Purpose
This policy sets forth guidelines and procedures that govern the treatment, handling and resolution of protests in connection with Workforce Connections (WC) procurement actions.

Background
Pursuant to established Federal and State statutes and regulations, Workforce Connections must conduct procurement consistent with the principles of competitive procurement standards codified at Title 2 of the Code of Federal Regulations Chapter II parts 200 and 2900. WC must be responsible, in accordance with good administrative practices and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurement actions. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Workforce Connections’ policy is to ensure that contracts are awarded only to responsible contractors or sub-recipients possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as integrity, compliance with public policy, a record of past performance, and administrative and financial capacity.

Policy
Workforce Connections shall establish and maintain procedures for protests alleging violations of the requirements for the procurement of goods and services. All protests filed with Workforce Connections must follow the procedures and time frame as addressed in this policy. Workforce Connections shall make every effort to promptly process all procurement related protests informally, without litigation.

References
Public Law (P.L.) 113-128 Workforce Innovation and Opportunity Act (WIOA) Sec. 184

Due to the nature of competitive procurement actions Workforce Connections has established procedures in order to expedite the resolution of any protest as they relate to its procurement of goods or services.

An interested party may protest a procurement action only and exclusively as provided in this policy and must exhaust the administrative remedies provided in this policy prior to seeking other additional relief at a different venue. An interested party who fails to exhaust the administrative remedies provided by this policy waives its right to protest.
I. Protest Requirements and Procedures
A protest, concerning an alleged violation in connection with a procurement action, must be filed no later than 10 business days following a Workforce Connections' decision to award a contract(s).

A. Who May File a Protest
A prospective or actual bidder, contractor, proposer, or vendor who submitted a proposal in response to a formal solicitation from Workforce Connections shall have the right to file a protest. Facsimile and electronic submitted protests will not be accepted.

B. Grounds for Protest
Any prospective or actual bidder, contractor, proposer, or vendor who submitted a proposal in response to a formal solicitation from Workforce Connections shall have the right to file a protest in connection with the following:
1. The solicitation process, or
2. The award of a contract.

C. Protest Content
1. The written protest shall state, with accuracy/precision the following:
   a) Name, address, contact information of the party filing the protest;
   b) Name or number of the solicitation;
   c) The regulation(s), policies or procedures allegedly violated;
   d) Concise statement of the reason(s) for the protest;
   e) Any support documentation needed to validate the basis of the protest; and
   f) The form of relief requested.

2. The scores awarded to a bidder/proposer shall not constitute a violation of applicable law, statute, or regulation, or a defect in the evaluation process, or an error in the award process.

3. A protest shall be considered filed at the time it is actually received by Workforce Connections at its administrative offices located at the following address:
   6330 West Charleston Blvd., Suite 150
   Las Vegas, NV 89146

4. Failure to file a protest consistent with the established requirements in this section shall constitute a waiver of all rights to protest, and no other opportunity to protest shall be given.

II. Resolution Process
Following the receipt of a protest Workforce Connections shall evaluate and make the initial determination of validity or merit of a protest.

Workforce Connections may suspend or cancel any solicitation or the award of a contract resulting from a solicitation, pending the resolution of a protest, if in the sole discretion of Workforce Connections such a suspension is in Workforce Connections' best interest or is warranted by the evidence presented in the protest.
A. Dismissal of a Protest
1. Workforce Connections may dismiss a protest, at any time, that Workforce Connections determines that the protest raises issues beyond the scope of the established procedures.

2. In reaching a decision on the merits of a protest Workforce Connections may consider the following principles including, but not limited to:
   a) The protesting party cannot prove the allegations in the protest are true; or
   b) The protest lacks supporting credible evidence and contains simply written accusations; or
   c) Federal, State, local laws or regulations, or the bid documentation do not support the protest.

B. Determination of a Protest
1. The decision to resolve a protest will be made by Workforce Connections. At the sole discretion of Workforce Connections, a protest may be resolved when it is determined to have sufficient merit and complies with the requirements of this policy. Workforce Connections will have the sole discretion to determine an appropriate remedy after evaluating and making a determination of the validity of the protest.

2. Following the determination to resolve a protest a meeting shall be set between Workforce Connections and the protesting party with the purpose of informally resolving the protest. If the matter is resolved, no further action shall be taken.

   a) The protesting party's unexcused failure to attend the informal meeting will be deemed the protesting party's voluntary withdrawal of the protest.

   b) At the conclusion of a successful informal meeting, the protesting party shall voluntarily withdraw its protest.

3. Hearing Procedures
   If the matter is not resolved informally, the protesting party may request a hearing.

   a) The request for hearing shall be submitted to Workforce Connections' Executive Director within 15 business days after the informal meeting and shall set out the reasons why the protesting party believes that the protest raises issues that would be best resolved by holding a hearing with Workforce Connections' Executive Director.

   b) Workforce Connections' Executive Director shall have the sole discretion to determine that a hearing should be held to resolve such protest. Should Workforce Connections' Executive Director determine that the protest, in fact, raises issues meritorious to be best resolved by holding a hearing, then the hearing shall be held before Workforce Connections' Executive Director at the earliest convenience of Workforce Connections.

   c) A written notice that sets the time, date, and location will be furnished to the protesting party within five business days prior to the date of the hearing.
4. Decisions
Workforce Connections shall provide for the expeditious resolution and decision of a protest under this policy. Workforce Connections' decision will be considered final with no provision for reconsideration with respect to the protest.

III. Miscellaneous
A. In no event will the protesting party be entitled to compensation for any cost incurred in connection with the protest of a solicitation, proposed award, including but not limited to, protest preparation costs, administrative or clerical costs, or any other fees.

B. The protesting party shall not pursue or seek any type of legal remedy until Workforce Connections has made a determination considered final on the protest.

C. The protesting party agrees it must first exhaust all administrative remedies as outlined in this policy by obtaining a Workforce Connections' final decision before it may submit its complaint, appeal, protest, etc., relating to its protest for review by a State agency pursuant to applicable law.

D. The protesting party's failure to exhaust all of the administrative remedies as set forth in this policy shall be a waiver of the protesting party's right to submit a complaint, appeal, or protest relating to any of the grounds for protest.

E. The protesting party agrees that the only court action, which may be filed with respect to the protesting party's protest, is to file a petition for judicial review of Workforce Connections' decision pursuant to NRS 233B.130 and NRS 233B.150.