s knowledge, approval, or acquiescence.
- a. The fraudulent, criminal, or other improper conduct of one contractor participating in a joint venture or other similar arrangement may be imputed to other participating contractors.
 - b. The fraudulent, criminal, or other improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of the contractor’s conduct.
4. NYCHA may also consider the factors set forth in Sections VII.B.2.a, e-g, i-p, and r-x as they apply to acts or omissions on the part of any affiliate of such bidder or proposer, or any officer, director, 5% shareholder, joint venture participant, or principal of such bidder or proposer or affiliate.
5. If more than one bid or proposal submitted by a bidder or proposer is under consideration by NYCHA for award, and NYCHA determines that the bidder or proposer is able to meet the qualifications for the award of some, but not all, of the contracts on which it has bid:
- a. NYCHA will determine which bid(s) should be rejected for failure to meet such qualifications.

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- b. NYCHA may take into consideration contracts already awarded to the bidder or proposer and the extent of their completion as affecting the bidder or proposer's qualifications for the award of additional contracts.

C. Notifying a Bidder or Proposer of Non-Responsiveness or Non-Responsibility

1. Notifying a Bidder or Proposer of Determinations of Non-Responsiveness

If the Procurement Department determines that a bidder or proposer is non-responsive according to the factors in Section VII.A, they are **not required** to notify the bidder or proposer of the determination.

2. Notifying a Bidder or Proposer of Determinations of Non-Responsibility

a. Procurements for \$250,000 or More

If VISD determines that a bidder or proposer is non-responsible according to the factors in Section VII.B, the VISD director:

- (1) Notifies the affected bidder or proposer of the determination in writing via certified mail and email.
- (2) Includes in their notice to the affected bidder or proposer:
 - (a) The reason for the determination.
 - (b) How to protest the determination. (See Section VII.D for more information.)
 - (c) That NYCHA's deadline to receive a protest is seven (7) calendar days after the affected bidder or proposer received the notice that they have been determined non-responsible.

b. Procurements for Less Than \$250,000

If VISD determines that a bidder or proposer is non-responsible according to the factors in Section VII.B, the VISD director:

- (1) Notifies the affected the bidder or proposer of the determination via email.
- (2) Includes in their notice to the affected bidder or proposer:
 - (a) The reason for the determination.
 - (b) How to protest the determination. (See Section VII.D for more information.)

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- (c) That NYCHA's deadline to receive a protest is seven (7) calendar days after the affected bidder or proposer received the notice that they have been determined non-responsible.

D. Submission of Protest by Protestor

1. Submission Timing

- a. Protests must be received by NYCHA within seven (7) calendar days after any of the following scenarios occur:
 - (1) The protester receives notice that they have been determined non-responsive, if notice was sent.
 - (2) The protestor receives notice that they have been determined non-responsible.
 - (3) The protester discovers, or should have discovered, the facts prompting the protest.
 - (4) The contract is awarded, if the protest concerns the award of a contract.
- b. Protests filed after the seven (7) day period will not be considered unless the SVP determines that there is good cause for considering the late protest.
- c. A protest concerning a solicitation must be received by NYCHA before the due date for receipt of the bids or proposals in response to the solicitation.

2. Submission Format

- a. The protestor must submit their protest in writing via email to protest@nycha.nyc.gov with the subject line "Protest."
- b. The protest must include the following information:
 - (1) The name, address, and telephone number of the protester.
 - (2) Identification of the procurement, including the solicitation or contract number.
 - (3) A statement of the factual and legal grounds for the protest.
 - (4) Supporting exhibits and documentary evidence to substantiate any arguments.
 - (5) The form of relief requested.

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- c. The protestor must submit any additional information reasonably requested by SMPD within the time period established by SMPD. If a protestor fails to comply with a request for additional information within the established time period, SMPD may decide on the protest without considering the additional information.

E. Decisions on Protests Regarding Procurements for \$250,000 or More

1. Stay of Procurement During Protest

a. Stay of Procurement for Protests of Non-Responsibility

If a protest regarding a determination of non-responsibility has been submitted following the steps in Section VII.D above, and the contract has not yet been awarded, SMPD will not award the contract until one of the following scenarios occur:

- (1) The SVP, in consultation with the Law Department, renders their decision on the protest.

- (a) However, the SVP, in consultation with the Law Department, may award the contract before rendering a decision on the protest if doing so protects NYCHA's substantial interests.

- (2) The protestor has exhausted their rights following the steps in Section VII.E.

b. Stay of Procurement for Other Protests

If a protest regarding something other than a determination of non-responsibility (e.g., non-responsiveness) has been filed in accordance with the steps in Section VII.D above, and contract has not yet been awarded, the contract will not be awarded until:

- (1) The SVP, in consultation with the Law Department, renders their decision on the protest.

