

PROCUREMENT APPEAL

I. Policies:

The Arkansas Department of Health (ADH) must uphold public trust for managing public resources fairly and effectively during all procurement activities and must provide documentation to support such activities. This policy is followed by the Agency when one vendor, or a group of vendors, challenges the Agency's decision for the award of sub-grants, professional and consultant services contracts, or technical services contracts.

To be considered a valid appeal of the solicitation document, the written appeal must be received by the ADH Procurement Branch Chief or ADH Director within 72 hours before the scheduled bid opening. To be considered a valid appeal of the decision making process for the award, the written appeal must be received by the ADH Procurement Branch Chief or ADH Director within 14 calendar days after the vendor was made aware of, or should have known of, the actions being challenged. The appeal letter must:

- Reference the bid number or name.
- Detail the part of the process being challenged.
- Detail the specific action that is being challenged.
- Direct the letter to ADH Procurement Branch Chief or ADH Director.

Only applicants may file an appeal after the bid opening. The appeal must be an issue that will potentially affect the final decision/outcome of the solicitation.

The basis for appeal is limited to the following:

- the process used by ADH,
- conflict of interest issues,
- ethical considerations,
- evaluation of minimum qualifications,
- evaluation/scoring issues, or
- any other issue as determined appropriate by the ADH Director.

A vendor is only permitted one opportunity to provide an appeal per solicitation. Any decision issued by ADH will be in a written format that is forwarded to all interested parties and will be considered a final decision. All documentation will be retained by the Procurement Branch in accordance with State or Federal records retention requirements.

Retention Schedule

Completed appeals and all supporting documentation must remain on file in accordance with State and Federal records retention requirements for five years from date of expiration and six years if HIPAA related. The Procurement Branch staff maintains applications and evaluation documents along with original paperwork/forms.