



REGULATION: FGCU-PR6.008

*Effective
Date of
Regulation:*

Protests

10/21/08

(1) Protests shall be handled in accordance with the Board of Governors' Regulation 18.002.

(2) Contract Award. The University shall provide notice of a decision or intended decision concerning a competitive solicitation, contract award, or exceptional purchase by electronic posting. This notice shall contain the following statement: "Failure to file a protest or failure to post the bond or other security as required in this Regulation shall constitute a waiver of protest proceedings."

(3) Notice of Protest. Any qualified bidder or proposer who is aggrieved in connection with an award of a contract may file a written notice to protest within 72 hours after the university's electronic posting of award or notice of intent to award, provided the contract has not been fully executed. The notice of protest must be received before the expiration of the 72 hour period. Notices of protest filed after the 72 hour period will be rejected. The notice of protest must be filed with the Director of Procurement Services.

(4) Formal Written Protest. The protesting bidder or proposer must reduce its protest to writing and it shall be filed with the Director of Procurement Services within ten calendar (10) days of the filing of the Notice of Protest. Formal written protest not filed within this 10 day period will be rejected. The formal written protest must state with specificity the grounds upon which the protest is based and also the action requested to be taken. At the filing of the written protest, the protesting bidder/proposer shall post with the Office of Procurement Services, a security, in the form of a bond (in a form and with such terms, approved by the Director), payable to Florida Gulf Coast University in an amount equal to one percent (1%) of the price quoted bid proposed, or ten thousand dollars (\$10,000), whichever is less. In lieu of a bond, the University may accept an irrevocable letter of credit, cashier's or certified check or money order in the above-referenced amount (in a form, and with such terms, approved by the Director). If the protest is successful, the posted security will be refunded in full. If the protest is unsuccessful, the security will be returned, less all fees, expenses, damages, cost and charges incurred by the University. Noncompliance with this requirement, in whole or in

part, shall be deemed to be a waiver by the protester of their rights under this regulation.

(5) Upon receipt of a timely filed formal written protest, filed in accordance with this regulation, the Vice President of Administrative Services and Finance or their designee shall delay the execution of the contract until the protest is resolved by mutual agreement between the parties or by final order of the President. Such delay may be removed if, in consultation with the Vice President over the using department, the President determines that such a delay would have detrimental effect upon the University.

Law Implemented:

BOG Regulation 18.002, §§1001.74, 1010.04, F.S.

History:

New 7/10/97; Amended 9/30/99; 01/15/08; 10/21/08

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