



STATE OF WISCONSIN
Department of Employee Trust Funds
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Correspondence Memorandum

Date: May 17, 2021
To: Deferred Compensation Board
From: Steve Hurley, Director, Office of Policy, Privacy & Compliance
Subject: Non-substantive Change to Vendor Procurement Appeals Policy

This memorandum is for information purposes only. No Deferred Compensation Board (Board) action is required.

ETF recently reviewed the Vendor Procurement Appeals Policy. We made a minor edit to delete one word in Item 15 on page 2 of the policy, which was included by a past drafting error. A redlined copy of the updated policy showing the change made is attached. ETF has also updated the policy document in the Board's Governance Manual on the ETF website.

Staff will be at the Board meeting to answer any questions.

Attachment: Vendor Procurement Appeals Policy (redline version)

Reviewed and approved by Pamela Henning, Assistant Deputy Secretary
Pamela L Henning Electronically Signed 5/24/21

Board	Mtg Date	Item #
DC	6.10.21	9A



DEFERRED COMPENSATION BOARD

Adopted: February 19, 2013

Revised: March 29, 2021

VENDOR PROCUREMENT APPEALS POLICY

CONTRACTING AUTHORITY: [WIS. STAT. §§ 40.80 \(1\), \(2\)](#)

PHASE ONE: Notice of Intent to Appeal Received by the Deferred Compensation Board c/o ETF Secretary

1. The Deferred Compensation Board (Board) authorizes ETF staff to issue the “Intent to Award” to the successful bidder.
2. ETF staff issue the Intent to Award to the successful bidder and notify all firms who submitted a bid.
3. A vendor who wants to appeal the award **MUST** send a written notice indicating that the vendor intends to appeal the decision. The vendor must send the notice to the Board, c/o the Secretary of ETF, within five business days after the Intent to Award notice is sent.
4. Upon receiving the written intent to appeal from the vendor, the ETF Secretary will forward the notice to all Board members.

PHASE TWO: Formal Appeal Received by the Deferred Compensation Board c/o ETF Secretary

5. Within ten days from the issuance of the Intent to Award, the vendor **MUST** submit the formal appeal in writing to the Board, c/o the Secretary of ETF.
6. The appeal must state the contract number, detailed factual grounds for the objection to the contract award, and any violations of Chapter 40, Wisconsin Statutes.
7. The Secretary will forward the formal appeal to the Board.
8. If the vendor withdraws the intention to appeal or does not follow up within ten days with a formal appeal, the ETF Secretary will notify the Board that the matter is adjudicated and no Board action is required.
9. All communications and documentation will be maintained with the procurement file.
10. The ETF Secretary will direct ETF General Counsel and the ETF Director of the Bureau of Budget, Contract Administration & Procurement to investigate the alleged violation of Chapter 40.
11. The Secretary will forward the results of the investigation to the Board and include a recommendation to the Board as well as legal and factual support for the recommendation.

PHASE THREE: Board Decision

- 12. The Board will review the appeal and ETF's recommendation.
- 13. The Board will render a decision. For most appeals, the options available to the Board are: rescind the original Intent to Award and direct staff to issue the award to a different bidder, rescind the original Intent to Award and direct staff to terminate the procurement, or deny the appeal and proceed with implementing the original decision.
- 14. Following Board action, a written decision will be sent to the vendor. The vendor is allowed one appeal per procurement contract or process.
- 15. For appeals of procurement awards made under Chapter 40, the ~~ETF~~ Board's decision is final.

For ETF internal use:

Adopted*	Deferred Compensation Board Reviewed or Revised	Group Insurance Board Reviewed or Revised	Retirement Boards (ETF, TR, WR) Reviewed or Revised
2/19/2013	3/29/2021	3/29/2021	3/21/19

*Individual board policies may vary.