



**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
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**CORRESPONDENCE MEMORANDUM**

**DATE:** March 2, 2015  
**TO:** Group Insurance Board  
**FROM:** Steve Hurley, Director, Office of Policy, Privacy and Compliance  
**SUBJECT:** Vendor Procurement Appeals Policy

**Staff recommends the Group Insurance Board (Board) approve the Vendor Procurement Appeals Policy (Attachment).**

The attached draft *Vendor Procurement Appeals Policy* guides the handling of vendor appeals of procurement awards made by the Board, as authorized under Chapter 40 and regarding any contracts awarded under authority delegated to the Group Insurance Board by the Employee Trust Funds Board, which has adopted the same policy. Solicitations for requests for bids and requests for proposals include provisions that instruct bidders on the process for appealing a contract award. Appeals policy under Chapter 40 procurements is similar to Chapter 16, but is a separate process.

**SUMMARY OF REQUIREMENTS AND ACTION STEPS**

- The vendor has five days from the issuance of the Intent to Award to notify the Department of Employee Trust Funds (ETF) of an intention to appeal.
- The vendor has ten days from issuance of the Intent to Award to submit a formal appeal to the Board c/o the ETF Secretary.
- The vendor can only submit an appeal once per award.
- ETF will review and submit the appeal to the Board with a recommendation.
- Subjective judgment of evaluators is not appealable.
- For procurements under Chapter 40, the decision of the Board is final.

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

Attachment A: Vendor Procurement Appeals Policy

Reviewed and approved by Pam Henning, Assistant Deputy Secretary

*Pamela L Henning*

Electronically Signed:  
03/06/15

Board	Mtg Date	Item #
GIB	3.25.15	6

# Group Insurance Board Policy Vendor Procurement Appeals

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Adopted: 03/25/2015

**DRAFT**

**Authority:** Wis. Stat. § 40.03(6)

## **Phase One: Notice of Intent to Appeal Received by the Group Insurance Board c/o ETF Secretary**

1. The Group Insurance 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 Group Insurance 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 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 Board's decision is final.