- (a) However, the SVP, in consultation with the Law Department, may award the contract before rendering a decision on the protest if doing so protects NYCHA's substantial interests.

2. Decision by the SVP

a. The SVP or designee:

- (1) Decides on a protest as quickly as possible after receiving the protestor's submission and any additional information requested.

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- (2) May meet with the protester and any other affected party to discuss the protest.
- (3) Notifies the protestor of the decision in writing via certified mail and email.

b. Protest is Granted

(1) Protest is Granted and Contract Has Already Been Awarded

If the protest is granted, but the contract has already been awarded:

- (a) The contract may be terminated and awarded to the protester or to the next eligible bidder or proposer.
- (b) The contract may be terminated and resolicited.
- (c) The contract may stand and NYCHA pays the protestor for the reasonable costs incurred in connection with preparing and submitting their bid or proposal.
 - i. This decision is made when terminating the contract would not be in NYCHA's best interest (e.g., in the case of an emergency or if the work has already been completed).
 - ii. NYCHA does not pay for anticipated profit, damages for lost business opportunities, consequential or special damages, or any fees or costs incurred in filing or pursuing the protest.

(2) Protest is Granted and Contract Has Not Been Awarded

If the protest is granted, and the contract has not yet been awarded:

- (a) The contract may be awarded to the protester or to the next eligible bidder or proposer.
- (b) The contract may be resolicited.

c. Protest is Denied

(1) Denial for Protests Regarding Non-Responsibility

If a protest is denied (i.e., the initial determination is upheld), and the decision involves a determination of non-responsibility:

- (a) The SVP includes in their notice to the protestor in Section VII.E.2.a(3) of their right to request administrative review.

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(2) Denial for Other Protests

If a protest is denied (i.e., the initial determination is upheld), and the decision involves something other than a determination of non-responsibility, the SVP's decision is final.

3. Administrative Review

NOTE: A protestor may **only** request administrative review on a protest regarding a determination of non-responsibility.

a. Submission of Request for Administrative Review

(1) To request administrative review of a decision of non-responsibility, the protestor must send a written request via certified mail and email to the CPO with the subject line "Request for Administrative Review" including the following:

- (a) A statement of the factual and legal grounds for the request.
- (b) Details specifying any errors of fact or law made.
- (c) Any information not previously considered that should have been considered.
- (d) Supporting exhibits and documentary evidence to substantiate any arguments.

b. Submission Timing

NYCHA must receive the request for administrative review no later than five (5) calendar days after the protester received the SVP's decision about their protest.

c. Decision by the CPO

The CPO:

- (1) Emails copies of the request for administrative review and any supporting documentation to the director of the Equal Opportunity Department, the executive vice-president for legal affairs and general counsel, and the SVP of SMPD for their information.
- (2) May meet with the protester and/or a representative of SMPD to discuss the request for administrative review; or may hold a hearing, at which witnesses may be called and facts presented.

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- (a) At any meeting or hearing, NYCHA, the protester, and any other affected party invited to the hearing may be represented by an attorney or other representative.
 - (3) In consultation with the Law Department, makes a decision on the protest as quickly as possible.
 - (4) Promptly sends the decision in writing by email and certified letter to the protestor, noting that the determination is NYCHA's final decision.
- d. Protest is Granted
- (1) Protest is Granted and Contract Has Already Been Awarded
- If the protest is granted, but the contract has already been awarded:
- (a) The contract may be terminated and awarded to the protester or to the next eligible bidder or proposer.
 - (b) The contract may be terminated and resolicited.
 - (c) The contract may stand and NYCHA pays the protestor for the reasonable costs incurred in connection with preparing and submitting the bid or proposal.
 - i. This decision is made when terminating the contract would not be in NYCHA's best interest (e.g., in the case of an emergency or if the work has already been completed).
 - ii. NYCHA does not pay for anticipated profit, damages for lost business opportunities, consequential or special damages, or any fees or costs incurred in filing or pursuing the protest.
- (2) Protest is Granted and Contract Has Not Been Awarded
- If the protest is granted, and the contract has not yet been awarded:
- (a) The contract may be awarded to the protester or to the next eligible bidder or proposer.
 - (b) The contract may be resolicited.

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e. Protest is Denied

- (1) If a protest is denied (i.e., the initial determination is upheld), the CPO's administrative review decision is NYCHA's final decision.
- (2) The final determination may be challenged in court by the protestor.

