

## **Protest Procedures for Vendor/Proposer Protests for TIPS**

If a vendor/proposer (vendor) desires to protest a decision by TIPS, the vendor must follow the following process.

The vendor must submit a letter notifying TIPS of the intent to protest and include in the letter the reason for the protest along with any evidence available supporting the vendor's position. Submit the letter to: TIPS, Attention: TIPS Office Manager, PO Box 1894, Mount Pleasant, Texas 75456 (by Mail) or by courier to: 4845 US Highway 271 North, Pittsburg, Texas 75686.

The TIPS Office Manager shall respond to the vendor within fifteen (15) TIPS business days from receipt with an explanation or offer in compromise. If the vendor is not satisfied with the offer by the TIPS Office Manager, the vendor must send a letter objecting to the explanation or offer in compromise to the TIPS Office Manager within thirty (30) calendar days of the date of the TIPS response letter. The TIPS Office Manager shall submit the vendor's objection letter, along with all previous protest communications pursuant to this procedure, to the TIPS General Manager for consideration and response. The TIPS General Manager shall respond to the objection within ten (10) TIPS business days. If the vendor does not accept or reject the offer by the TIPS General Manager in writing within thirty (30) calendar days of the date of the TIPS General Manager response letter, the matter is closed for further review and the vendor waives any right of appeal and waives all legal rights pursuant to the matter. If the vendor accepts the offer by the TIPS General Manager, the vendor shall do so in writing within thirty (30) calendar days and TIPS shall honor the accepted offer within thirty (30) calendar days or sooner if practicable. If the vendor rejects the offer of the TIPS General Manager, the matter shall be escalated to the Region 8 ESC Executive Director for review. The Region 8 ESC Executive Director will decide the matter for TIPS or defer to the Region 8 ESC Board of Trustees for the decision, at his discretion, within forty-five (45) calendar days from the date of receipt the vendor's rejection letter. If the Board of Trustees decides the matter, TIPS shall have sixty (60) calendar days to respond to the vendor in writing with the decision of the ESC. If the vendor, does not accept the terms of the offer by the Region 8 ESC Executive Director or Board of Trustees, the vendor may proceed with his legal rights as he determines necessary. The ESC may agree to a mediation of the dispute, but under no circumstances, shall the ESC be obligated to agree to binding arbitration. The parties shall share the mediator's fee and any associated filing fee equally. Mediation shall be held in Camp County, Texas. Agreements reached in mediation shall be reduced to writing, and will be subject to the approval by the ESC's Board of Trustees, signed by the Parties if approved by the Board of Trustees, and, if signed, shall thereafter be enforceable as provided by the laws of the State of Texas. If mediation fails, the parties reserve all rights under the law.