

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GUIDANCE DOCUMENT

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to
Neb. Rev. Stat. § 84-901.03

DHHS Grievance/Protest Procedures for Vendors

This policy sets forth the process for a vendor to protest any Nebraska Department of Health and Human Services (DHHS) contract awarded through a Request for Proposal (RFP) or Invitation to Bid (ITB) issued by DHHS. This policy does not apply to DHHS contracts awarded through an RFP or ITB issued by the Department of Administrative Services, or DHHS subawards awarded through a Request for Application. Grievances/protests will only be accepted from any vendor who submitted a timely response to the RFP or ITB associated with the contract.

1. Grievances/protests must be expressed in writing and directed to:

Chief Operating Officer
Department of Health and Human Services
P.O. Box 95026
301 Centennial Mall South
Lincoln, NE 68509

The written grievance/protest shall: (i) reference the RFP or ITB number; (ii) include specific issues that are disputed; and (iii) provide a point of contact and mailing address to which a response can be sent. All grievances/protests must be received within ten (10) business days of the posting of the Notice to Award in order to be considered a valid grievance/protest.

A copy of the written grievance/protest must also be mailed to:

Procurement Services
Department of Health and Human Services
P.O. Box 95026
301 Centennial Mall South
Lincoln, NE 68509

2. A response will be made in writing by the Chief Operating Officer or designee to the vendor's point of contact provided in the grievance/protest, and generally within ten (10) business days of receipt of the grievance/protest by the Chief Operating Officer.
3. If the response from the Chief Operating Officer or designee has not satisfied the grievance, the vendor may make a written request for a meeting with the Chief Operating Officer and the Chief Executive Officer to:

Chief Executive Officer
Department of Health and Human Services
P.O. Box 95026
301 Centennial Mall South
Lincoln, NE 68509

Such request shall: (i) reference the RFP or ITB number; (ii) include the specific issues disputed; (iii) provide a point of contact and mailing address; and (iv) must be received within ten (10) business days of the date of the Chief Operating Officer's response in order to be considered a valid meeting request.

A copy of the written request must also be mailed to Procurement Services at the address listed in Step 1 above.

4. A meeting will be scheduled and held with the vendor, Chief Operating Officer, and Chief Executive Officer or designee, for the vendor to present their issues.
5. A written final decision will be sent to the vendor, generally within ten (10) business days after the meeting, unless additional time is necessary to fully examine the issues presented.
6. If desired, a vendor may opt to skip Steps 1 & 2 above, and grieve simultaneously to the Chief Operating Officer, and the Chief Executive Officer or designee, thus beginning with Step 3.

A copy of the written grievance/protest must also be mailed to Procurement Services at the address listed in Step 1.

This policy supersedes all previous DHHS contract grievance/protest policies.

Dated this 20th day of March, 2018.



Courtney N. Phillips, PhD
Chief Executive Officer
Department of Health and Human Services