

Chapter 30. Administration

Subchapter B. State Board of Education: Purchasing and Contracts

§30.21. Historically Underutilized Business (HUB) Program.

In accordance with the Texas Government Code §2161.003, the State Board of Education adopts by reference the rules of the Comptroller of Public Accounts, found at Title 34 Texas Administrative Code, §§20.11-20.28, concerning the Historically Underutilized Business (HUB) Program.

Statutory Authority: The provisions of this §30.21 issued under the Texas Government Code, §2161.003.

Source: The provisions of this §30.21 adopted to take effect December 5, 2004, 29 TexReg 11339; amended to be effective April 26, 2009, 34 TexReg 2532.

§30.22. Procedures for Protests, Dispute Resolution and Appeals Relating to Purchasing and Contract Issues.

- (a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract under the jurisdiction of the State Board of Education (SBOE) may formally protest to the director of the Texas Education Agency (TEA) division responsible for purchasing and contracts. Such protests must be in writing and received in the purchasing and contracts director's office within ten working days after the aggrieved person knows, or reasonably should have known, of the occurrence of the action which is protested, unless the director finds that good cause for delay is shown or determines that a protest or appeal raises issues significant to the TEA's procurement practices or procedures.
- (b) Formal protests must conform to the requirements of this subsection and subsection (c) of this section, and shall be resolved in accordance with the procedure set forth in subsections (e)-(f) of this section. Copies of the protest must be mailed or delivered by the protesting party to the TEA and to the other interested parties. For the purposes of this section, "interested parties" means all respondents who have submitted bids, proposals, or offers for the contract involved. Names and addresses of all interested parties may be

notice of the director's request and of any written ~~proposes~~ to the request that the director receives. The director may consult with the TEA office of legal services concerning the dispute.

- (f) If the protest is not resolved by mutual agreement, the purchasing ~~and~~ contracts director will issue a written determination on the protest.
- (1) If the director determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination.
 - (2) If the director determines that a violation ~~of~~ rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
 - (3) If the director determines that a violation ~~of~~ rules or statutes has occurred in a case where a contract has been awarded, he or she shall ~~inform~~ the protesting party and other interested parties by a letter which sets forth the reasons for the determination. In such a case, the director has the authority to declare the ~~contract~~ void. If he or she declares ~~set~~ contract void, this fact shall be included in the determination letter.
- (g) The purchasing and contracts director's determination on a protest may be appealed by the protesting party to the commissioner of education or the commissioner's designee. An appeal of the director's determination must be in writing and must be received in the ~~commissioner's~~ commissioner's office no later than ~~ten~~ working days after the date of the director's determination. An appeal of the determination shall be limited to those issues