

LCRA SUPPLY CHAIN ISSUE RESOLUTION PROCEDURES

Any Interested Party who wishes to raise an issue concerning LCRA's process for or award of a particular contract shall do so in accordance with the following procedures:

Section 1. Definitions

Key words and phrases are defined as follows:

- (a) **Interested Party** – Any actual or prospective offeror that is known to LCRA as such and has obtained a contract solicitation from LCRA or LCRA's website and whose direct economic interest could be affected by the award of the contract.
- (b) **Issue** – Claimed material adverse impact resulting from the solicitation or resulting award of a contract.
- (c) **LCRA** – Lower Colorado River Authority.
- (d) **Person** – An individual engaged in a business or any legally recognized form of business entity.

Section 2. Issue Resolution Procedure

- (a) Any Interested Party with an issue under a solicitation or with a contract award shall timely notify LCRA. Failure to timely notify LCRA shall be grounds for LCRA not to consider an issue. Timely is defined as the following:
 - 1. For issues with the content of the solicitation, notify LCRA at least seven calendar days before the deadline for submission of proposals.
 - 2. For issues with contractor selection decisions, notify LCRA within three business days of receipt of the decision.
- (b) An Interested Party with an issue shall contact and attempt to resolve the issue in the following order and only may escalate failing resolution at the current level:
 - 1. The category manager or buyer; then
 - 2. The appropriate director of Supply Chain; finally
 - 3. The head of Supply Chain.
- (c) For each requested resolution, the Interested Party and the LCRA representative shall attempt to resolve the issue equitably and exhaust all efforts before escalation to the next level. Meetings and correspondence shall be informal.

Section 3. Raise an Issue to the Category Manager or Buyer

- (a) To raise an issue, an Interested Party must submit the following to the category manager or buyer:
 - 1. A concise statement of the relevant facts.
 - 2. Specific identification of the issue or issues to be resolved.
 - 3. An argument and citations of authorities, if applicable, in support of its position.
 - 4. A statement of the type of relief or action desired by the Interested Party raising the issue.


- (b) If an issue is raised within the time specified in Section 2, LCRA will delay the contract award pending issue resolution, unless a director of Supply Chain or higher-level role at LCRA issues a written finding that a contract must be awarded without delay to protect substantial interests of LCRA.

Section 4. Appeal to a Director of Supply Chain

- (a) A director of Supply Chain has the authority to settle or resolve any issue concerning the solicitation or award of a contract. A director of Supply Chain may conduct a meeting aimed at fact finding, formulating the issues and resolving the dispute. All Interested Parties may participate in the meeting either in person or by telephone.
- (b) An appeal of a category manager's or buyer's findings and conclusions must be written and received by the appropriate director of Supply Chain no later than two business days after the category manager's or buyer's decision is issued. The director of Supply Chain will not consider any grounds for appeal not presented to the category manager or buyer.
- (c) A director of Supply Chain shall provide written notice of the time and place of a meeting to the Interested Parties. Normally such notice shall be mailed or emailed at least five business days before the scheduled meeting date; however, LCRA reserves the right to notify the Interested Parties by email not less than 24 hours before the meeting if a director of Supply Chain determines the shorter notice period is necessary to protect the substantial interests of LCRA.
- (d) If the issue is not resolved by mutual agreement, or if a director of Supply Chain determines a meeting is not necessary, a director of Supply Chain shall decide the appropriate resolution and issue written findings and conclusions for distribution to Interested Parties. Findings and conclusions normally will be characterized as one of the following:
 - 1. No violation of rules or statutes is found; in which case the contract shall be awarded as previously announced.
 - 2. A violation of rules or statutes is found, in which case the LCRA agent and other internal stakeholders shall be informed of the need for remedial measures before awarding the contract if it appears that a substantial interest of the Party raising the issue has been harmed. An issue only will be sustained if the Issue would or did materially impact the outcome of the solicitation.
 - 3. If a director of Supply Chain determines a violation of the rules or statutes has occurred in a case where a contract has been awarded, the director of Supply Chain shall inform the Interested Party raising the issue by letter, which sets forth the reasons for the determination, and nullify the pending award.
- (e) If the resolution of an issue impacts other Interested Parties, Supply Chain will notify them.

Section 5. Appeal to the Head of Supply Chain

- (a) An Interested Party may appeal a director of Supply Chain’s decision to the head of Supply Chain.
- (b) An appeal of a director of Supply Chain’s findings and conclusions must be written and received by the head of Supply Chain no later than three business days after the director of Supply Chain’s decision is issued. The head of Supply Chain will not consider any grounds for appeal not presented to the director of Supply Chain.
- (c) The head of Supply Chain will issue the final decision of LCRA with respect to issues and will send written findings and conclusions to the Interested Parties. At their sole discretion, the head of Supply Chain may certify the appeal decision with the chief financial officer, general manager and/or Board of Directors before issuing written findings and conclusions.

APPROVED BY: 
Matt Chavez
VP, Supply Chain

EFFECTIVE DATE: May 30, 2023