

1. The formal protest/appeal must be in writing, present a precise statement of the relevant facts, identify the specific issue(s) to be resolved, and present arguments in support of the protest.
2. Submission. A formal protest must be received in PCA offices at 11811 North Frwy. [I-45], Houston, Texas 77060 within 10 working days after the protesting party knows, or should have known, of the occurrence of the action which is protested.
3. Determination.
 - (a) In the event that an award has not been made, PCA will not proceed further with the solicitation or award of the contract unless the Region 3 ESC Deputy Executive Director makes a written determination that the award of contract without delay is necessary to protect substantial interests of Region 3 ESC. PCA has the authority, prior to appeal to the Region 3 ESC Deputy Executive Director, or his or her designee, to settle and resolve the protest concerning the solicitation through discussion and mutual agreement. PCA Director may consult with legal counsel concerning the protest.

If the protest is not resolved by mutual agreement, PCA Director will issue a written determination on the protest.

- If PCA Director determines no violation of rules or statutes occurred, he or she will inform the protesting party. The letter will set forth the reasons for the determination.
- If PCA Director determines that a violation of the rules or statutes has occurred, he or she will inform the protesting party in a letter setting forth the reasons for the determination and the appropriate remedial action.

- (b) In the event that (a) contract(s) has/have been awarded and the PCA Director determines that a violation of the rules or statutes has occurred, he or she will inform the protesting party by letter, including the reasons for the determination and may
 - Conclude that contract(s) awarded are valid, and there is a way to correct the problem.
 - Conclude that the contract(s) awarded is/are void and the solicitation process must be repeated.

4. Appeal. The determination by the PCA Director on a protest may be appealed by the protesting party to the Region 3 ESC Deputy Executive Director, or his or her designee. Appeal of the determination to the Region 3 ESC Deputy Executive Director must be in writing and received in the Region 3 ESC offices at 1905 Leary Lane, Victoria, Texas 77901, no later than 10 working days after the date of the determination. The appeal will be limited to review of the determination.

Failure of the protesting party to appeal the determination of the Region 3 ESC Director within 10 working days after the date of the determination renders the determination the final administrative action of Region 3 ESC/PCA on the protest.

The Region 3 ESC Deputy Executive Director, or his or her designee, may confer with the Office of General Counsel in reviewing the matter appealed.

The Region 3 ESC Deputy Executive Director, or his or her designee, will review the appealed protest, the determination and the appeal, and issue a written final determination.

5. Records/Documentation. Region 3 ESC/PCA will maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of Region 3 ESC.