

**NEW YORK STATE THRUWAY AUTHORITY
VENDOR PROTEST PROCEDURE**

The New York State Thruway Authority (Authority) VENDOR PROTEST PROCEDURE, which provides vendors with an opportunity to administratively resolve disputes related to Authority procurement decisions, is as follows:

I. PROTESTING THE AUTHORITY'S PROCUREMENT DECISIONS

A. Protest Phases

Solicitation Phase Protest

A prospective proposer, bidder or offeror may, during the procurement solicitation phase, protest the content of a Request for Proposal (RFP) or Invitation for Bid (IFB) or any aspect of the Authority's conduct of the solicitation phase of a procurement. Such protests must be submitted in writing to the Authority's Director of Procurement Services, via overnight mail service, and must be received by the Authority no later than 1:00 p.m. on the business day prior to the date when proposals or bids are due. Solicitation phase protests are to be addressed as follows:

NYS Thruway Authority
Department of Procurement Services Vendor Protest
200 Southern Boulevard
Albany, NY 12209-2098

Post Award Protest

An actual proposer, bidder or offeror that has submitted a bid or proposal in response to a solicitation may protest the award of the contract for that solicitation. Such protest must be submitted in writing to the Authority's Director of Procurement Services, via overnight mail service, and must be received by the Authority no later than 1:00 p.m. on the 15th calendar day following: 1) the Authority issuance of a Tentative Notice of Contract Award (for IFBs) or; 2) the Authority issuance of a letter to the Proposer indicating that its proposal was not selected (for RFPs). Post award protests are to be addressed as follows:

NYS Thruway Authority
Department of Procurement Services Vendor Protest
200 Southern Boulevard
Albany, NY 12209-2098

B. Protest Contents

Written protests must contain all the detail necessary for the Director of Procurement Services to evaluate the protester's issue and make a determination.

The written protest must, at a minimum, include the following:

- Name and title of person(s) filing the protest;
- Company name and address, telephone and fax numbers, and email address;
- The solicitation title and number;
- Name of Procurement Services staff or Buyer on the Bid or Letting;
- A detailed statement of the grounds for the protest, including any supporting documents and information;
- A statement as to the form of relief requested; and
- For post award protests only, the contract or purchase order title and number.

II. PROTEST DETERMINATION

The Authority's Chief of Procurement Services shall make a determination for every solicitation phase and post award protest submitted in accordance with this procedure.

The Chief of Procurement Services determination will be stated in writing and will include reasons for the determination. The determination will be sent via certified mail or overnight mail service to the address stated in the written protest within 10 business days of the Authority's receipt of the written protest. Should the Authority not be able to make a determination within 10 business days, the Director of Procurement Services will notify the protester of that fact and provide the protester with a date by which the determination will be rendered.

III. APPEAL PROCESS

Should the protester be dissatisfied with the Authority's Director of Procurement Services determination, the protester may file a written appeal. Such written appeal must be sent via **overnight mail service** and must be received by the Authority no later than 1:00 p.m. of the tenth business day following the protester's receipt of the determination. The appeal should be directed to the Authority's Executive Director, at the following address:

NYS Thruway Authority
Executive Director Vendor Protest
200 Southern Boulevard
Albany, NY 12209-2098

IV. LEGAL PROCEEDINGS

This Procedure is not intended to limit or impair the right of any person or entity to pursue appropriate remedies of law by judicial process. The Procedure described herein is in addition to any legal proceedings or remedies that the protester might otherwise seek.

Note: The Authority reserves the right to waive or extend the time requirements or deadlines related to protests and determinations.