F. Decisions on Protests Regarding Procurements for Less Than \$250,000

1. Decision by SMPD

a. SMPD:

- (1) Decides on a protest as quickly as possible after receiving the protestor's submission.
- (2) May meet with the protester and any other affected party to discuss the protest.
- (3) Notifies the protestor of the decision in writing via email.

b. Protest is Granted

(1) Protest is Granted and Contract Has Already Been Awarded

If the protest is granted, but the contract has already been awarded:

- (a) The contract may be terminated and awarded to the protester or to the next eligible bidder or proposer.
- (b) The contract may be terminated and resolicited.
- (c) The contract may stand and NYCHA pays the protestor for the reasonable costs incurred in connection with preparing and submitting the bid or proposal.
 - i. This decision is made when terminating the contract would not be in NYCHA's best interest (e.g., in the case of an emergency or if the work has already been completed).
 - ii. NYCHA does not pay for anticipated profit, damages for lost business opportunities, consequential or special damages, or any fees or costs incurred in filing or pursuing the protest.

(2) Protest is Granted and Contract Has Not Been Awarded

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If the protest is granted, and the contract has not yet been awarded:

(a) The contract may be awarded to the protester or to the next eligible bidder or proposer.

(b) The contract may be resolicited.

c. Protest is Denied

If a protest is denied, SMPD's decision is final.

G. Disclosure to HUD and Other Agencies

NYCHA may disclose information regarding any protests to the United States Department of Housing and Urban Development or to any other federal, state or local government agency or body.

VIII. OUTPUTS, REPORTS, AND RECORDKEEPING

A. Outputs

1. The CPO, SVP, and SMPD make decisions on protests.

B. Reports

1. SMPD annually produces a report with the performance metrics listed in Section X below and sends the report to the CPO.

C. Recordkeeping

1. All documents related to the processes in this Standard Procedure are maintained in digital and hard copy files.

2. Digital files are maintained in one of the following applicable databases:

a. Movaris

b. Oracle

c. iSupplier

d. APEX

3. Hard copies are maintained in SMPD's shared files.

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IX. TRAINING REQUIREMENTS

The CPO, SVP, supervisors in SMPD, and the Law Department must read this Standard Procedure and review it with their applicable staff.

X. PERFORMANCE METRICS

- A. Number of bids or proposals determined non-responsive
- B. Number of bidders or proposers determined non-responsible
- C. Number of protests regarding procurements for \$250,000 or more
- D. Number of decisions made by the SVP
 - 1. Number of protests granted
 - 2. Number of protests denied
- E. Number of requests for administrative review
- F. Number of administrative review decisions made by the CPO
 - 1. Number of protests granted
 - 2. Number of protests denied
- G. Number of protests regarding procurements for less than \$250,000
- H. Number of decisions made by SMPD
 - 1. Number of protests granted
 - 2. Number of protests denied

XI. NON-COMPLIANCE

- A. NYCHA staff involved in the procurement protest process are required to comply with this procedure.
- B. Departments are required to take corrective action to bring NYCHA into compliance.
- C. If unsatisfactory work or non-compliance is identified, supervisory staff must take one or more of the following actions:

