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|  | <b>STATE OF ILLINOIS</b><br><b>CHIEF PROCUREMENT OFFICER - HIGHER EDUCATION</b> |                                                                                           |
|                                                                                   | <b>Topic: Procurement Protest Processing Procedure</b>                          | <b>Number: 2026.01</b><br><b>Replaces: CPO Policy 2019-02</b><br><b>CPO Policy 2014-3</b> |
|                                                                                   | <b>Effective Date: Immediately</b>                                              | <b>Approved by: Bridget McHatton, CPO</b>                                                 |
|                                                                                   | <b>Statute Cite: 30 ILCS 500/20-75</b>                                          | <b>Rule Cite: 44 ILAC 4.5550</b>                                                          |

## **POLICY**

It is the policy of the Chief Procurement Office for Public Institutions of Higher Education “CPO Office” to review, in an efficient and timely manner, and resolve protests by means of written determination within 30 days of receiving all relevant requested information. The CPO may defer resolution pending judicial or administrative proceedings.

## **SCOPE**

The Illinois Procurement Code (30 ILCS 500/20-75) and the Higher Education Procurement Rules (44 ILAC 4.5550) provide the legal basis and basic procedural requirements for protesting and processing protests.

This procedure documents the internal activities and shows who has responsibility for those activities. This procedure also establishes a “typical” response time for certain activities. These timeframes are identified as “typical” to reflect they are not mandatory but are more in the nature of a goal.

This policy applies to protests received on or after the effective date.

## **CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION (CPO)**

The CPO will make the final decision on all protests.

The CPO, directly or through a designee in the CPO Office, will perform the administrative functions associated with receiving, processing, and resolving protests.

The CPO may appoint the CPO-HE General Counsel as a Protest Review Officer (PRO) and may refer any given protest to the PRO. The result of any such appointment is a recommendation by the PRO on disposition of the protest after reviewing the protest, considering the university’s response to the protest, and taking into account any other documentation deemed necessary to producing the recommendation.

The CPO may resolve any protest without referral to the PRO. However, the CPO’s intent is to have most protests reviewed by and recommendation made by the PRO. If the PRO has questions or needs additional information, all affected parties must respond in order to have an accurate and timely response to protests.

All communication concerning protests to/from the PRO shall be copied to the CPO.

## **SUBMISSION OF PROTESTS**

The preferred method for receipt of a protest is electronically via email. If sent electronically, protests do not need to be sent via regular mail.

Each solicitation document shall include information directing protests to:

Chief Procurement Office – Higher Education  
Attention: Protest Review Office  
401 S. Spring Street  
516 Stratton Office Building  
Springfield, Illinois 62706  
eec.cpohe@illinois.gov

### **PROCESSING PROTESTS**

Protests will be processed in accordance with the following steps. Generally, the CPO will act on protests that can be resolved immediately, typically for administrative reasons (for example, if the protest was directed to the wrong CPO Office, was not timely, or assumed a legal requirement that was not applicable, such as a claim that a small purchase must be bid).

The CPO, State Purchasing Officers (SPO), University Purchasing Directors (UPD), and PRO have roles in processing protests.

Except as approved by the CPO in accordance with Higher Education Procurement Rule 4.5550(e), the university shall not enter into a contract until the time for submitting a protest has passed; and if a protest has been received, until the protest has been resolved.

|           | Procedure Steps                                                                                                                                                                             | Responsible Party          |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>1.</b> | <b>Receipt of Protest (these activities occur within 2 business days)</b>                                                                                                                   |                            |
| 1.1       | Create a file, whether electronic or paper, based on how the protest was initially received. Date/time stamp the protest if received in paper form.                                         | CPO                        |
| 1.2       | Determine if protest is timely and in proper form; then CPO to determine to act or refer to PRO for review and recommendation.                                                              | CPO                        |
| 1.3       | Send acknowledgement of receipt of protest to protesting party.                                                                                                                             | CPO                        |
| 1.4       | Send a copy of the protest to SPO and UPD along with any specific questions or requests for information.                                                                                    | CPO                        |
| 1.5       | Notify awarded vendor of protest and state the potential consequences of the protest, including that award is stayed pending resolution. Include copy of protest with the notification.     | CPO                        |
| 1.6       | If protest occurs before opening, determine if solicitation opening date should be extended or if solicitation should be cancelled. Take appropriate action and inform CPO of action taken. | UPD/SPO                    |
| 1.7       | If protest occurs after opening, but before award, CPO or PRO (if the matter has been referred) to determine appropriate action and inform UPD/SPO.                                         | CPO                        |
| 1.8       | If protest occurs after award, suspend or adjust procurement/contract activities to accommodate time to address protest.                                                                    | UPD/SPO                    |
| <b>2.</b> | <b>Prepare Draft Response to Protest (these activities occur within 8 business days after receipt of notice of protest)</b>                                                                 |                            |
| 2.1       | Review protest and gather information necessary to prepare a response.                                                                                                                      | UPD/SPO                    |
| 2.2       | Draft response, addressing each point of the protest.                                                                                                                                       | UPD                        |
| 2.3       | Send draft to SPO along with all relevant material.                                                                                                                                         | UPD                        |
| 2.4       | Review draft and add additional comments and forward to CPO (and to PRO if the matter has been referred).                                                                                   | SPO                        |
| 2.5       | If expedited processing is needed, inform the CPO (and the PRO if the matter has been referred) in writing and provide reasons for the expedited need.                                      | UPD/SPO                    |
| <b>3.</b> | <b>Respond to Protest (these activities occur within 10 business days of receipt of draft response)</b>                                                                                     |                            |
| 3.1       | Review draft university response. Request additional information or documentation from university if needed.                                                                                | CPO/(PRO when appropriate) |
| 3.2       | If referred to PRO, prepare legal position paper addressing each point of the protest and include a recommended disposition of the protest.                                                 | PRO                        |
| 3.3       | Prepare final response to the protest and distribute to all appropriate parties.                                                                                                            | CPO                        |
| 3.4       | Publish protest determination in the Bulletin as a public document attached to the solicitation/award notice.                                                                               | UPD/SPO                    |
| <b>4.</b> | <b>Finalize Procurement</b>                                                                                                                                                                 |                            |
| 4.1       | Upon resolution of the protest, take appropriate action (such as cancel, rebid, award, etc.).                                                                                               | UPD/SPO                    |

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| 4.2 | Respond to any follow-up inquiries from affected parties.                                      | CPO/PRO/SPO/<br>UPD |
| 4.3 | Maintain all protest-related documentation in procurement file. Provide to CPO when requested. | UPD                 |
| 4.4 | Maintain file of protest and response documentation.                                           | CPO                 |