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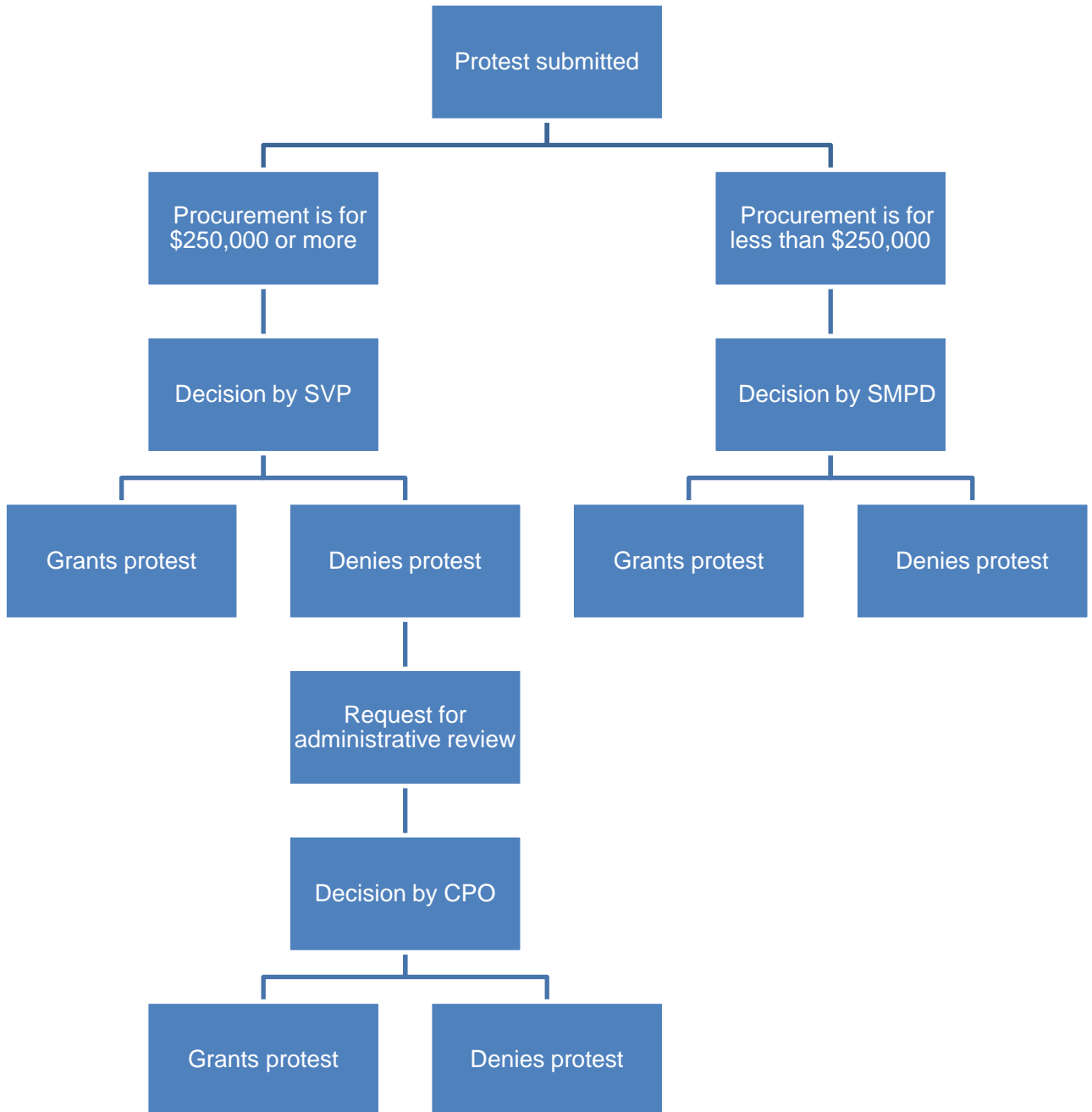
1. Identify areas for follow-up training for the employee(s) and ensure training is scheduled and provided.
 2. Reinforce with the employee(s) the job expectations, accountabilities, and the progressive discipline process.
- D. Failure to comply with the requirements of this Standard Procedure may result in disciplinary actions as per the NYCHA Human Resources Manual.

XII. FORMS

This section intentionally left blank.

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XIII. WORKFLOW



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XIV. REVIEW/REVISION HISTORY PAGE

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RESOLUTION OF PROCUREMENT PROTESTS

Review/ Revision	Review/Revision Date	Sections Amended
1.	11/10/2021	Added Table of Contents
2.	11/10/2021	Banner
3.	11/10/2021	Section I, Purpose
4.	11/10/2021	Section II, Policy
5.	11/10/2021	Added Section III, Applicability
6.	11/10/2021	Added Section IV, Definitions
7.	11/10/2021	Added Section V, Review Cycle
8.	11/10/2021	Added Section VI, Responsibilities
9.	11/10/2021	Section VII, Procedure
10.	11/10/2021	Added Section VIII, Outputs, Reports, and Recordkeeping
11.	11/10/2021	Added Section IX, Training Requirements
12.	11/10/2021	Added Section X, Performance Metrics
13.	11/10/2021	Added Section XI, Non-Compliance
14.	11/10/2021	Added Section XII, Forms
15.	11/10/2021	Added Section XIII, Workflow
16.	11/10/2021	Added Section XIV, Review/Revision History Page
17.	11/10/2021	Added Section XV, Appendices – Appendix A, Duty Statement

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XV. APPENDICES

APPENDIX A – DUTY STATEMENT

The below statements are intended to describe the general nature of work being performed. They are not intended to be an exhaustive list of all responsibilities and duties required of each role.

A. Office of the Chief Procurement Officer

1. Chief procurement officer (CPO)

- Makes administrative review decisions on protests regarding procurements for \$250,000 or more
- Notifies protestors of administrative review decisions

B. Supply Management and Procurement Department (SMPD)

- Makes decisions on protests regarding procurements for less than \$250,000

1. Senior vice-president (SVP)

- Makes decisions on protests regarding procurements for \$250,000 or more in consultation with the Law Department
- Notifies protestors of decisions on protests

2. Procurement Department

- Determines if a bid or proposal is non-responsive

3. Office of Vendor Integrity and Supplier Diversity (VISD)

- Determines if a bidder or proposer is non-responsible

a. Director

- Notifies affected bidder or proposers of determinations of non-responsibility

C. Law Department

- Assists the SVP in making decisions on protests regarding procurements for \$250,000 or more
- Assists the CPO in making administrative review decisions